

COUNTY OF EL DORADO

330 Fair Lane
Placerville, CA 95667
(530) 621-5650
(530) 622-3645 Fax

SUZANNE ALLEN DE SANCHEZ
Clerk of the Board



BOARD OF SUPERVISORS

JOHN R. KNIGHT
District I

TO: Board of Supervisors, County of El Dorado
FROM: John R. Knight, District 1 Supervisor
DATE: May 24, 2011
RE: Update on EDAC Regulatory Reform

There were 21 in attendance at the Regulatory Reform Committee meeting of May 20. Topic for this meeting revolved around commercial land use, zoning, and the need for increase in retail sales.

- Descriptions and differences between community retail centers, neighborhood retail centers, and mainstreet commercial, limited commercial and heavy commercial uses were discussed. Options for appropriate locations based on historical and current development patterns were identified.
- How much office development should be allocated within appropriate commercial zones was discussed?
- Commercial sites should be protected, and regulatory review should be minimized to ensure sites are as "shovel" ready as possible.
- Transportation and Infrastructure planning should be concentrated around sites that will have the greatest impact from development to ensure best use of the limited funding.
- CEQA review for the Targeted General Plan Amendment shall analyze, to the extent feasibly, the effects of the different commercial uses on identified sites. This allows future projects consistent with the General Plan and Zoning to tier off the certified EIR, narrowing the project review in subsequent EIRs and Negative Declarations solely to the issues specific to the project site.
- Should some residential uses be allowed in certain commercial zones or left to Mixed-Use Development?
- Adopt pre-approved design standards for residential projects to assist in streamlining permit processing.
- Recommend adopting Traditional Neighborhood Design Standards as part of the Zoning Ordinances Update, providing a menu of design option for compact residential and mixed-use development. Adopting standards up front will streamlined project review and permitting.
- Adequate parking must be available and will always be driven by the commercial uses.

- **Incorporated areas get special CEQA exemptions for infill projects but unincorporated areas including all counties do not. State legislation would be required to amend this limitation.**
- **The “rural” commercial definition need more work. Local special commercial needs need to reflect the unique climate of the rural areas.**
- **Home occupation ordinances need extensive work and more flexibility.**
- **More uses by right**
- **By not planning for appropriate uses and preparing appropriate levels of CEQA review, development will take the path of least resistance. This has and will lead to development and uses unable to adequately serve the communities they are located in (e.g. large storage units on prime commercial lands).**

Attachments from meeting of May 20

1) Proposed General Plan Modifications:

a) *To be removed:*

Policy 2.2.5.8 - The Neighborhood Service zoning district shall be permitted in all residential designations within Community Regions, Rural Centers, Medium-Density and High-Density Residential Platted Lands. Uses within the Neighborhood Service Zone District should provide a direct service to the family and/or community and may include educational facilities, day care services, places of worship, lodges, community or group meeting centers, fire stations, libraries, other public facilities, recreational facilities, and commercial uses. Development proposals shall include applications for pre-designating and zoning lands Neighborhood Service Zone at a ratio of up to two acres per 40 units within a new residential subdivision.

b) *Modified as follows:*

Commercial (C): The purpose of this 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. Mixed use development of commercial lands within Community Regions and Rural Centers which combine commercial and residential uses shall be permitted. ~~The residential component of the project shall only be implemented following or concurrent with the commercial component.~~ Commercially designated parcels shall not be developed with a residential use as the sole use of the parcel unless the residential use is either (1) a community care facility as described in goal HO-4 or (2) part of an approved mixed use development as allowed by Policy 2.1.1.3 and 2.1.2.5. Numerous zone districts shall be utilized to direct specific categories of commercial uses to the appropriate areas of the County. Except as provided in Policy 2.2.2.3, this designation is considered appropriate only within Community Regions and Rural Centers.

2) New Zoning Definitions – the need for more specific zoning areas is to create the maximizing the sales potential of scarce lands and to allow community areas to control future development in enhance community identity.

a) Regional Commercial (CR) –

i) Intent – to direct major retail projects and prevent the development of these defined areas into non-retail/sales tax generating uses. Additional to promote the following:

non

(1) Provide appropriately located areas consistent with the General Plan for a full range of neighborhood and community oriented retail sales, services, and other commercial uses.

