

**Findings**

**1.0 CEQA FINDINGS**

- 1.1 This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15301 of the CEQA Guidelines. As no new structures are proposed and there will be a negligible expansion of an existing use, this project would not have a significant impact to the environment. A \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Division at 2850 Fairlane Court, Placerville, CA, 95667.

**2.0 GENERAL PLAN FINDINGS**

**2.1 The project is consistent with General Plan Policy 2.2.1.2.**

The purpose of the Commercial land use category is to provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. This designation is considered appropriate within Community Regions, Rural Centers and Rural Regions.

Rationale: The project is consistent with the Commercial (C) land use designation of the subject site as defined by General Plan Policy 2.2.1.2. The project proposes a modification to an existing commercial restaurant building consistent within the C land use designation which provides for a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County.

**2.2 The project is consistent with General Plan Policy 2.2.5.2.**

All applications for discretionary projects or permits including, but not limited to, General Plan amendments, zoning boundary amendments, tentative maps for major and minor land divisions, and special use permits shall be reviewed to determine consistency with the policies of the General Plan. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan. In the case of General Plan amendments, such amendments can be rendered consistent with the General Plan by modifying or deleting the General Plan provisions, including both the land use map and any relevant textual policies, with which the proposed amendments would be inconsistent.

Rationale: The project has been reviewed in accordance with General Plan Policy 2.2.5.2 and has been found to be consistent with all applicable policies of

the General Plan. As conditioned, the proposal is consistent with the intent of the General Plan, as determined within the General Plan Findings.

**2.3 The project is consistent with General Plan Policy 2.2.5.21.**

Policy 2.2.5.21 requires development projects to be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the development project is proposed.

Rationale: The existing restaurant was designed in a manner that is similar to, and consistent with, the surrounding commercial land uses. As the proposed sign changes would be compatible with the design of the existing buildings, there would be no conflict with this Policy.

**2.4 The project is consistent with General Plan Policy 2.8.1.1.**

Development shall limit excess nighttime light and glare from parking area lighting, signage, and buildings. Consideration will be given to design features, namely directional shielding for street lighting, parking lot lighting, sport field lighting, and other significant light sources, that could reduce effects from nighttime lighting. In addition, consideration will be given to the use of automatic shutoffs or motion sensors for lighting features in rural areas to further reduce excess nighttime light.

Rationale: The proposed development would include indoor lighting and outdoor lighting. These new sources of light would be visible from a distance at night. An illumination plan and lighting specifications were submitted with the design, showing that new lighting on site will limit excess light and glare off-site. Existing lighting that is part of the shopping center would remain as it is currently (Exhibit G). The project proposes exterior sources of nighttime lighting that would be designed to retain light on-site, would be directed downward, and would illuminate only the intended areas and does not penetrate into residential communities in accordance with Section 130.14.170 of the County Code.

**3.0 ZONING FINDINGS**

**3.1 The proposed use is consistent with Title 130.22.**

The CC zone is intended to provide for retail sales, office, and service needs of the residents residing within the surrounding community and accommodates the commercial and service needs of visitors to the County.

Rationale: The parcel is zoned Commercial, Community (CC). The Commercial Zone matrix of allowed uses and permit requirements establishes those uses that are permitted and those that require approval by a Conditional

Use Permit in the CC zone district. The matrix includes commercial uses, including Restaurants.

The project has been analyzed in accordance with Zoning Ordinance Section 130.23.030 (Development Standards) for minimum lot size, dimensions, height and building setbacks. The project, as proposed, is consistent with the Zoning Ordinance because the project will comply with building setbacks and other applicable design standards. The use conforms to all other requirements of this Title, including, but not limited to parking (Chapters 130.35 (Parking and Loading), Landscaping (130.33 and 130.16 (Signs), respectively).

