

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



Agenda of: September 28, 2023

Staff: Melanie Shasha

CONDITIONAL USE PERMIT

FILE NUMBER: CUP23-0005/Tyler Master Bedroom

APPLICANT: Tyler Hanna

REQUEST: A request to add 525 square feet of dwelling space to a legal but non-conforming residence in the Community Commercial - Design Control (CC-DC) zone district.

LOCATION: On the west side of Salmon Falls Road, approximately 1,000 feet northeast of the intersection with State Highway 49, in the Pilot Hill area, Supervisorial District 4. (Exhibit A)

APN: 104-260-011 (Exhibit B)

ACREAGE: 2.07 acres

GENERAL PLAN: Commercial (C) (Exhibit C)

ZONING: Community Commercial with a Design Control Overlay (CC-DC) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Categorically Exempt Pursuant to Section 15301(e)(1) (Additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structure before the addition) of the California Environmental Quality Act (CEQA) Guidelines.

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

1. Find the project Exempt from CEQA pursuant to Section 15301(e)(1) (Small Addition);

2. Find the change or expansion of the nonconforming use will not have a negative impact on the surrounding conforming uses and the area overall pursuant to Zoning Ordinance Section 130.61.050(D)(2); and
3. Approve Conditional Use Permit CUP23-0005 based on the Findings and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY

Approval of Conditional Use Permit CUP23-0005 would allow the expansion of a legal nonconforming residential use. The expansion will be for an addition located on the west side of the parcel. As proposed and conditioned, the project will be consistent with all applicable zoning regulations and General Plan policies.

OTHER PROJECT CONSIDERATIONS

Establishment of a Legal Nonconforming Use:

The original residential structure was built in 1932. The zoning and General Plan land use designations have not changed since at least 1996. A Zoning (Rebuild) Letter dated June 8, 2018 also confirmed the legal, nonconforming residential use. All records found show the site has always been used as a residence.

Required Findings for Changes or Expansion of a Legal Nonconforming Use

Zoning Ordinance Section 130.61.050 (Changes or Expansion of Legal Nonconforming Uses) requires the Planning Commission make one (1) or more specific findings to approve the expansion of a legal nonconforming use. Findings listed under Section 130.61.050(D) are as follows:

1. The proposed change or expansion of the legal nonconforming use is essential and/or desirable to the public convenience or welfare.
2. The change or expansion of the nonconforming use will not have a negative impact on the surrounding conforming uses and the area overall.
3. Other property where the use would be conforming is unavailable, either physically or economically, within the limits of the nearest similarly developed area(s).
4. No other appropriate remedies are available to bring the use into conformance, including amending the zone or zoning ordinance text.

Based on evidence in the record, staff recommends the Planning Commission make a finding of no negative impact as required by Section 130.61.050(D)(2) as listed above. Additional details are discussed in the Findings section of this report.

SETTING

The project parcel is located on the west side of Salmon Falls Road, approximately 1,000 feet northeast of the intersection with State Highway 49, in the Pilot Hill area, approximately 1,200 feet above sea level. The project parcel was developed with a single-family home in 1932. Neither a General Plan nor a Zoning Ordinance was in effect when the original structure was built. Building permits were not required until the 1950's so construction was not reviewed or approved by the County.

Parcels to the north, east, and south have a General Plan land-use designation of Commercial (C), the property to the west is designated Medium Density Residential (MDR) and the property to the north is designated Multifamily Residential (MFR) (Exhibit C). There are Community Commercial (CC) and Commercial, Limited (CL) zoned lands to the north, east, and south. Residential, One-acre minimum (R1A) zoned lands to the west and south. Multifamily Residential (RM) zoned lands are to the north. (Exhibit D). Uses of the parcels surrounding the project parcel are all residential.

This site is visible from State Highway 49 which is eligible for designation as a State Scenic Highway (El Dorado County would need officially request the designation from California Department of Transportation). The area is also under a design control overlay for the Rural Center of Pilot Hill. The requirements for a Design Review Permit are for projects such as: multi-unit residential, commercial, mixed-use, or industrial zoned property. This project does not meet the minimums to require a Design Review Permit because it is neither adjacent to a designated State Scenic Highway nor does it propose development of a multi-unit residential, commercial, mixed-use, or industrial type project.

PROJECT DESCRIPTION

CUP23-0005 is a request for a new Conditional Use Permit (CUP) to allow the expansion of a legal nonconforming residential use.

STAFF ANALYSIS

Environmental Review: Staff reviewed the project and found it exempt from CEQA pursuant to Section 15301(e)(1) (Additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition) of the CEQA Guidelines.

General Plan Consistency: Staff has reviewed the project for consistency with all applicable General Plan policies including Policy 2.2.1.2 (appropriate land use types and density), Policy 2.2.5.2 (General Plan Consistency), Policy 2.2.5.21 (compatibility with adjoining land uses), Staff has determined that the project is consistent with these policies and related requirements in the El Dorado County General Plan, as discussed in more detail in Section 2.0 of the Findings.

Zoning Ordinance Consistency: Staff has determined that the project is consistent with applicable regulations and requirements in Title 130 of the County Ordinance Code, including Section 130.22.020 (Allowed Uses and Permit Requirements for the Commercial Zones), Section

130.52.021 (Conditional Use Permits) and Section 130.61.050 (Changes or Expansion of Legal Nonconforming Uses).

Public and Agency Comments: The project was distributed to all applicable public agencies and organizations for review and comment including the following: El Dorado County Fire Protection District (EDCFPD), Georgetown Divide Public Utility District (GDPUD), and Environmental Management Department (EMD). Of the agencies and organizations notified of the project, comments were received from EMD.

Public Outreach: No formal public outreach was conducted, and a public outreach plan was not required for this project pursuant to the County Zoning Ordinance. However, the project was duly noticed for a Planning Commission public hearing with a public notification range of 1,000 feet and legal advertisement was published in applicable local newspapers. In addition, project notification was also sent to the County’s Planning Commission email subscription list and posted on the Planning Services Planning Commission webpage. No physical sign posting is required for CUPs.

Conditions of Approval: The project was distributed to all applicable agencies and organizations for review and comment as discussed above. Of those agencies and organizations, no conditions of approval were received. Conditions were added to the building permit (0358503) by EDCFPD. Those conditions have been added to the Conditions of Approval for this project. The records search results by the North Central Information Center indicate the site is potentially sensitive for historic-period cultural resources. No further review is needed as the project is a conversion of existing space. The Conditions of Approval from that letter have been included here.

SUPPORT INFORMATION

Attachments to Staff Report:

Findings

Conditions of Approval

Exhibit A.....Vicinity Map

Exhibit B.....Assessor’s Parcel Map

Exhibit C.....General Plan Land Use Designation Map

Exhibit D.....Zoning Designation Map

Exhibit E.....Site Plan with Proposed Addition