- (2) Strengthen the county's economic base, and provide employment opportunities close to home for residents of the county.
- (3) Ensure that the appearance and effects of buildings and uses are harmonious with the character of the area in which they are located.
- (4) Accommodate the development of regional-serving (larger trade areas) commercial uses in areas designated CR (Regional Commercial).
 - ii) *Proposed definition* – Intended to provide retailing services of both a convenience and durable nature, such as apparel, furniture, food, banking and financial services, etc., defined for a regional trade area. The CR zoning district applies to areas appropriate for highway oriented retail and service uses and regional shopping centers that serve a market beyond the immediate neighborhood and severing an area larger than a Community Region.
 - iii) Allowed office – 0%
- b) Neighborhood Commercial (CN)–**
 - i) Intent – to preserve such lands that allow for commercial uses that encompass a neighborhood trade area defined as such uses as grocery stores, financial institutions, services and commercial sales that happen in a frequent manner (weekly). Think hard corners for grocery stores, drug stores and other services family frequent within a weeks time.
 - ii) *Proposed definition* – Zoning district intended to provide for the retail sales, offices, and services serving the daily needs of residing within the Community Region w and to promote stable and attractive commercial development which will be compatible in the neighboring residential uses.
 - iii) *Allowed office* – 30%
- c) Limited Commercial (CL)**
 - i) Intent – to define uses that are on smaller areas (3 acres or less) that are attached to planned areas are within neighborhood areas for such uses as garden offices , medical office, day care, churches and other neighborhood areas servicing a small trade area.

- ii) *Proposed definition* – Zoning district intended to designate areas suitable for low-intensity retail and office activities oriented to serving nearby residential areas. Zoning areas should be located along major arterials and/or secondary streets.
- iii) *Allowed office* – 100%

d) Heavy Commercial (CH)

- i) Intent – to create a buffer between industrial and retail uses and for heavy, intensive uses. The purpose is to accommodate such uses as automotive repair, home improvement services and auto sales (for example).
- ii) Proposed definition – An intended zoning to provide a buffer between all other commercial zonings and industrial areas. The types of business in the zone should range from heavy commercial to light industrial and for uses otherwise not permitted in other commercial zoned areas such as auto body shops, auto painting, cabinet shops, equipment rental lots.
- iii) *Allowed office* – 100%

e) Main Street Commercial (CM)

- i) Intent – to provide small “old town” type main street type areas, a zoning that accommodates the small shop owner, or small business owner the ability to conduct business and is really designed for a zoning in small blocks and parcels sizes.
- ii) Proposed definition - The proposed Main Street Districts would allow for a wide range of commercial uses, or a mix of commercial and residential uses, in a pedestrian-oriented format with buildings located close to a wide pedestrian sidewalk.
- iii) *Allowed office* – 100%

f) Rural Commercial

- i) Intent -
- ii) Proposed definition

CHAPTER 17.22 – COMMERCIAL ZONES LAST REVISED: 5/2/11

Sections:

- 17.22.010 Purpose and Intent
- 17.22.020 Matrix of Permitted Uses
- 17.22.030 Commercial Zone Development Standards

17.22.010 Purpose and Intent

- A. The purpose of the commercial zones is to achieve the following:
 - 1. Provide a full range of retail, office, and service uses for the residents, businesses and visitors of the County.
 - 2. Provide lands suitable for commercial development to enhance economic growth, expand the local tax base, and provide employment opportunities in the County.
 - 3. Provide a clear and concise set of procedures and requirements for commercial development.
 - 4. Maintain and improve the character of existing commercial centers and core areas while providing for the expansion and full utilization of underdeveloped and undeveloped properties within those areas.
 - 5. Ensure that adequate infrastructure and services are available to serve the commercial needs of business owners and customers.
- B. This Chapter lists the land uses that may be allowed within the Commercial zones established by Section 17.12.020 (Zoning Map and Zones), determines the types of planning permit/approval required for each use and provides basic standards for site layout and building size.
- C. The purposes of the individual Commercial zones and the manner in which they are applied are as follows.
 - 1. **Professional Office Commercial (CPO).** The CPO, Professional Office Commercial Zone is intended to promote and regulate the development of land suitable for professional, administrative, and business offices and offices mixed with low to high intensity residential uses. It is intended that this zone be utilized as a transition between residential areas and higher intensity commercial uses by creating an environment which is compatible with adjacent residential uses while providing adequate economic incentive for development of such office space. Retail sales shall be incidental to the primary office uses in this zone.

2. **Commercial (C).** The C, Commercial Zone is intended to promote and regulate the development of retail and service enterprises, providing the entire community with a full range of retail and service opportunities that are primarily conducted indoors, with secondary outdoor uses such as temporary sales displays and outdoor seating for food service. Automobile services would be carefully regulated for compatibility with surrounding uses. A low to moderate intensity of residential development would be allowed in a mixed use development.

