

FINDINGS FOR DENIAL

Design Review Permit DR20-0009/The Bean Barn Planning Commission/January 27, 2022

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

1.0 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

- 1.1 This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15303, New Construction or Conversion of Small Structures, of the CEQA Guidelines stating that Class 3 exemptions consist, “of construction and location of limited numbers of new, small facilities or structures.” The project proposes the construction of a new 360-square-foot, single-story barn structure to be used a drive-thru only coffee shop on a site which is currently vacant in the Cameron Park Community Region, and thus it is consistent with this exemption classification under CEQA.
- 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 Planning and Building Department at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN

2.1 The project is consistent with General Plan Policy 2.2.1.2.

General Plan Policy 2.2.1.2 states that the purpose of the Commercial (C) land use designation is to provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County.

Rationale: The El Dorado County General Plan designates the subject site as Commercial. This design review is for an approximately 360-square-foot drive-thru coffee shop which is consistent with the Commercial land use designation.

2.2 The project is consistent with General Plan Policy 2.2.5.2.

General Plan Policy 2.2.5.2 requires that all applications for discretionary projects or permits shall be reviewed to determine consistency with the policies of the General Plan.

Rationale: Staff has prepared this section on General Plan findings to document the project’s consistency with the policies of the General Plan.

2.3 The project is consistent with General Plan Policy 2.2.5.21.

General Plan Policy 2.2.5.21 requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.

Rationale: Staff has determined that the coffee shop structure is consistent with the County's design guidelines. Surrounding uses include commercially developed uses to the south, east, and west as well as vacant commercial parcels across from Mira Loma Drive to the north. A coffee shop structure is an allowed use pursuant to the Food and Beverage Retail Sales and Drive-Through Facility uses listed within the Limited Commercial (CL) zone district allowed uses Table 130.22.020.

2.4 The project is consistent with General Plan Policy 5.1.2.1.

General Plan Policy 5.1.2.1 requires a determination of the adequacy of the public services and utilities to be impacted by that development.

Rationale: All utilities and services have been found to be available and adequate for the proposed development.

2.5 The project is consistent with General Plan Policy 5.2.1.2.

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

Rationale: The project site has been reviewed by the El Dorado Irrigation District (EID) for adequate water services capacity. Project materials were sent to the Cameron Park Fire Protection District (CPFDP) for review. No comments or concerns were received from the CPFDP to date. EID has verified adequate quantity of water supplies for this project.

2.6 The project is consistent with General Plan Policy 6.2.3.2.

Policy 6.2.3.2, Adequate Access for Emergencies, requires that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Rationale: The project was distributed to the CPFDP. No comments from the CPFDP were received regarding this project. Access has been reviewed by the County's Department of Transportation (DOT). DOT has reviewed the proposed primary access to Mira Loma Drive, existing approximately 130-foot east of Cameron Park Drive. DOT has confirmed that the site as designed will have adequate access for emergency egress and ingress.

2.7 The project is consistent with General Plan Policy 7.4.4.4.

Policy 7.4.4.4 requires that all new development projects or actions that result in impacts to oak woodlands and/or individual native oak trees, including Heritage Trees, the County shall require mitigation as outlined in the El Dorado County Oak Resources Management Plan (ORMP).

Rationale: There are oak trees existing on site. An Oak Resources Code Compliance Certificate submitted on December 22, 2020 confirms that no oak trees are proposed for removal. Therefore, the project is consistent with this policy.

2.8 General Plan Policy TC-Xa does not apply to the project.

(1) Traffic from residential development projects of five or more units or parcels of land shall not result in, or worsen, Level of Service (LOS) F (gridlock, stop-and-go) traffic congestions during weekday, peak-hour periods on any highway, road, interchange or intersection in the unincorporated areas of the county.

Rationale: The project will not create residential units; therefore this policy does not apply.

(2) The County shall not add any additional segments of U.S. Highway 50, or any other highways and roads, to the County's list of roads from the original Table TC-2 of the 2004 General Plan that are allowed to operate at LOS F without first getting the voter's approval.

Rationale: This is not applicable as the Project is not requesting any modifications to Table TC-2.

