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TO: Board of Supervisors [Agenda Date: 9/1/2020]

FROM: Anne Novotny, Planning Manager

DATE: August 28, 2020

RE: **Proposed Title 130 (Zoning Ordinance) Major Amendments (OR17-0002) and Title 120 (Subdivisions) Amendments to Notice Requirements and Procedures**

Summary of Board of Supervisors Hearing on August 25, 2020

On August 25, 2020, Planning staff presented the Title 130 Zoning Ordinance Major Amendments (OR17-0002) project to the Board of Supervisors (Item 43, Legistar File 20-1037). The Board of Supervisors (Board) hearing discussion focused on the proposed new Drive-Through Facilities zoning regulations and amendments to the Physical Sign Posting under Public Notice Requirements and Procedures. One El Dorado County resident spoke during the public comment period. The speaker disagreed with the proposed Conditional Use Permit requirement for food and/or beverage drive-through facilities. After the public comment period was closed, the Board discussed the proposed amendments. The deliberation resulted in the Board directing staff to make the following additional modifications to Drive-Through Facilities and to Section 130.51.050.H – Physical Sign Posting. Supervisor Frentzen made a motion, with a second by Supervisor Hidahl, to continue this item to a date certain of Tuesday, September 1, 2020.

Additional Modifications by Board direction to the Proposed Title 130 Amendments (Legistar File 20-1037, Attachment D) at the August 25, 2020 Hearing.

1. Article 2, Table 130.22.020 – Allowed Uses and Permit Requirements for the Commercial Zones

Board Directive: The Board directed staff to remove the distinction between drive-through facilities that provide food and/or beverages and nonfood/beverage facilities, and to allow by right in all commercial zones, unless the parcel is adjacent to residential. Table 130.22.020 has been revised to have one Use Type for “Drive-Through Facilities” and to show “P/CUP” for the permit requirements in all the commercial zones with an added footnote: “⁶ CUP required when adjacent to any residential zoned lot or residential use.” as shown in highlighted track changes below.

CPO: Commercial, Professional Office CL: Commercial, Limited CM: Commercial, Main Street CC: Commercial, Community CR: Commercial, Regional CG: Commercial, General CRU: Commercial, Rural	P Allowed use (Article 4: Special Use Regulations) A Administrative permit required (130.52.010) TUP Temporary use permit required (130.52.060) CUP Conditional Use Permit required(130.52.021) MUP Minor use permit required (130.52.020) TMA Temporary mobile home permit (130.52.050) — Use not allowed in zone								Specific Use Regulation
Use Type	CPO	CL	CM	CC	CR	CG	CRU		
Commercial									
Distillery, Craft	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>P</u>	<u>P</u>	<u>P</u>		
Drive-Through Facility for food and/or beverage	<u>P/CUP⁶</u>	<u>P/CUP⁶</u>	<u>P/CUP⁶</u>	<u>P/CUP⁶</u>	<u>P/CUP⁶</u>	<u>P/CUP⁶</u>	<u>P/CUP⁶</u>	<u>130.40.140</u>	
Drive-Through Facility for nonfood and/or nonbeverage	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>130.40.140</u>	
Offices: Professional	P	P	P	P	CUP	<u>—P</u>	P		
Medical	P	P	P	P	CUP	<u>—P</u>	P		
Restaurant	CUP	P	P	P	P	<u>—P</u>	P		
Winery: Production	—	—	CUP	—	—	P	P		
Full-service Facilities	—	P	CUP	P	—	<u>—P</u>	P		
NOTES:									
¹ Excluding Subsection 130.40.220.E (Garage Sales) in Article 4 (Specific Use Regulations) of this Title. ² Limited to small-scale, artisanal production of goods (See Article 8 (Glossary: “Light Manufacturing”) of this Title. ³ CUP for larger scale, ‘general industrial’ use. ⁴ As part of the residential component of a mixed use development. ⁵ As a rental of an existing legal nonconforming residential structure. ⁶ <u>CUP required when adjacent to any residential zoned lot or residential use.</u>									

2. Article 2, Table 130.23.020 – Industrial / R&D Zones Use Matrix

Board Directive: The Board directed staff to make the same revisions as noted in No.1 above to Table 130.23.020 (Industrial / R&D Zones Use Matrix as show in highlighted track changes below.

IL: Industrial Low IH: Industrial High R&D: Research & Development	P Allowed use (Article 4: Special Use Regulations) A Administrative permit required (130.52.010) TUP Temporary use permit required (130.52.060) CUP Conditional use Permit required(130.52.021) MUP Minor use permit required (130.52.020) TMA Temporary mobile home permit (130.52.050) — Use not allowed in zone			
USE TYPE	IL	IH	R&D	Specific Use Reg.
Automotive and Equipment: Paint and Body Shops	P	CUP	—	
Repair Shop	P	CUP	—	
Vehicle Storage	P	CUP	—	130.40.320
<u>Vehicle Sales and Rentals</u>	<u>P</u>	<u>CUP</u>	<u>---</u>	
Distillery: ³ <u>Large Commercial</u>	P	CUP	CUP	
<u>Craft</u>	<u>P</u>	<u>CUP</u>	<u>CUP</u>	
<u>Drive-Through Facility—food and/or beverage</u>	<u>P/CUP⁴</u>	<u>---</u>	<u>P/CUP⁴</u>	<u>130.40.140</u>
<u>Drive-Through Facility—nonfood and nonbeverage</u>	<u>P</u>	<u>---</u>	<u>P</u>	<u>130.40.140</u>
Restaurant	P ² /CUP	—	P	
<u>Self-Storage (Mini Storage)</u>	<u>P</u>	<u>P</u>	<u>CUP</u>	
Wineries ³ Production Facilities	P	P	CUP	
NOTES: ¹ CUP for larger, general industrial-scale use. ² On-site cafeteria for employee use only. <u>If Restaurant is an ancillary use to an existing primary use, then allowed by right (P); If Restaurant is a new primary use, then allowed by CUP.</u> ³ Not subject to Section 130.40.400 (Wineries) in Article 4 (Specific Use Regulations) of this Title. ⁴ <u>CUP required when adjacent to any residential zoned lot or residential use.</u>				