3. **General Commercial (CG).** The CG, General Commercial Zone is intended to provide a mix of commercial enterprises, wholesale activity, and limited, light manufacturing; where start-up businesses may locate, outdoor storage or activity is the norm, and certain residential, civic, and educational uses are limited to avoid conflicts. Automobile related services such as fueling, sales, and repair would be encouraged. Residential mixed use development would generally be inappropriate, unless designed to be compatible with existing and potential surrounding uses.

17.22.020 Matrix of Permitted Uses

Uses are permitted in commercial zones subject to the requirements of this Title as designated in Table 17.22.020 below:

Table 17.22.020 Allowed Land Uses and Permit Requirements for the Commercial Zones

CPO: Planned Office Commercial C: Commercial CG: General Commercial	P	Permitted use (Article 4)		
	A	Administrative permit required (17.52.010)		
	T	Temporary use permit required (17.52.070)		
	CUP/	Conditional Use Permit required/		
	MUP	Minor use permit required (17.52.020)		
	PD	Development Plan Permit required (17.52.040)		
	TMA	Temporary mobile home permit (17.52.060)		
	—	Use not allowed in zone		
Land Use	PERMIT REQUIRED BY ZONE			Specific Use Regulation
	CPO	C	CG	
Commercial				
Agricultural Support Services	—	P	P	17.40.060
Animal Sales and Service: Grooming and Pet Stores	—	P	P	
Kennels, Commercial	—	P	P	
Veterinary Clinic	CUP	P	P	
Automotive and Equipment: Fuel Sales	—	P	P	

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	—	Use not allowed in zone			
Land Use	PERMIT REQUIRED BY ZONE			Specific Use Regulation	
	CPO	C	CG		
Paint and Body Shop	—	CUP	P		
Repair	—	CUP	P		
Sales and Rental	—	CUP	P		
Vehicle Storage	—	CUP	P		
Banks and Financial Services	CUP	P	P		
Bars and Drinking Establishments	—	P	P		
Breweries	—	P	P		
Broadcasting and Recording Studio	P	P	P		
Building Supply Stores	—	P	P		
Business Support Services	—	P	P		
Child Day Care Center	A	PA	CUP	17.40.110	
Commercial Recreation: Arcade	—	P	P		
Indoor Entertainment	—	P	P		
Indoor Sports and Recreation	—	P	P		
Large Amusement Complex	—	CUP	CUP		
Outdoor Entertainment	—	CUP	CUP		
Outdoor Sports and Recreation	—	CUP	CUP	17.40.210	
Employer-sponsored Child Day Care Center	A	A	A	17.40.110	
Food and Beverage Retail Sale	—	P	P		
Free Food Distribution Center	—	CUP	CUP		
Funeral and Internment Services	—	P	P		
Itinerant Sales	A/T	A/T	A/T	17.40.220	
Lodging Facilities: Bed and Breakfast Inn	CUP	P	CUP	17.40.090	
Hotel and Motel	—	P	CUP		

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	—	Use not allowed in zone		
Land Use	PERMIT REQUIRED BY ZONE			Specific Use Regulation
	CPO	C	CG	
Maintenance and Repair (Exclusive of Automotive and Equipment)	—	P	P	
Medical Services: Hospital and Clinic	—	P	P	
Long-Term Care Facility	—	P	CUP	
Medical Offices	P	P	P	
Mobile/Manufactured Home Sales Lots	—	CUP	A	
Neighborhood Service	P	P	—	
Nursery, wholesale plant	—	—	P	
Offices, Professional	P	P	P	
Ranch Marketing	—	P	P	17.40.260
Recycling Facilities	—	P/A	P/A	17.40.280
Restaurant: With Drive-through	—	P	P	17.40.150
Without Drive-through	—	P	P	
Retail Sales and Service: Indoor	—	P	P	
Permanent Outdoor	—	P	P	17.40.220
Temporary Outdoor	<u>A/T</u>	<u>A/T</u>	<u>A/T</u>	
Personal Services	—	P	P	
Specialized Education and Training	P	P	CUP	17.40.230
Storage, Self	—	CUP	P	17.40.320
Winery: Production and Full-service Facilities ¹	—	P	P	
Industrial				
Laundries, Commercial	—	CUP	P	
Light Manufacturing	—	CUP	P	
Mineral Exploration	A/CUP	A/CUP	A/CUP	Chapter 17.29

