

DEVELOPMENT SERVICES DEPARTMENT

COUNTY OF EL DORADO

<http://www.co.el-dorado.ca.us/devservices>



PLACERVILLE OFFICE:
2850 FAIRLANE COURT PLACERVILLE, CA 95667
BUILDING (530) 621-5315 / (530) 622-1708 FAX
bldgdept@co.el-dorado.ca.us
PLANNING (530) 621-5355 / (530) 642-0508 FAX
planning@co.el-dorado.ca.us
Counter Hours: 8:00 AM to 4:00 PM

LAKE TAHOE OFFICE:
3368 LAKE TAHOE BLVD. SUITE 302
SOUTH LAKE TAHOE, CA 96150
(530) 573-3330
(530) 542-9082 FAX
tahoebuild@co.el-dorado.ca.us
Counter Hours: 8:00 AM to 4:00 PM

TO: Board of Supervisors

FROM: Lillian MacLeod, Senior Planner

DATE: July 20, 2009

RE: **Appeal of Design Review DR00-0011-A-3: 76 Gas Station/Circle K Mini Mart**

Recommendation

Planning Services recommends the Board of Supervisors take the following actions:

1. Certify that the Final EIR, as based on the findings in Attachment 3 of the staff report:
 - a. Has been completed in compliance with CEQA;
 - b. Was presented to the Commission and that the Commission reviewed and considered the information contained in the Final EIR prior to approving the project; and
 - c. That it reflects Planning Services' independent judgment and analysis;
2. Adopt the Mitigation Monitoring and Reporting Program in Attachment 4 of the staff report; and
3. Deny the appeal and uphold the conditional approval of the Design Review application by the Planning Commission on June 25, 2009, subject to the conditions of approval in Attachment 1, based on the findings in Attachments 2 of the staff report.

Project History

Staff refers the Board of Supervisors to the extensive project history discussed in the "Background" section of the staff report. Subsequent history regarding the public hearing of May 14, 2009 can be obtained from the memo to the Planning Commission dated June 8, 2009. At the hearing on June 25, 2009, the Commission approved the project based on the

recommendation of staff subject to the proposed corrections and revisions. The staff report, conditions of approval, CEQA Findings of Fact (Attachment 3), Mitigation Monitoring and Reporting Program (Attachment 4), and Final EIR that are before you reflect the corrections and revisions approved by the Commission on that date.

Analysis

Based on the submitted appeal information, the points raised by the appellant are as follows:

- I. “Inadequate environmental documents relative to significant, adverse visual impacts and significant adverse traffic impacts”.

Discussion:

Dyana Anderly states that the Draft EIR fails to adequately address the project’s impact on the visual character of the area given its building and site design. Visual impacts of the proposed project are addressed in detail on Draft EIR pages 4.1-7 through -11. As identified in the Draft EIR, the project site is not located in a designated scenic corridor or vista and would be consistent with the existing commercial development in the area and would not be a dominant adverse change in the visual character of the area. Thus, there are no significant visual impacts associated with the project pursuant to the standards of significance identified on Draft EIR page 4.1-6.

The overall appearance of the site has been reviewed and approved by the Planning Commission as being adequate in design and compatible with the surrounding area. Visual impacts, based on the concerns regarding signage and landscaping are discussed under points II and III below.

The traffic impacts have been adequately analyzed under the EIR, and based on Measure Y approved by the voters of El Dorado County on November 4, 2008, Mitigation Measures 4.12.1.a, 1.b, and 1.c, requiring payment of TIM fees to go toward funding improvements slated for development under the Capital Improvement Program (CIP), is sufficient to reduce project impacts to a less than significant level.

- II. “Approval of a design review project which utilizes a poor design and a design that is inconsistent with the General Plan”.
- III. “Conditions of approval which do not adequately provide for the design of a project that is attractive, and consistent with the General Plan, and inadequately mitigates adverse impacts”.

Discussion:

Items II and III are basically the same points of argument, so will be responded to in one discussion, as follows:

- A. At the bottom of page 4 of the appeal, the appellant challenges the Design Review Committee’s recommendation for approval of the project, however, this project did not go before a Design Review Committee as there is no committee established by the Board for the

Shingle Springs area. Further, the appellant cites General Plan Policy 2.2.5.21 in her perception of the incompatibility of the project design with the surrounding area. The site is adjacent to a car dealership and a strip mall that contains a small market and fuel station along with other retail shops. Existing signage includes several freestanding pole signs with corporate logos for “Valero” gas, “Chevrolet” and “Honda” dealerships, as well as wall signs with text and graphics, including one of a pig, that are directly visible from the highway. No consistent or cohesive design theme is exhibited in the surrounding area. The project, as approved by the Planning Commission, is compatible with existing commercial development in the surrounding area by demonstrating adequate use and design of the site for its specific commercial use.