(3) and (4). Intentionally blank as noted in the General Plan.

(5) The County shall not create an Infrastructure Financing District unless allowed by a 2/3rds majority vote of the people within that district.

Rationale: This is not applicable as the Project is not requesting the County create an Infrastructure Financing District.

(6) Intentionally blank as noted in the General Plan.

(7) Before giving approval of any kind to a residential development project of five or more units or parcels of land, the County shall make a finding that the project complies with the policies above. If this finding cannot be made, then the County shall not approve the project in order to protect the public's health and safety as provided by state law to assure that safe and adequate roads and highways are in place as such development occurs.

Rationale: This project will not result in five or more units or parcels of land for residential development.

2.9 General Plan Policy TC-Xb does not apply to the project.

Policy TC-Xb ensures that potential development in the County does not exceed available roadway capacity.

Rationale: This policy is not applicable as this policy refers to the county preparing a Capital Improvement Program (CIP), preparing a Traffic Impact Mitigation (TIM) Fee Program, and monitoring traffic volumes.

2.10 General Plan Policy TC-Xc does not apply to the project.

Policy TC-Xc directs that developer paid traffic impact fees combined with any other available funds shall fully pay for building all necessary road capacity improvements to fully offset and mitigate all direct and cumulative traffic impacts from new development.

Rationale: This policy is not applicable as this policy directs how the County will pay for building the necessary road capacity.

2.11 The project is consistent with General Plan Policy TC-Xd.

LOS for County-maintained roads and state highways within the unincorporated areas of the county shall not be worse than LOS E in the Community Regions or LOS D in the Rural Centers and Rural Regions except as specified in Table TC-2. The volume to capacity ratio of the roadway segments listed in Table TC-2 shall not exceed the ration specified in that table. LOS will be as defined in the latest edition of the Highway Capacity Manual (Transportation Research Board, National Research Council) and calculated using the methodologies contained in that manual.

Analysis periods shall be based on the professional judgement of the County's Department of Transportation (DOT) which shall consider periods including, but not limited to, Weekday Average Daily Traffic (ADT), AM Peak Hour, and PM Peak hour traffic volumes."

Rationale: This project will not worsen LOS for any county-maintained road or state highway.

2.12 The project is consistent with General Plan Policy TC-Xe.

For the purposes of this Transportation and Circulation Element, “worsen” is defined as any of the following number of project trips using a road facility at the time of issuance of a use and occupancy permit for the development project:

- (1) A two-percent increase in traffic during the a.m. peak hour, p.m. peak hour, or daily, or
- (2) The addition of 100 or more daily trips, or
- (3) The addition of ten or more trips during the a.m. peak hour or the p.m. peak hour.

Rationale: This project will generate more than ten trips in the peak hour, and more than 100 daily trips. The thresholds in criteria B and C have been met; the thresholds in criteria A of this policy are not met. Therefore, this project will worsen the LOS from the current baseline and is subject to a traffic study. A traffic study, dated December 14, 2020 and completed by KD Anderson & Associates, Inc. was conditionally approved by DOT. As a result of the traffic study, DOT will be requiring a deferred frontage agreement prior to issuance of building permits.

2.13 The project is consistent with General Plan Policy TC-Xf.

At the time of approval of a tentative map for a single family residential subdivision of five or more parcels that worsens (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain LOS standards detailed in this Transportation and Circulation Element based on existing traffic plus traffic generated from the development plus forecasted traffic growth at ten-years from project submittal; or (2) ensure the commencement of construction of the necessary road improvements are included in the County’s ten-year CIP.

For all other discretionary projects that worsen (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element; or (2) ensure the construction of the necessary road improvements are included in the County’s 20-year CIP.

Rationale: The project will not create residential units and will not worsen traffic on the County road system. Therefore, this policy does not apply.

2.14 The project is consistent with General Plan Policy TC-Xg.

Each development project shall dedicate right-of-way, design and construct or fund any improvements necessary to mitigate the effects of traffic from the project. The County shall require an analysis of impacts of traffic from the development project, including impacts from truck traffic, and require dedication of needed right-of-way and construction of road facilities as a condition of the development. This policy shall remain in effect indefinitely unless amended by voters.