**3.2 The proposed use is consistent with Title 130.16.**

The proposed signs for the project must comply with the Chapter 130.16 of the Zoning ordinance, Signs. The revision includes a request to change the Building-Attached Signs, which are those attached to a structure including wall signs (130.16.040(A)(2)).

Rationale: As shown in the Lighting Plan, no proposed lighting will direct light outside the property line or into the public right-of-way (See Finding 3.5.).

**3.3 The proposed use is consistent with Subsection 130.16.040(A)(3).**

This subsection says that menu/order board signage shall be consistent with the sign design and developments standards as described in this Chapter. No alterations or additions (e.g., rider signs) along the exterior of the menu/order board sign are allowed.

Rationale: The revision includes a request to change the Menu/Order Board Signs for Drive-In and Drive-Through Uses. No Menu/Order board signage is proposed, and no alterations or additions along the exterior of the menu/order board sign are proposed.

**3.4 The proposed use is consistent with Section 130.16.070, Sign Development and Design Standards.**

This Section establishes standards for sign development and design. The following subsections apply to permanent wall signs.

**(A) General Sign Development and Design Standards**

**1. Design Compatibility with Structure.** Signs shall be compatible in architectural scale and bulk with the architectural style of the main structure or structures on the site where the sign is located. The applicant shall incorporate construction materials, color, letter style, and other design details in designing an architecturally compatible sign. Multiple signs on any structure, or on structures within the same development, shall have the same primary type of building-attached sign.

Rationale: As shown in the architectural renderings for the building façade, the proposed signs are compatible in architectural scale and bulk with the architectural style of the structure, and the colors are intended to be compatible with other elements of the site and building design.

**2. Sign Illumination.** The artificial illumination of signs, from either an internal or external source, shall be designed to prevent the casting of stray light on surrounding rights-of-way and properties. All illuminated signs shall comply with the following:

- a. External light sources shall be directed toward the sign and fully shielded to limit direct illumination of any object other than the sign.

Rationale: No external illumination of the sign is proposed.

- b. The light from an illuminated sign shall not be of an intensity or brightness that creates glare or other negative impacts on residential properties in direct line of sight to the sign.

Rationale: The proposed illuminated signs would be lit from within, with translucent coverings that would serve to partially block the light. There would be no excessive light or glare as a result of the lighted signs.

- c. Unless otherwise allowed by another provision of this Chapter, signs shall not have blinking, flashing, or intermittent lights or other illumination devices that have a changing light intensity, brightness, or color.

Rationale: No blinking, flashing, or color-changing illumination of the sign is proposed.

- d. Colored lights shall not be used at a location or in a manner so as to be confused or interpreted as traffic control devices.

Rationale: The proposed signs would be wall signs. They would not be placed in an area or at an angle so as to be confused with traffic control devices.

- e. Light sources shall utilize energy-efficient fixtures compliant with Title 24 of the California Code of Regulations.

Rationale: As proposed, all lights would meet standards to comply with Title 24 of the California Code of Regulations. Condition of Approval 2 would require all lighting to meet this standard.

Permanent Signs shall comply with the design standards applicable to specific types of signs listed herein in Subsection K (Standards for Permanent On-Site Signs).

**(B) Sign Area Measurement**

The sign area is determined by the shape of the sign. For signs that are not four-sided, the sign area is the available display area. For example, for the star-shaped logo sign shown below in Figure 130.16.070.A, the sign area is the shaded area within the star shape. For irregularly shaped signs or signs with cursive individual letters, the area of the sign may be calculated by using multiple geometric shapes (see Figure 130.16.070.B). In determining the area of an individual sign that has more than 1 face (e.g., a monument or projecting sign), the single sign face with the greatest area shall be used.

Rationale: As shown in the architectural renderings for the building façade, the proposed signs are compatible in architectural scale and bulk with the architectural style of the structure, and the colors are intended to be compatible with other elements of the site and building design.

**(D) Construction Requirements.** Every sign and all parts, portions, and materials thereof shall be manufactured, assembled, and erected in compliance with all applicable state, federal, and county laws and regulations, including the locally adopted building code.