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	CPO	C	CG	
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	—	Use not allowed in zone		
Mining: Subsurface	—	CUP	CUP	
Surface	—	CUP	CUP	
Printing and Publishing	—	CUP	P	
Storage Yard, Equipment and Materials: Permanent	—	CUP	P	17.40.320
Temporary	T	T	T	
Wholesale Distribution	—	CUP	P	
Residential				
Caretaker Unit: Permanent	A	A	A	17.40.120
Temporary	TMA	TMA	TMA	
Community Care Facility: Small (serving 6 or fewer); and Large (serving 7 or more)	CUP	A	—	
Construction Trailer/Contractor's Office: On-site	P	P	P	17.40.190
Off-site	A	A	A	
Dwelling (as part of a Mixed Use Development)	PD	PD	PD	17.40.180
Dwelling, Detached Single-unit ²	—	CUP	CUP	
Emergency Shelter	CUP	P	—	
Employee Housing: Off-site Construction	—	—	P	17.40.190
Home Occupations ³	P	P	P	17.40.170
Large Family Day Care Home	—	A	—	17.40.110
Lodging: Vacation Home Rental	—	P	CUP	17.40.370
Transitional Housing: Small and Large	—	CUP	CUP	17.40.360

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Land Use	PERMIT REQUIRED BY ZONE			Specific Use Regulation
	CPO	C	CG	
Recreation and Open Space				
Campground	—	CUP	CUP	17.40.100
Golf Course	—	CUP	CUP	17.40.210
Marina: Motorized Craft	—	CUP	CUP	
Non-Motorized Craft	—	P	P	
Recreational Vehicle Park	—	CUP	P	17.40.100
Ski Area	—	CUP	CUP	17.40.210
Snowplay Area	—	CUP	CUP	
Special Events, Temporary	T	T	T	
Swimming Pool	—	CUP	CUP	17.40.210
Tennis Courts	—	CUP	CUP	
Trail Head Parking and Staging Area	—	CUP	CUP	
Civic				
Cemeteries, Public	—	CUP	CUP	17.40.210
Churches and Community Assembly	P	P	P	
Community Services	P	P	P	
Parks: Day Use	P	P	P	17.40.210
Nighttime Use	CUP	CUP	CUP	
Schools, Private: College and University	CUP	P	CUP	17.40.230
Elementary and Secondary	P	P	CUP	
Transportation				
Airports, Airstrips and Heliports	—	CUP	CUP	17.40.210
Intermodal Facility	CUP	CUP	P	

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	—	Use not allowed in zone		
Land Use	PERMIT REQUIRED BY ZONE			Specific Use Regulation
	CPO	C	CG	
Parking Lot	P	P	P	
Utility and Communication Use Type				
Communication Facilities	A/CUP	A/CUP	A/CUP	17.40.130
Public Utility Structures and Services: Intensive	CUP	CUP	CUP	17.40.250
Minor	P	P	P	
Wind Energy Conversion System	See Table 17.40.390.1 (WECS Use Matrix)			17.40.390
NOTES:				
¹ As defined in Article 8 (Glossary). Not subject to Winery Ordinance (Section 17.40.400).				
² As a nonconforming use where lack of infrastructure precludes commercial development.				
³ As part of the residential component of a mixed use development.				

17.22.030 Commercial Zone Development Standards

Permitted uses and associated structures shall comply with the following development standards, in addition to any other applicable requirements of this Title:

Table 17.22.030 Commercial Zone Development Standards

Development Attribute	CPO	C	CG
Minimum Lot Size ¹	6000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.
Minimum Lot Width	60 ft.	70 ft.	70 ft.
Residential Density Range for Mixed Use	See Section 17.40.180 (Mixed Use)		
Setbacks: Front ²	10 ft.	10 ft.	10 ft.
Sides and Rear ³	0 or 5 ft.	0 or 5 ft.	0 or 5 ft.
Sides and Rear (Abutting Residentially Zoned Land) ⁴	10 or 30ft.		
Maximum Height	50 ft.	50 ft.	50 ft.
Floor Area Ratio ⁵	.85	.85	.85
Notes: ¹ Mixed use development and commercial condominiums subject to Development Plan Permit (17.52.040). ² Subject to 17.17.500.E.1.a (Landscaping Ordinance). ³ Zero lot line with fireproof wall and no openings, meeting building and fire code requirements, otherwise the 5 ft setback applies. ⁴ Subject to 17.17.500.E(1.b) (Landscaping Ordinance). ⁵ Ratio of allowable floor area to lot area.			