Rationale: The project will not worsen traffic. A traffic study was completed by KDAnderson & Associates, Inc. and peer reviewed by DKS Consulting. Both engineering firms concluded there are no traffic impacts.

2.15 The project is consistent with General Plan Policy TC-Xh.

All subdivisions shall be conditioned to pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision.

Rationale: This project will pay Traffic Impact Fees at the time a building permit is issued.

2.17 General Plan Policy TC-Xi does not apply to the project.

General Plan TC-Xi directs the County to coordinate and work with other agencies to plan for the widening of U.S. Highway 50.

Rationale: This policy is not applicable to the project as it is directed to the County to coordinate with other agencies.

3.0 ZONING

3.1 The project is consistent with 130.22.010: Zones Established.

The CL Zone designates areas suitable for lower intensity retail sales, office and service needs of the surrounding area while minimizing conflicts with the residential uses and outside traffic into the area.

Rationale: This design review is for a new drive-thru coffee shop, which is consistent with the CL zoning designation.

3.2 The project is consistent with 130.22.030: Commercial Zone Development Standards.

Section 130.22.030 of the Zoning Ordinance identifies the development standards for commercial zone districts. The CL Zone is subject to a minimum lot size of 4,000-square-feet, minimum lot width of 60-feet, front and secondary yard setbacks of ten-feet, rear yard and side yard setbacks of five-feet, maximum height of 50-feet, and a maximum floor area ratio of 0.85.

Rationale: This project as proposed is compliant with all applicable development standards as stated in Section 130.22.030 of the Zoning Ordinance. The lot size totals 0.61-acres, with a lot width of approximately 176-feet. The project as proposed on the site plan is consistent with the zoning code development standards.

3.3 **The project is consistent with 130.40.140: Drive-Through Facilities Requirements.**

Section 130.40.140 of the Zoning Ordinance identifies the development standards for drive-through facilities. The development standards in this Section are intended to supplement the standards in the underlying zone for drive-through facilities. The project must be consistent with the following:

(1) Drive-Through Lanes: Drive through lanes shall be minimum 12-feet in width. A vehicle turning analysis shall be required, demonstrating that an American Association of State Highway Transportation Officials (AASHTO) Passenger (P) Vehicle can negotiate any curves or turns in the drive-through lane. A minimum 15-foot inside radius is required. Alternative design widths and radii may be approved by the County Engineer or Building Official, utilizing the DL-23 vehicle, as specified by the National Association of City Transportation Officials. A drive-through lane shall be a minimum of 50-feet from the nearest property line of any residentially zoned lot or residential use. Each drive-through entrance and exit shall be at least 50-feet from the nearest property line of a residential land use. Each entrance to a lane and the direction of traffic flow shall be clearly designated by signs and pavement markings. Each drive-through lane or group of multiple lanes shall be physically separated from the circulation routes or parking spaces by means of curbs, rain gardens, or landscaping. Drive-through entrances and exits shall be designed such that the headlights of vehicles at the point of entrance and exit of the drive-through facility shall not directly face a residential zone or residential use, unless screened by a building, fence, wall, grade, or landscaping.

Rationale: The proposed drive-through maintains a 15-foot minimum width, including 15-foot turn radii for all drive-through curves, and only proposes a single lane. The project site is not adjacent to a residential parcel and is over 50-feet away from the closest residential use. The parking lot and drive-through plans include the use of directional arrows painted on the pavement as well as the use of signage demarcating the entrance and exit of the drive aisle. The drive-

through lane is physically separated from parking areas and drive-aisles by the coffee shop structure which is placed between these two site areas. Therefore, the project as designed is consistent with these design standards.

(2) Stacking Area: Stacking area within the drive-through lane or lanes shall be provided to accommodate the estimated queued vehicles utilizing the drive through facility. A queuing analysis performed by a Traffic Engineer is required for all drive-through facilities, to determine stacking length needed in the drive-through lane. The queuing analysis shall consider queuing in advance of the ordering point, and in advance of the pick-up/service window. For single drive-through lanes, a minimum stacking distance of 100-feet is required for all food and/or beverage drive-through facilities, measured from the entrance of the drive-through lane to the ordering point. A minimum stacking distance of 80-feet per lane is required for all nonfood and/or nonbeverage drive-through facilities, measured from the entrance of a drive-through lane to the service window. Where multiple drive-through lanes are proposed, a lesser minimum distance may be approved by the County Engineer. Stacking of queued vehicles for drive-through facilities may not stack into parking lot drive aisles, public right of way, or a public roadway.