All signs shall comply with the following criteria:

1. All transformers, equipment, programmers, and other related items shall be screened and/or painted to match the structure or shall be concealed within the sign.

Rationale: As shown in the architectural renderings for the building façade and the proposed building plans, the proposed signs would not include visible electrical or other equipment.

2. All permanent signs shall be constructed of quality materials such as metal, concrete, natural stone, wood, glass, and acrylics. Techniques shall be incorporated during construction to reduce fading and damage caused by exposure to sunlight or degradation due to other elements.

Rationale: As proposed, all signs would be constructed of quality materials and designed to be incorporated into the overall building design. Condition of Approval 10 would require all signs to be maintained to meet this standard.

3. All freestanding signs that incorporate lighting shall have underground utility service.

Rationale: The proposed signs would be wall signs.

4. All temporary signs and banners shall be maintained in good condition for as long as the sign is displayed.

Rationale: The proposed signs would be permanent wall signs.

### **(E) Sign Placement**

**1. Location of Building-Attached Signs.** Building-attached signs may be located along any frontage of a building that faces directly onto a public right-of-way or an internal circulation path of the site. Orientation of signs such that they face directly onto residential property is allowed only when there is no practical alternative and the visibility of the sign from the residence is minimized and not illuminated.

Rationale: One wall sign is proposed for each side of the existing building. All four proposed signs would face either a public right-of-way, including El Dorado Hills Boulevard and Highway 50, or an internal circulation path of the site. There are no residential properties adjacent to the site.

**2. Clearance from Public Utility Facilities.** The person erecting a sign and the owner of the premises shall maintain any legally required clearance from communications and electric facilities. A sign may not be constructed, erected, installed, maintained, or repaired in any manner that conflicts with a rule, regulation, or order of the California Public Utilities Commission pertaining to the construction, operation, and maintenance of public utilities facilities.

Rationale: No known public utilities are on the site. However, Condition of Approval 11 would require all signs to be maintained to meet this standard.

### **3. Interference with Motorist Field of Vision**

- a. No sign shall be located in a manner which may obstruct or interfere with the view of a traffic signal or other traffic regulatory signs. No sign shall, as determined by the Director, be so located as to create a hazard to the life or property of any person using the public right-of-way.
- b. Any landscaping shall be trimmed as needed to provide clear visibility of the sign or signs.
- c. Signs shall not be located within the "cross visibility area," as defined in the Design Improvement Standards Manual.

Rationale: The proposed signs would be wall signs. They would not be placed in an area or at an angle so as to create a traffic hazard. All Landscaping would be maintained at a height in order to maintain visibility of the

signs. The signs would not be placed in within a cross-visibility area, as they would be on the building façades.

**(F) Maintenance Requirements.**

Every sign and all parts, portions, and materials thereof shall be maintained and kept in proper repair. The display surface of all signs shall be kept clean, neatly painted, and free from rust and corrosion. Any cracked, broken surfaces, malfunctioning lights, missing sign copy, or other non-maintained or damaged portions of a sign shall be repaired or replaced within 30 days following notification by the County. Noncompliance with such a notice will constitute a nuisance and zoning violation and will be enforced as such.

Rationale: As proposed, all signs would be constructed of quality materials and designed to be incorporated into the overall building design. Condition of Approval 10 would require all signs to be maintained to meet this standard.

**(G) Sign Removal or Replacement.**

When a sign is removed or replaced, all brackets, poles, and other structural elements that support the sign shall also be removed. Affected surfaces shall be restored to match the adjacent portion of the structure. This requirement does not apply to routine maintenance.

Rationale: As proposed, all signs would be constructed of quality materials and designed to be incorporated into the overall building design. Condition of Approval 10 would require all signs to be maintained to meet this standard.

**(H) Design Standards for Specific Sign Types.** In addition to the general sign design requirements in Subsection A, the following requirements shall apply to specific sign types listed below.

