

File Number: DR00-004-A(3)

Receipt No.: 25930

Date Received: 7-10-09

Amount: \$100.00

**APPEAL FORM**

(For more information, see Section 17.22.220 of the Zoning Ordinance)

Appeals must be submitted to the Planning Department with appropriate appeal fee. Please see fee schedule or contact the Planning Department for appeal fee information.

APPELLANT Dyana Anderly, AICP

ADDRESS 3484 Chasen Drive, Cameron Park 95682

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A letter from the Appellant authorizing the Agent to act in his/her behalf must be submitted with this appeal.

AGENT \_\_\_\_\_

ADDRESS \_\_\_\_\_

DAYTIME TELEPHONE \_\_\_\_\_

APPEAL BEING MADE TO:  Board of Supervisors  Planning Commission

ACTION BEING APPEALED (Please specify the action being appealed, i.e., approval of an application, denial of an application, conditions of approval, etc., and specific reasons for appeal. If appealing conditions of approval, please attach copy of conditions and specify appeal.)

Appeal of approval action by the Planning Commission of DR00-0011/76 Gas Station & Circle K

Mini Mart, including the EIR, the Mitigation Monitoring Program, the Design Review Application,

and the Conditions of Approval. Specifically, the environmental documents should not conclude

that payment of TIM fees will mitigate significant traffic impacts since intersection improvements

are not funded and the CIP does not envision its construction until the end of 2018, which is too

speculative. Also, the design of the project is inconsistent with the General Plan Land Use

Element, of which one of its principles states. "The General Plan provides guidelines for new

development that maintains or enhances the quality of the County" Also see attached letter.

I am also appealing the proposed property lines.

DATE OF ACTION BEING APPEALED July 9, 2009

Signature Dyana Anderly

Date July 9, 09

3484 Chasen Drive  
Cameron Park, CA 95682  
July 10, 2009

Planning Department  
2850 Fairlane Court  
Placerville, CA 95667

Subject: Appeal of DR00-0011/76 Gas Station and Circle K Mini Mart

Board of Supervisors:

I am appealing the following action of the Planning Commission approving the subject project based on:

- inadequate environmental documents relative to significant, adverse visual impacts and significant adverse traffic impacts;
- approval of a design review project which utilizes a poor design and a design that is inconsistent with the General Plan;
- 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; and
- 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.

The primary basis for my appeal may be found in the principles of the General Plan [*emphasis added*], namely,

#### **PRINCIPLES**

*The General Plan establishes a land use development pattern that makes the most efficient and feasible use of existing infrastructure and public services.*

*The General Plan provides guidelines for new and existing development that promotes a sense of community. ... CONTINUED*

*The General Plan defines those characteristics which make the County "rural" and provides strategies for preserving these characteristics.*

*The General Plan provides opportunities for positive economic growth such as increased employment opportunities, greater capture of tourism, increased retail sales, and high technology industries.*

**The General Plan provides guidelines for new development that maintains or enhances the quality of the County.**

**Environmental Documents**

The EIR concludes that there will be no significant adverse impact to traffic as a result of the project as long as their proportionate share of the cost of the intersection improvements is borne by the developer. However, according to the El Dorado County Capital Improvement Program, plans for intersection improvements at South Shingle and Mother Lode are speculative as the (1) the Capital Improvement Program does not envision their construction until the end of 2018 and (2) the funding for the intersection improvements is also uncertain as it is based on construction of housing.

The EIR also concludes that the project would not substantially degrade the existing visual character or quality of the site and its surroundings; however, an unattractive, franchise architecture box building design sitting in a in a sea of asphalt and with insufficient landscaping would substantially degrade the visual character of the surrounding area and set a poor precedent for future development in our community. Furthermore, the design of the project conflicts with applicable General Plan land use plan policies.

**General Plan Inconsistencies**

- Policy 2.2.5.21 Development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the development project is proposed. Development projects that are potentially incompatible with existing adjoining uses shall be designed in a manner that avoids any incompatibility or shall be located on a different site. *[Comment: The project site is at a major entry point to our community from Highway 50 and as such should establish an attractive entry development. It is incompatible with this entry point. The environmental documents incorrectly conclude that there would be no adverse visual*

*impact to a “scenic corridor”; however, the project would result in a significant adverse impact to this major entry to our community.]*

- **GOAL 2.4: EXISTING COMMUNITY IDENTITY**

*“Maintain and enhance the character of existing rural and urban communities, emphasizing both the natural setting and built design elements which contribute to the quality of life, economic health, and community pride of County residents.” [Comment: This project fails to contribute to the quality of life for our residents, it would provide very few jobs, and it would not promote community pride in any way whatsoever. Moreover, the addition of a mini mart and a service station would compete with already established businesses in the area and not serve local residents who are already inundated with highway-oriented businesses.]*

- **General Plan Land Use Element:** *“The County shall develop community design guidelines in concert with members of each community which will detail specific quantities and features unique to the community as Planning staff and funds are available. Each plan shall contain design guidelines to be used in project.” In support of this policy, Measure F states, “Create and adopt Community Design Review standards and guidelines and identify new Community Design Review Districts. This would include working with community groups to develop standards.” [Comment: This effort was initiated and paid for with our tax dollars, with many local citizens indicating their preferences relative to design. Those materials are currently sitting on a shelf somewhere. The design of the project does not carry forth any of the design recommendations established by the local residents and business owners. Planning staff is aware of those recommendations.]*

