

P24-0002/Green Leaf Drive – As approved by the Zoning Administrator on November 6, 2024

Findings

1.0 CEQA FINDINGS

- 1.1 The Green Leaf Drive Tentative Parcel Map P24-0002 has been found to be Categorically Exempt pursuant to Section 15315 of the California Environmental Quality Act (CEQA) Guidelines which states that minor land divisions in urbanized areas zoned for commercial or industrial use into four (4) or fewer parcels are exempt when consistent with the General Plan, zoning, all applicable development standards, and when the project parcel(s) contain slopes equal or less than 20 percent.
- 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, Planning Division, at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with General Plan Policy 2.2.1.2.

General Plan Policy 2.2.1.2 identifies that the purpose of the Commercial 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. Mixed use development of commercial lands within Community Regions and Rural Centers which combine commercial and residential uses shall be permitted. 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, within an area zoned to allow for a mix of uses. Numerous zone districts shall be utilized to direct specific categories of commercial uses to the appropriate areas of the County. This designation is considered appropriate within Community Regions, Rural Centers, and Rural Regions.

Rationale: The proposed Tentative Parcel Map is consistent with this policy. This project allows for a subdivision of two (2) existing commercial buildings previously permitted for uses consistent with the Commercial land use designation.

2.2 The project is consistent with General Plan Policy 2.2.5.2.

This policy 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: The project site is fully developed with two (2) existing commercial buildings, including associated parking and landscaping. All the adjoining properties to the north, east, south, and west are similarly zoned as Community Commercial with Planned Development Combining Zone (CC-PD) and General Plan land use designation of Commercial. The project has been located and designed to be compatible with adjoining land uses.

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: The project parcel is currently served by public services and utilities. The project is not proposing additional uses or structures that would require additional utilities or services. Therefore, public services and utilities are deemed adequate for the project.

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: Both proposed lots will be served by existing public water service through the El Dorado Irrigation District (EID). With incorporation of standard Conditions of Approval for EID and the Diamond Springs - El Dorado Fire Protection District, water service is deemed to be adequate for the project.

2.6 The project is consistent with General Plan Policy 5.7.1.1.

General Plan Policy 5.7.1.1 (Fire Protection in Community Regions) requires the applicant to demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection would be provided concurrent with development.

Rationale: The Diamond Springs - El Dorado Fire Protection District provides fire protection service to the project site. Standard Conditions of Approval are incorporated to ensure adequate water supply, storage, conveyance, and site access for fire protection remains adequate for both proposed parcels.

2.7 The project is consistent with General Plan Policy 6.2.3.2.

Policy 6.2.3.2 (Adequate Access for Emergencies) requires 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: Vehicular access to the existing commercial buildings is provided from Green Leaf Drive. No access changes are being proposed as part of the project. To ensure adequate emergency and vehicular access is maintained in perpetuity between proposed Parcel 1 and proposed Parcel 2, a reciprocal/shared access agreement will be required as a standard Condition of Approval.

3.0 ZONING FINDINGS

3.1 The project is consistent with Section 130.22.030.

Section 130.22.030 (Commercial Zones Development Standards) prescribes site-specific development standards for new lots, allowed uses, and associated structures within the CC zone district.

Rationale: The proposed parcels, including existing structures/improvements, meet the required minimum lot size, lot width, building setbacks, and Floor Area Ratio (FAR) as required in Section 130.22.030.

4.0 PARCEL MAP FINDINGS

4.1 The proposed Tentative Parcel Map, including design and improvements, is consistent with the General Plan.

Rationale: The project proposes to create two (2) parcels from a 3.67-acre parcel. The resulting lots would be approximately 3.35-acres (146,067 square feet) and approximately 0.32 acres (14,077 square feet). The project parcel is in the Commercial General Plan land use designation. The proposed Tentative Parcel Map has been found consistent with all applicable General Plan policies as set forth in Finding 2.2.

4.2 The proposed Tentative Parcel Map conforms to the applicable standards and requirements of the County zoning regulations and Minor Land Division Ordinance.

Rationale: The proposed parcels have been analyzed and conditioned in accordance with the CC-PD zone and will comply with all applicable development standards for new lots in that zone. As proposed and conditioned, the Tentative Parcel Map conforms to the Minor Land Division Ordinance.

4.3 The site is physically suitable for the proposed type and density of development.

Rationale: No additional development is proposed as part of the project. The existing commercial development meets the type and density requirements of the CC zone district. The proposed parcels, including existing structures/improvements, meet the required minimum lot size, lot width, building setbacks, and FAR standards of the CC zone district.

4.4 The proposed subdivision is not likely to cause substantial environmental damage.

Rationale: The project has been found Categorical Exempt pursuant to Section 15315 (Minor Land Divisions) of the CEQA Guidelines. The proposed Tentative Parcel Map will not result in substantial environmental damage and is consistent with existing and planned development in the vicinity.