**6. Wall Signs**

- a. Wall signs shall not project more than 12 inches from the structure's facade.
- b. Wall sign raceways shall be concealed from public view (e.g., within the structure's wall or otherwise integrated with the design of the sign and structure) so as to not detract from the architectural character of the structure.

Rationale: As shown in the architectural renderings for the building façade and the proposed building plans, the proposed signs would be secured to the building face and would not include visible protruding raceways or other equipment.

**130.16.070(K)(4). Menu/Order Board Signs for Drive-In and Drive-Through Uses.**

Where allowed, each drive-in or drive-through use is allowed a maximum of 60 square feet of menu/order board signage, with no one sign to exceed 30 square feet. The sign(s) shall not count toward the cumulative allowable display area purposes of Tables 130.16.070.1 and 130.16.070.2 (Signage Standards for Permanent On-Site Signs), either in terms of number or cumulative area. The maximum height for a menu/order board sign shall be 6 feet.

Rationale: As shown in the architectural renderings for the building façade and the proposed building plans, drive-thru menu board would not include any signs.

**3.5 The Proposed project is consistent with Table 130.16.070.1b-Community Region Area Signage Standards for Permanent On-Site Signs.**

According to the table, 1 or more building attached signs per establishment for establishments of less than 10,000 square feet floor area may equal up to 50 square feet maximum sign area.

Rationale: The floor area for the building is 2,209 square feet. According to the table, 50 square feet maximum sign area is allowed. This is calculated as a total of all commercial signs and logos. The sign area was determined by the bell shape, plus multiple geometric shapes surrounding the restaurant name letters. The total area is calculated to be 47.86 square feet, which complies with this standard.

**3.6 The proposed use is consistent with Title 130.34.**

All outdoor lighting shall be located, adequately shielded, and directed such that no direct light falls outside the property line, or into the public right-of-way.

Rationale: As the subject site is part of a larger shopping center, the lighting for the site as a whole is not proposed to change. Some small-scale landscaping lighting and lighting at the exterior of the building would be installed. As shown in the project plans and elevations, no proposed lighting will direct light outside the property line or into the public right-of-way (See Finding 3.5.).

**3.7 The project is consistent with the El Dorado County Outdoor Lighting Standards.**

The El Dorado County Lighting standards augment the portions of the Zoning Ordinance pertaining to outdoor lighting. According to Section 3.3, Lighting Plans Required, if the project requires a Design Review, Conditional/Minor Use Permit, or Development Plan Permit, said lighting plan shall be included as a part of that application, and shall be subject to approval by the review authority. The lighting plan shall include lighting specifications, a site plan, photometric plan, and Lighting Inventory.



Rationale: A Lighting Plan for the entire shopping center was not included as part of the application submittal, as the proposed lighting at the site includes landscaping lighting and building-mounted lighting. Proposed lighting specifications are included in the plans. A photometric plan detailing lighting existing at the shopping center, in the area surrounding the building, was also submitted for review.

Outdoor Lighting Limits: According to Table 3.4.A, lumens/acre are limited to 100,000 in Commercial Zones in Community Regions.

Rationale: The lighting analysis for existing lighting at the site indicates the wattage for each 400W Metal Halide fixture, each on a 20-foot pole. There are three lights emitting 26,536 lumens, and three lights emitting 27,803 lumens. The total lumen output is estimated to be 163,017. The total acreage for the site is 1.015 acres. The total lumens per acre would be 160,608 lumens, which is greater than the current standards allow (Exhibit G). However, because these fixtures are existing, no standards for the number of lumens applied to the site previously, and the proposed project lighting at the site includes landscaping lighting and building-mounted lighting only, the re-imaging proposal complies with this regulation.

Additionally, the following apply to development in commercial zones:

1. Pole mounted fixtures shall be limited to a maximum height of 20 feet, as measured from the highest point of the luminaire to the finished grade directly below it.