- B. On page 3, the appellant references the Community Design Guide which staff used in the review of the proposed project. Under “Service Stations”, the Guide advises the following:
1. “Reduce signing to that which is necessary for identification”. The signage reviewed and approved by the Planning Commission meets that criterion, as well as all sign standards in the Commercial zone.
 2. “Screen outdoor storage with fencing and planting”. As the only outdoor storage structure, the trash receptacle is enclosed within a masonry wall and metal door that will be textured and painted to match the mini mart building. In addition, the enclosure will be screened with vines as part of the landscape plan.
 3. “Provide ample landscaping to relieve large, paved areas”. Landscaping will be provided in all areas not containing a structure or required for access, parking, and internal circulation. Further discussion is provided under C, below.
- C. As stated in the staff report, the project exceeds the requirements of Section 17.18.090 (Parking Lot Landscaping and Buffering) as follows:
1. Landscape buffers are provided along “those property boundaries where the parking facility abuts or adjoins a public road, street or highway or abuts a property under different ownership or zoning district”. Also, the required landscaped buffers exceed the minimum requirement of a five foot width, exclusive of any curbs and as measured from the property line, by measuring between eight to 25 feet in width.
 2. Additional landscaping required as a minimum of “five percent of the gross area used for parking and access purposes...exclusive of the landscape buffer” amounts to an approximately 235 square foot requirement for the project. The applicant is providing 2,900 additional square feet. The added landscaped areas exceed the four foot width requirement as well, by providing planting beds ranging between nine to 14 feet in width along the property lines abutting both road frontages.
 3. The minimum requirement of three trees and six shrubs for each 100 linear feet of landscape buffer is exceeded, as is the requirement for one 15 gallon-sized tree for each 10 parking spaces that do not require landscape buffers. On this last point, the project is not required to provide any trees of this size, as all parking spaces are required to be buffered. However, seven, 15 gallon-sized trees, along with four, 24 square inch, boxed

valley oak specimens are being provided in the landscape plan that was approved by the Commission.

- D. The appellant offers personal reflections on site design in her comments on pages 5 – 7 that will be addressed as follows:
- 1 & 2. Discussed under Item A, above. Canopy lights will be addressed under comment 9, below.
 3. Discussed under Item B.1, above.
 4. Retaining walls were not proposed in the project description.
 5. California Building Code (CBC) Section 1129.B.3 requires accessible parking to be located “as near as *practical*” to an entrance. Staff reviewed the location of the accessible parking space with the County’s commercial building inspector who indicated the proposed location is optimum in providing the handicapped person ease in off-loading the vehicle without pedestrian interference, as well as limiting deep cuts in the curb and sidewalk that may cause interference with the operation of the main doors, while meeting the CBC requirements for providing practical distance from the entrance.
 6. The current Zoning Ordinance does not require either bike racks or art, which the appellant requested on page 4 of the appeal, on commercial sites.
 7. Landscaping is discussed under Items B.3 and C, above.
 8. Signs are discussed under Item B.1, above.
 9. Canopy lighting meets the Illumination Engineering Society of North America (IESNA) standards for full cut-off lighting to eliminate light scattering and glare. In addition, the International Dark-sky Association (IDA), as the leading authority concerning the problems and solutions related to light pollution, has advised that light standard height should be no higher than 20 feet to provide adequate illumination while preventing glare. The approved 16 foot pole height falls under the maximum limit advised by the IDA. In addition, the photometric plan, as Exhibit I of the staff report, demonstrates minimal to no light spillage beyond the property lines of the project site except at the driveway entrances, where the light is needed for safe access.
 10. Exemptions to the design review process are provided under Section 17.74.030.E of the ordinance; however, some modifications, even if minor, may still be subject to a building permit.
 11. The shared access easement between the service station owner and the adjacent car dealership is not part of the project description and was not necessary for project approval.
 12. No comment.

IV. “The boundary line adjustment request which would result in an area of land that would be of inadequate size to accommodate an attractive development of a mini mart and a service station of the size proposed”.

Discussion: The lot line adjustment proposed under BLA00-0035 was previously approved on May 15, 2000 and any appeal period has subsequently expired. Further, the existing and future lot size exceeds the minimum standards for the Commercial zone while the proposed development falls well under the General Plan’s maximum floor area ratio, as discussed in the staff report.