Conditions of Approval

1. This Tentative Parcel Map is based upon and limited to compliance with the project description, Conditions of Approval set forth below, and the hearing exhibits marked:

Exhibit G.....Tentative Parcel Map

Any deviations from the project description, exhibits, or Conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval would constitute a violation of permit approval.

The project description is as follows:

The project consists of a Tentative Parcel Map to create two (2) commercial parcels of approximately 3.35 acres (146,067 square feet) and approximately 0.32 acres (14,077 square feet) from an existing 3.67-acre parcel. Fire and vehicular access to both proposed parcels would be provided from Green Leaf Drive. Existing parking spaces and interior driveway access would be shared between both buildings. To ensure off-street parking and vehicular/emergency vehicle access remains fully accessible between both commercial buildings, a reciprocal/shared parking and access agreement will be required prior to recording of the map. Both proposed parcels will be served by existing public utilities. However, separate utility service will be required for each parcel to the satisfaction of each utility provider.

The development, use, and maintenance of the property, the size, shape and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and Conditions of Approval below. The property and any portions thereof shall be sold, leased, or financed in compliance with this project description and the approved hearing exhibits and Conditions of Approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

Planning Division

2. **Permit Time Limits:** This Tentative Parcel Map shall expire 36 months from the date of approval unless a timely extension has been filed consistent with Section 120.74.020 (Expiration Period of Approved or Conditionally Approved Maps) of the Subdivision Ordinance.
3. **Notice of Exemption (NOE) Recording Fee:** The applicant shall submit to the Planning Division a \$50.00 recording fee for the County Recorder to file the NOE. Checks shall be payable to El Dorado County. No permits shall be issued, or Parcel Map filed until said fees are paid.
4. **Archeological Resources:** In the event of the discovery of human remains, all work shall cease, and the County coroner shall be immediately notified pursuant to subdivision(c) of Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two (2) working days from the time the person responsible for the excavation, or in his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendant of the deceased Native American.

Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Section 5097.98 of the Public Resources Code, with the most likely descendants regarding their recommendations. The descendants shall complete their inspection and make their recommendation within 48 hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials or other proper method(s) for handling the remains in accordance with Section 5097.98(b-h). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken.

5. **Indemnity:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The developer and landowner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a Parcel Map.

The County shall notify the applicant of any claim, action, or proceeding, and the County shall cooperate fully in the defense.

6. **Shared Parking and Vehicular/Emergency Vehicle Access:** Prior to recordation of the Tentative Parcel Map, the applicant shall record an irrevocable reciprocal parking and vehicular/emergency vehicle access agreement upon both proposed parcels to ensure adequate shared vehicular/emergency vehicle access is maintained in perpetuity. The document shall be approved by the Planning and Building Department Director and County Counsel as to form and content.

Office of the County Surveyor

7. Upon project approval from the Planning Division, a Parcel Map Package will need to be submitted with the County Surveyor's Office.
8. All survey monuments must be set prior to the recording of the Parcel Map or the developer shall have surety of work to be done by bond or cash deposit. Verification of set survey monuments and the amount of the bond or deposit to be coordinated with the County Surveyor's Office prior to the filing of the Parcel Map.
9. The roads serving the development shall be named by filing a completed Road Name Petition with the County Surveyor's Office. Proof of any signage required by the County Surveyor's Office must be provided prior to filing the Parcel Map.
10. Situs addressing for the project shall be coordinated with the County Surveyor's Office prior to filing the Parcel Map.
11. Prior to filing the Parcel Map, a letter shall be required from all agencies that have placed Conditions on the map. The letter shall state that "all Conditions placed on P24-0002 by (that agency) have been satisfied." The letter is to be sent to the County Surveyor's Office and copied to the consultant and applicant.

12. All boundary monuments that may be disturbed or destroyed during project construction shall be identified and referenced and/or reset by a Professional Land Surveyor or Qualified Engineer as defined by Section 8771 of the California Business and Professions Code (Land Surveyors Act).

El Dorado Irrigation District (EID)

13. Prior to filing the Parcel Map, the property owner of the existing hotel (proposed Parcel 1) shall grant the future property owner of the existing restaurant (proposed Parcel 2) with an easement for the private restaurant sewer that is on the hotel site. The property owners of both proposed Parcel 1 and proposed Parcel 2 shall develop an agreement regarding maintenance of the private sewer.
14. The existing restaurant (proposed Parcel 2) has a 1.5-inch water submeter off the existing hotel water meter (proposed Parcel 1). All of the water flows through the hotel's meter then to the restaurant's submeter. As a result of the approval of this Tentative Parcel Map, the existing restaurant will need to establish its own service off the EID main.
15. No Facility Capacity Charges (FCCs) were paid associated with the existing restaurant submeter. FCCs will need to be paid based on the meter size desired.

Diamond Springs - El Dorado Fire Protection District

16. The project shall be required to confirm annexation into the Diamond Springs - El Dorado Fire Protection District and pay all associated fees for all legal parcels based on Final Map recordation.