Rationale: The new lighting for the site would be for the building only. Existing lighting at the site includes six 400W Metal Halide fixtures, each on a 20-foot pole. No new lighting would be more than 20 feet in height.

2. Top-mounted luminaires to illuminate parapet signs shall be limited to a maximum height of 25 feet, as measured at the highest point of the fixture to the finished grade directly below it. Illuminated signs shall also comply with Chapter 17.37 (Signs).

Rationale: No top-mounted parapet sign luminaires are proposed.

3. Roof-mounted luminaires are prohibited.

Rationale: No roof-mounted luminaires are proposed

4. Security lighting shall be activated by motion sensors and remain in the “on” mode for a maximum of 10 minutes.

Rationale: No security lighting is proposed.

5. Light fixtures mounted under gas station or convenience store pump area canopies shall meet full cut-off requirements. Light fixtures shall not be mounted on the roof or sides (fascias) of the canopy and the fascias of the canopy shall not be illuminated in compliance with Chapter 130.36 (Signs).

Rationale: The project does not involve a convenience store or pump area canopy.

6. Lots within the Historic District (-DH) Combining Zone may be exempt from full cut-off requirements in order to maintain a certain visual character in keeping with the historic period.

Rationale: The project is not located in a -DH Combining Zone.

7. Outdoor display lighting, such as vehicle sales and rental lots, and building material sales display areas, shall be turned down to 25 percent or less of the existing illumination level or switched to security lighting, in compliance with Paragraph 4 above, by the following curfew times or within 30 minutes after the close of business, whichever comes later, in accordance with Table 3.4.B:

Lighting Zone		
Community Region	Rural Center	Rural Region
11:00 pm	10:00 pm	9:00 pm

Under eave or canopy soffit lighting on buildings will be allowed to remain on until dawn in Community Regions and Rural Centers.

Rationale: The project does not involve display lighting.

8. Search lights, laser source, or similar high intensity lighting shall not be permitted except in emergencies by police, fire, or other emergency personnel.

Rationale: The project does not involve search lights, laser source, or other high-intensity lighting.

9. Mercury vapor lamps shall be prohibited.

Rationale: No mercury vapor lamp lighting is proposed.

**3.8 The proposed use is consistent with Title 130.52.030 and the El Dorado Design Guide.**

The project has been reviewed in accordance with Section 130.52.030 of the County Zoning Ordinance, Design Review Permit. This process is applied to commercial projects with a Scenic Corridor (-DS) Combining Zone. The Design Review process is limited to consideration of compliance with established standards, provided that the use proposed for the project site is an allowed use within the zone.

Rationale: As noted in Finding 3.1, the use is allowed in the CC zone. The project design, architectural treatments, and associated improvements substantially conform to the El Dorado County Design Guide and would not substantially detract from this commercial district. Exhibit C-1 of Design Review DR91-0005, the original design review permit, described architectural materials for the then-proposed shopping center (Exhibit H). These included:

- Terracotta brick-block
- Charcoal asphalt roof shingles
- Wood framing treated with weathering stain
- Aluminum storefront
- Earthtone stained wood siding
- Internally illuminated individual letters on stained wood signage band

The shopping center, as currently designed, maintains many elements of these original materials. Some elements, such as the weathering stain wood, are not currently used (Exhibit I). The proposed Taco Bell design would mirror the design of the shopping center as it is built, as well as many elements of the originally-approved design. Building colors would be a range of tan, brown, and grey, and roof materials those mimic that used throughout the shopping center are proposed. The building would also include multi-pane windows, pedestrian-oriented awnings, and varied roof lines. The wainscot around the building will be done with a brick veneer, close in color to the existing Raley's Terra Cotta block material in the center. The project is designed to fit into the surroundings, with design details that mirror those used throughout the shopping center. Proposed signs conform to the design of existing buildings and are in harmony with the architectural features of the building, as suggested in the building design recommendations of the Community Design Guide.