Rationale: Per the Traffic Impact Study submitted for this project, a minimum of four cars per drive-through window in addition to the car receiving service is required. The stacking lane will be able to safely accommodate up to seven cars. Additionally the stacking lane is approximately 120-feet in length. Therefore, the project as proposed exceeds the minimum stacking area development standards.

(3) Landscaping and Screening of the Drive-Through Lane: If the drive-through lane is adjacent to a parking area, a 5-foot wide planter shall be provided between the drive-through lane and the parking area that includes shade trees consistent with those used in the parking area. A minimum 4-foot high wall or planter/landscaping that screens the drive-through lanes is required so that vehicle headlights in the drive-through lanes are not visible from adjacent street rights-of-way or adjacent residential uses.

Rationale: The Cameron Park Design Review Committee (CPDRC) conditioned the project to include landscaping which will screen the drive-through lane from Cameron Park Drive, of which the majority of the stacking lane is adjacent to. With adherence to this condition as listed in the Condition of Approval (COA) section below, the project will be in compliance with this development standard.

(4) Pedestrian Access and Crossings: Pedestrian access shall be provided from each abutting street to the primary entrance with a continuous on-site 4-foot wide sidewalk or delineated walkway. Pedestrian walkways preferably should not intersect the drive-through lanes. Where intersections are unavoidable, the walkways shall have clear visibility and shall be delineated by textured and colored paving.

Rationale: As the project proposes a coffee shop which provides drive-through service only, there is not expected to be pedestrian foot traffic. As such, walkways from Cameron Park Drive and Mira Loma Drive have not been included into the project. However, a four-foot crosswalk connecting the parking area to the coffee shop structure has been included to provide a safe demarcated walkway expected to be used by employees. Further site constraints along Cameron Park Drive would result in drive-through lane crossings. DOT approved the site's pedestrian circulation as proposed. A deferred frontage agreement has been included within the COA section below. Therefore, the project has been found in compliance with these development standards.

(5) Signs: Signage shall be in compliance with Chapter 130.36 (Signs), and Subsection 130.36.070.K.4 (Menu/Order Board Signs for Drive-In and Drive-Through Uses).

Rationale: The project is allowed a maximum of 60-square-feet of menu/order board signage, with no one sign to exceed 30-square-feet. No menu/order board sign may be taller than six-feet. Menu/order board sign area is not calculated towards the cumulative allowed sign area. The project proposes one building attached sign, not captured within the menu/order board signage, which will be approximately 25-feet in total sign area. The proposed freestanding sign to be located at the western corner of the site will be no more than 50-square-feet in total sign area and will be less than eight-feet in height. However, specific sign plans for the freestanding sign will be verified as consistent with these development standards upon building permit submittal. Therefore, the project is consistent with these development standards.

(6) Hours of Operation: When the drive-through facility is located within 100-feet of any existing residential zone or existing residential use (measured from the nearest residential property line to any part of the drive-through facility including parking lot, drive-through lane, or structure), hours of operation for the drive-through facility shall be limited to 7:00 a.m. – 10:00 p.m. daily. If the use is located greater than 100-feet from a residential zone or existing residential use, there shall be no restrictions on the hours of operation.

Rationale: The closest residential use is approximately 250-feet away as measured from the closest points of each analyzed parcel to one another. Therefore, this drive-through facility is not subject to restrictions on the hours of operation. The project is consistent with these development standards.

(7) Parking: The required number of off-street vehicle parking spaces for drive-through facilities shall be based upon the primary use of the facility. Spaces designated for mobile order pick-up, and waiting area parking shall count toward the minimum overall parking requirements.

Rationale: The site is has been confirmed as compliant with parking and loading requirements per Zoning Finding 3.4 below. Therefore, the project is

consistent with these development standards.