- Another section of the General Plan relates to guidelines for development, which “shall include, but not be limited to, the following criteria:
  - A. Historic preservation
  - B. Streetscape elements and improvements
  - C. Signage
  - D. Maintenance of existing scenic road and riparian corridors
  - E. Compatible architectural design
  - F. Designs for landmark land uses
  - G. Outdoor art”

*[Comment: The proposed development fails to provide attractive streetscape elements due to lack of adequate landscaping, fails to provide attractive signage, fails to provide a compatible architectural design, and fails to include any outdoor art.]*

- **GOAL 2.7: SIGNS**

Regulation of the size, quantity, and location of signs to maintain and enhance the visual appearance of the County. *[The proposed signs fail to enhance the visual appearance of the County in any manner whatsoever. In fact, the signs could not be any more unfavorable in appearance.]*

### Zoning Ordinance Inconsistency.

In addition to the General Plan, the project is inconsistent with the El Dorado County Zoning Ordinance, specifically to the following section:

17.14.130 Architectural supervision.

A. In case an application is made for a permit for any building or structure in any RL, RM or C district and where it faces on a state highway, the application shall be accompanied by architectural drawings or sketches showing the elevations of the proposed building or structure. The drawings or sketches shall be considered by the planning commission in an endeavor to provide that the architectural and general appearance of the buildings or structures be in keeping with the character of the neighborhood, and such as not to be detrimental to the orderly and harmonious development of the county, or to impair the desirability of investment or occupation in the neighborhood. *[Comment: The design of the project fails to comply with this section of the Zoning Ordinance as the proposed project would not be in harmony with our community.]*

Project Design: The design of the project is bleak to say the least, with nothing positive in the way of design to contribute to our community. I offer the following with regard to design.

The Design Review Committee’s recommendation for approval of the project has no substance or merit in that the guidelines they use to support their decision are antiquated and ineffective,

and a member of that committee made this statement in a public meeting; furthermore, most members of that committee have no architectural training.

The following comments reflect how the design of the project could be developed in such a way as to bring orderly and harmonious development to our community, irrespective of the uses:

1. The developer should engage the services of an architect to create an attractive mini mart structure, incorporating offsets and recesses; using a variety of attractive building materials (not metal) to reflect the character and history of our community, and incorporating a more interesting roof structure. The building should be attractive on all four sides as it sits on a very prominent corner. A condition of approval should require that ancillary structures, such as the ice machine, should not be displayed or stored outside the building.
2. The canopy structure should be designed to reflect the color and materials used on the mini mart, including wrapping the structural columns and providing attractive bases to add interest. A condition of approval should insure that canopy lights are recessed within the structure so as to avoid shedding light and glare on neighboring streets.
3. The trash enclosure should be redesigned and relocated away from the street, and the landscape plan should reflect that vines will grow on the sides of the enclosure. The trash enclosure, as proposed, would intrude on the landscaped area along Mother Lode. An attractive trellis over the enclosure or incorporation of the design of the trash enclosure with the building would be a significant improvement. A condition of approval should require attractive smaller trash receptacles near the entry to the mini mart and within the canopy area.
4. A condition of approval should address the design of retaining walls, requiring attractive materials and the softening of the walls with vines and shrubs.
5. The handicap parking stall should be moved as close as possible to the primary entry of the mini mart.
6. A condition of approval should require an attractive bicycle rack.
7. The landscape plan should be redesigned by a licensed landscape architect. The amount of landscaping should be increased as indicated below. (Please note that PG&E requires a significant clear space about the transformer, further reducing the amount of landscaping currently shown on plans.)

- a. The building should be “grounded” by landscaping between the building and the walkways. This would soften the impact of the building against the surrounding asphalt and concrete.
  - b. The building should be “framed” by large trees, necessitating either expanding the size of the parcel or reducing the size of the mini mart. This would require a modification of the proposed property lines.
  - c. Extend planters along the entire southerly property line, except where access is provided to the neighboring property. Landscaping should be increased in depth along the southerly property line in consideration of the footings that would be needed to support the retaining wall which would deter the growth of large plantings. Space for vines and plantings to soften the retaining wall should be incorporated into the plan. Additional landscaping will accommodate drainage and prevent it from entering the storm drain system.
  - d. Since it will be years before completion of street improvements at the South Shingle/Mother Lode intersection, landscaping should be extended to the edge of the street; otherwise, there will be a large expanse of weeds along street frontages. The irrigation system should be designed to as to allow is to be disconnected at the point of new intersection improvements.
  - e. Oak trees should be of a significant size upon installation, e.g., specimen trees along street frontages and at least a 36-inch box specimen oak at the intersection. Increase the number of trees. The conditions of approval should reflect plant size to insure immediate impacts from landscaped areas.
  - f. There are two large utility poles on the site currently; plans should show to where the poles would be relocated.
8. Signs should be as attractive as possible. The freestanding price sign should be installed on an attractive based constructed of materials consistent with those used on the mini mart. An attractive planter should be used about the base of the tall, freeway-oriented sign to soften its impact as viewed from the adjacent street.
9. A condition of approval should require that light standards be no higher than 14 feet and that attractive, decorative fixtures be utilized (no cobra or box light fixtures).
10. A condition of approval should require staff approval for any color changes or changes to signs.
11. A condition of approval should *require* recordation of access easement between properties before issuance of any permit, including grading.

12. A condition of approval should specify that any minor changes to the project during the building permit stage must *only be to improve the project.*

Please support this appeal so that our community may prosper with attractive and useful development in the future.

Sincerely,

A handwritten signature in cursive script that reads "Dyana Anderly". The signature is fluid and connected, with a long horizontal stroke at the end.

Dyana Anderly, AICP