

**COUNTY OF EL DORADO PLANNING AND BUILDING  
DEPARTMENT  
PLANNING COMMISSION  
STAFF REPORT**



**Agenda of:** December 14, 2017

**Staff:** Michael Concepcion

**GENERAL PLAN AMENDMENT/REZONE**

**FILE NUMBERS/**

**PROJECT NAME:** A16-0004/Z16-0011/Dowler

**APPLICANT/AGENT:** Ray and Naomi Dowler

**PROPERTY OWNER:** Ray and Naomi Dowler

**REQUEST:** Amend the General Plan land use designation for a 0.06-acre portion of a 1.61-acre parcel from High-Density Residential (HDR) to Commercial (C) and rezone the same 0.06-acre portion from One-acre Residential (R1A) to Commercial, Limited (CL). This General Plan Amendment and Rezone would affect the existing shop located at the southern corner of the parcel and would result in a split land use designated parcel and split zone. The remaining parcel would continue to have a General Plan land use designation of High-Density Residential (HDR) and a zoning designation of One-acre Residential (R1A).

**LOCATION:** On the east side of Main Street, approximately 330 feet south of the intersection with State Route 193, in the Greenwood area, Supervisorial District 4. (Exhibit A)

**APN:** 074-173-01

**ACREAGE:** 1.61 acres

**GENERAL PLAN:** High-Density Residential (HDR) (Exhibit C)

**ZONING:** One-acre Residential (R1A) (Exhibit D)

**ENVIRONMENTAL**

**DOCUMENT:** Negative Declaration prepared in compliance with Section 15070 of the CEQA Guidelines.

**RECOMMENDATION:** Staff recommends that the Planning Commission forward a recommendation to the Board of Supervisors to take the following actions:

1. Adopt the Negative Declaration based on the Initial Study prepared by staff;
2. Approve General Plan Amendment A16-0004 based on the Findings presented; and
3. Approve Rezone Z16-0011 based on the Findings presented.

## **BACKGROUND**

The existing parcel is located on Main Street (also called Greenwood Road) in Greenwood, California and currently has 3 main buildings: a Greek Revival house built in 1862, a false-front wood-frame store built in the 1930's, and a former detached garage that was converted into a second-dwelling unit. The wood-frame store opened as a general store in the 1930s but now remains unoccupied. Since at least 2004, the zoning designation for this parcel has been One-acre Residential (R1A). At the October 19, 2010 Board of Supervisors Meeting, the Board received a presentation from Vincent Cal, former property owner, regarding a proposal for a General Store (Cal's Market) and Bed and Breakfast use at the property. No action was made by the Board. The current property owners, Ray and Naomi Dowler, live on the property and have a small organic farm at the rear of the parcel.

## **STAFF ANALYSIS**

**Project Description:** Ray and Naomi Dowler, applicant and property owner, requests to amend the General Plan land use designation for a 0.06-acre portion of a 1.61-acre parcel from High-Density Residential (HDR) to Commercial (C) and rezone the same 0.06-acre portion from One-acre Residential (R1A) to Commercial, Limited (CL). The dimensions of the proposed area for a land use re-designation and rezone is 40 feet x 70 feet, or 2,800 square feet of area. This General Plan Amendment and Rezone would affect the existing shop located at the southern corner of the parcel and would result in a split land use designated-parcel and split zone. The property owners wish to use the former general store as a retail farm stand specializing in organic produce grown on-site and other retail items with an emphasis on locally-produced items. The remaining parcel would continue to have a General Plan land use designation of High-Density Residential (HDR) and a zoning designation of One-acre Residential (R1A).

**Site Description:** The parcel is located in the rural center of Greenwood on Main Street. The street is a mix of commercial uses and single-family residential uses. The parcel has two houses, a farm, and a building that was historically a general market. Currently, the former general market stands empty. An existing driveway is accessed from Main Street in between the former general market and two houses. The topography is flat and slightly rolling.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	R1A	HDR	Single-family residential, small-scale farming
<b>North</b>	R1A, RE-5	MDR	Single-family residential
<b>South</b>	CL, R1A	C, MDR	Single-family residential / commercial
<b>East</b>	R1A	MDR	Vacant single-family residential
<b>West</b>	CL, CC	C	Single-family residential

**General Plan:**

*Policy 2.2.1.2: Commercial (C)*

Discussion: This designation identifies areas suitable for a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors. This designation is considered appropriate within Rural Centers. Allowable uses include mixed use development in Rural Centers which combine commercial and residential uses. As the primary thoroughfare of Greenwood, Main Street has historically been developed a mixture of commercial and residential uses. Similarly, this particular parcel is no exception and is surrounded by a mixture of commercial, service, and residential uses. As defined, the parcel is consistent with development within the Commercial (C) land use designation.