(8) Noise: Any drive-through speaker system shall not exceed thresholds set forth in Table 130.37.060.1 (Noise Level Performance Standards for Noise Sensitive Land Uses Affected by Non-Transportation Sources). The system shall be designed to compensate for ambient noise levels in the immediate area. At no time shall any speaker system be audible above daytime ambient noise levels beyond the property lines of the site.

Rationale: The drive-through speaker system is not expected to exceed the thresholds as set forth within Table 130.37.060.1. The speaker system will remain at the typical audible level of the human voice and therefore will not result in additional ambient noise levels beyond the property lines of the site. Therefore, the project is consistent with these development standards.

(9) Maintenance: The drive-through facility shall be properly maintained in accordance with COA.

Rationale: Planning and Building Department, CPDRC, Air Quality Management District, Cameron Park Airport District, DOT, Environmental Management Department, Pacific Gas and Electric, Storm water Management Division, and the Surveyor's Department. These conditions are listed within the COA section below. The project proponent has acknowledged these conditions as part of the project. Therefore, the project is consistent with this development standard.

3.4 **The project is consistent with 130.35.030: Off-street Parking and Loading Requirements.**

Section 130.35.030 of the Zoning Ordinance lists the required minimum number of off-street parking spaces for food and beverage retail sales and services as one parking stall per 200-square-foot of active use area, one parking stall per check stand, and one parking stall per 600-square-foot of storage area.

Rationale: This project as proposed is compliant with the minimum number of off-street parking spaces required. The project as proposed will include four parking stalls total, one of which is American with Disabilities Act (ADA) compliant. The total square footage of the coffee shop structure equals 300-square-foot of active use area, which requires a minimum of two parking stalls, rounded to the nearest whole number. Additionally, there will be one check stand which requires an additional parking stall. Lastly, there will be a storage shed of 116-square-foot of storage space, which requires an additional parking stall. The total number of required parking stalls equals four stalls. An additional 10'X40' loading area for product unloading will be constructed within the parking lot plan, but will not result in circulation obstructions during loading/unloading activities.

Therefore, the project as proposed is compliant with minimum number of parking stalls required.

4.0 **DESIGN REVIEW FINDINGS**

4.1 **Design Review- Community Combining Zone**

The project site is within a Design Review – Community Combining Zone. The project is located within the jurisdiction of the CPDRC, which requires review of the project per the El Dorado County Community Design Guide adopted by the Board of Supervisors on April 24, 2018 by resolution 071-2018, in accordance with Section 130.27.050.F of the Zoning Ordinance. With incorporation of CPDRC comments and concerns, the project will be in compliance with the El Dorado County Community Design Guide.

Rationale: The CPDRC considered the project during its February 22, 2021 meeting. During their review, the CPDRC provided comments regarding improving the aesthetic appearance of the proposed storage structure and trash enclosure, improvements to the landscaping plan, and the provision of additional information for review by the committee including a sign plan and color board. Additional improvements discussed include the suggested provision of public seating space rather than paving for a potential future commercial structure and clarity on roof mounted equipment and exterior lighting development standards. In response, the applicant ensured there will be no roof mounted equipment. Further, the applicant stated that the storage structure will be designed in the same style as the trash enclosure and will be sited to appear as one structure with the trash enclosure. However, the applicant wants to keep the northeastern corner of the site available for a potential future additional commercial space. Several CPDRC comments have been included as conditions to the project, as provided in the conditions of approval section below.

5.0 **PLANNING COMMISSION FINDINGS**

5.1 **130.22.030 (4) Non-Compliance**

Section 130.22.030 of the County Zoning Ordinance prescribes development standards required for drive-through facilities. Drive-through facilities are required to include safe on-site pedestrian access from each adjoining roadway to the primary entrance of the facility.

Rationale: The plans as presented to the Planning Commission did not include a four-foot crosswalk or sidewalk from Mira Loma or Cameron Park Drive to the primary entrance due to the drive-through only nature of the coffee shop business. The Planning Commission approved the appeal, thereby overturning the Zoning

Administrator's approval of the project, on the grounds that the project was not compliant with all development standards required of drive-through facilities.