3. Article 4, Section 130.40.140 – Drive-Through Facilities

Board Directive: The Board’s direction to staff to combine the two drive-through use types : 1) for food/beverage and 2) for nonfood/nonbeverage, into one use type: Drive-Through Facilities required additional modifications to Section 130.40.140 – Drive-Through Facilities as shown in highlighted track changes below.

130.40.140 ~~Reserved~~ Drive-Through Facilities

B. Allowed Use. Drive-through facilities for nonfood and/or nonbeverage uses are allowed if in compliance with the development standards set forth in this Section in designated zones on Table 130.22.020 (Allowed Uses and Permit Requirements for the Commercial Zones) and Table 130.23.020 (Industrial / R&D Zones Use Matrix) in Article 2 (Zones, Allowed Uses, and Zoning Standards) of this Title.

C. Permit Requirements. Drive-through facilities for food and/or beverage uses require a Conditional Use Permit (CUP) if adjacent to any residential zoned lot or residential use, otherwise permitted by right in designated zones on Table 130.22.020 (Allowed Uses and Permit Requirements for the Commercial Zones) and Table 130.23.020 (Industrial/R&D Zones Use Matrix) in Article 2 (Zones, Allowed Uses, and Zoning Standards) of this Title. Drive-through facilities for nonfood and/or nonbeverage uses that are not in compliance with the development standards set forth in this Section require a CUP.

D. Development Standards. The development standards in this Section are intended to supplement the standards in the underlying zone for drive-through facilities. In the event of conflict between these standards and the underlying zone standards, the provisions of this Section shall apply. A typical example (not site specific) is shown in Figure 130.40.140.A entitled “Drive-Through Food and/or Beverage Facility (Typical Example)” below in this Section.

1. Drive-Through Lanes.

c. A drive-through lane shall be a minimum of 50 feet from the nearest property line of any residentially zoned lot or residential use. See Figure 130.40.140.A (Example: Drive-Through Food and/or Beverage Facility) below in this Section.

3. Landscaping and Screening of the Drive-Through Lane. Landscaping shall be provided as described below:

b. A minimum 4-foot high wall or planter/landscaping that screens the drive-through lanes is required so that vehicle headlights in the drive-through lanes are not visible from adjacent street rights-of-way or adjacent residential uses. See Figure 130.40.140.A - Drive-Through Food and/or Beverage Facility (Typical Example) below in this Section.

Figure 130.40.140.A - Drive-Through Food and/or Beverage Facility (Typical Example)

4. Article 5, Subsection 130.51.050.H: Physical Sign Posting

Board Directive: The Board directed staff to modify the minimum size of the physical sign from 20 square feet to 32 square feet and to make some modifications to information required to be on the sign in highlighted track changes below.

H. Physical Sign Posting. The Applicant shall post a sign on the subject property for the purpose of providing notice that an application at the subject property is currently undergoing review. The sign shall comply with the following specifications:

1. The size of the sign shall be a minimum of 3220 square feet.

2. The sign text shall be large, black letters on a white background. The font size shall be proportional to the sign size for optimum readability. The sign shall specify project type (e.g., Commercial or Residential) and shall include the following minimum information: project type, project name, number of units or building square footage, project number, Planning Services phone number, and Planning Services website. Below is a typical example as a guideline for a sign layout; apply the information as it pertains to the individual project.

Typical Example

<u>Proposed Commercial Development</u>	<u>Proposed Residential Development</u>
<u>Project Name (X sq. ft.)</u>	<u>Project Name (X units)</u>
<u>Project No.</u> <u>For information:</u> <u>530-621-5355</u> <u>www.edcgov.us/planning</u>	<u>Project No.</u> <u>For information:</u> <u>530-621-5355</u> <u>www.edcgov.us/planning</u>

PROPOSED
COMMERCIAL (RESIDENTIAL) DEVELOPMENT
PROJECT NAME
PROJECT NO.

FOR MORE INFORMATION
CALL THE COUNTY PLANNING DEPT.
(530) 621-5355
WWW.EDCGOV.US/PLANNING

NEW FINDING FOR CEQA ENVIRONMENTAL DOCUMENT

The Targeted General Plan Amendment/Zoning Ordinance Update (TGPA/ZOU) Environmental Impact Report (EIR) covers the proposed modifications made by the Board of Supervisors regarding the allowing of Drive-Through Facilities by right or by Conditional Use Permit (CUP). The use type of Drive-Through Facilities are currently allowed by right in the designated commercial and industrial zones, which establishes the “baseline” and making no change would therefore not have an impact. The new proposed standards for Drive-Through Facilities tighten requirements in comparison to existing standards; therefore, no potential for new or more impacts not discussed in the TGPA/ZOU EIR. No further CEQA analysis beyond the prepared Addendum to the TGPA/ZOU EIR is required for the OR17-0002 project.

Contact

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