*Policy 2.2.5.2: General Plan and zoning boundary amendments and consistency with the General Plan*

Discussion: The applicant is requesting a zone change for a portion of the parcel to be converted from a residential use into a commercial use consistent with both residential and commercial uses in the surrounding area. In order for the rezone to be consistent with the General Plan, a land use amendment is being request to amend the High Density Residential (HDR) land use designation to Commercial (C).

*Policy 2.2.5.3: Rezoning evaluation criteria.*

Discussion: This policy requires the County to evaluate future rezoning based on: (1) The General Plan’s direction as to minimum parcel size or maximum allowable density; and (2) Changes in conditions that would support a higher density or intensity zoning district. The minimum parcel size under the Commercial, Limited (CL) zone is met by the 1.61-acre parcel. The maximum of 10 units per acre in Rural Centers for parcels in the Commercial land use designation is met by the parcel which will maintain the roughly 1 unit per acre, in compliance with the allowable maximum.

<b>Criteria</b>	<b>Consistency</b>
1. <i>Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands.</i>	<b>Consistent:</b> The project parcel is within the Georgetown Divide Public Utility District and is currently connected to a public water system that services the units.
2. <i>Availability and capacity of public treated water system</i>	
3. <i>Availability and capacity of public waste water treatment system.</i>	<b>Consistent:</b> The parcel is serviced by a septic tank.
4. <i>Distance to and capacity of the serving elementary and high school.</i>	<b>Consistent:</b> The parcel is less than 6.2 miles from the nearest elementary school and less than 1 mile to the nearest high school, acceptable distances considering the rural nature of the surrounding school district. The small increase in commercial zoning will not require additional school capacity.
5. <i>Response time from nearest fire station handling structure fires.</i>	<b>Consistent:</b> The nearest fire hydrant is less than 150 feet from the parcel and the nearest fire station is less than 0.6 miles from the parcel, so the level of service minimum response time of eight minutes for 80% of the population, as designated in Table 5-1 (Minimum Levels of Service) will be maintained.
6. <i>Distance to nearest Community Region or Rural Center.</i>	<b>Consistent:</b> The site is located in the Rural Center of Greenwood.
7. <i>Erosion hazard.</i>	<b>Consistent:</b> No grading is being proposed with the amendment application as the building and infrastructure currently exists on site.
8. <i>Septic and leach field capability.</i>	<b>Consistent:</b> The parcel is serviced with an existing septic tank. Any proposed future septic improvements would be subject to applicable codes.
9. <i>Groundwater capability to support wells.</i>	<b>Consistent:</b> N/A
10. <i>Critical flora and fauna habitat areas.</i>	<b>Consistent:</b> The parcel is not located in a Rare Plant Mitigation Area, Important Biological Corridor, as categorized by County Records. All existing trees will remain and will not be adversely affected.
11. <i>Important timber production areas.</i>	
12. <i>Important agricultural areas.</i>	
13. <i>Important mineral resource areas.</i>	
14. <i>Capacity of the transportation system serving the area.</i>	<b>Consistent:</b> The parcel is accessed directly off of a public and County-maintained road. Department of Transportation has reviewed the project and due to the low volume of trips and the nature of existing conditions, has waived the On-Site Transportation

	Review (OSTR) and is not requiring a Traffic Impact Study (TIS).
15. <i>Existing land use pattern.</i>	<b>Consistent:</b> The rezone will maintain conformity to the existing and predominant land use pattern of residential and commercial uses within the surrounding area.
16. <i>Proximity to perennial watercourse.</i>	<b>Consistent:</b> No perennial water course exists in close proximity to the project parcel.
17. <i>Important historical/archeological sites.</i>	<b>Consistent:</b> No grading or construction will be required as a result of uses allowed under the General Plan and zone amendments.
18. <i>Seismic hazards and present of active faults.</i>	
19. <i>Consistency with existing Covenants, Conditions, and Restrictions.</i>	<b>Consistent:</b> No Covenants, Conditions, and Restrictions (CC&Rs) are recorded on the project parcel.

The subject parcel is surrounded by a mixture of single-family residential uses and commercial uses. The proposed commercial use of the southeast portion of the property will be more compatible with the mixture of residential and commercial uses along Main Street.

**Conclusion:** As discussed above, staff finds that the project, as proposed, conforms to the General Plan.

**Zoning:**

*Section 130.24.030: Commercial, Limited (CL) Standards*

New development within the Commercial, Limited (CL) zone would require a minimum lot size of 4,000 square feet and a minimum lot width of 60 feet.

The minimum lot size standard of 4,000 square feet is met with the existing 1.61-acre parcel. The minimum lot width standard of 60 feet is met with the existing lot width of 150 feet on Main Street. Existing development and project parcel dimensions meet these development standards (Exhibit E) so that no nonconformity in use or development will be created as a result of the rezone.

*Section 130.35.030: Off-street Parking and Loading Requirements*

Three (3) off-street parking spaces would be required to accommodate the farmstand. These 3 parking spaces would be submitted with the future tenant improvement application under a separate application to the Building Department, in compliance with applicable building codes, ADA standards, zoning standards, and Community Design Standards for Parking and Loading.

**Conclusion:** As discussed above, staff finds that existing development on the parcel conforms to proposed zone standards and parking requirements under the Zoning Ordinance.

### **Agency and Public Comments:**

*Surveyors Office and Garden Valley Fire Protection District:* The Surveyors Office and Garden Valley Fire Protection District expressed no specific concerns regarding the proposed General Plan amendment and zone change.

*Environmental Management Division: Health, Solid Waste and Hazardous Materials:* The Environmental Management Division has no specific concerns regarding the proposed General Plan Amendment and zone change. When the applicant submits for tenant and site improvements for the commercial building under a separate application to the County, Environmental Management recommends that the farm stand meet all applicable Health and Safety Code requirements and obtain any required Health Permits. Review and evaluation of the existing residential septic system will be needed to as it is becoming a commercial system. In addition, the business shall be compliant with mandatory commercial recycling procedures under AB 341 and mandatory commercial organics recycling under AB 1826.

*Transportation Division:* The Transportation Division has no specific concerns regarding the proposed General Plan Amendment and zone change. When the applicant submits for tenant and site improvements for the commercial building under a separate application to the County, the Transportation Division recommends paving the existing shoulder area on Main Street in front of the existing building and driveway area within the public right-of-way consistent with County Codes and Standards. An encroachment permit would be required at that time.

*Public Comments:* At the time of the preparation of this report, staff had not received any comments from the public. New issues may arise as a result of the public notice of the hearing which will be discussed at that time.

### **Cultural Resources:**

A Cultural Resources Study, prepared by Historic Resource Associates in May 2017 states that the subject property contains one of the oldest surviving houses in Greenwood and retains sufficient integrity to convey its significance, including the general store built in the 1930s. The study notes that although the main house has lost some of its integrity during the past 50 years, the subject property is eligible as an El Dorado County Historical Site for its association with the Gold Rush community of Greenwood and as an important early example of Greek Revival architecture in El Dorado County, but is not eligible under Criteria A, B, and C of the National Register due to its diminished historic character.

### **ENVIRONMENTAL REVIEW**

Staff has prepared an Initial Study (Environmental Checklist with discussion attached) to determine if the project has a significant effect on the environment. Based on the Initial Study, staff has determined that there is no substantial evidence that the proposed project will have a significant effect on the environment, and a Negative Declaration has been prepared in compliance with Section 15070(a) of the CEQA Guidelines.

## SUPPORT INFORMATION

### Attachments:

Findings

Exhibit A.....	Location Map
Exhibit B.....	Assessor's Parcel Map
Exhibit C.....	General Plan Map
Exhibit D.....	Zoning Map
Exhibit E.....	Site Plan
Exhibit F.....	Proposed Negative Declaration and Initial Study