



(Distributed at hearing by staff)

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Item # 3
(2 pages)

COMMUNITY DEVELOPMENT SERVICES

PLANNING AND BUILDING DEPARTMENT

<http://www.planning.building@edcgov.us>

PLACERVILLE OFFICE:

2850 Fairlane Court, Placerville, CA 95667

BUILDING

(530) 621-5315 / (530) 622-1708 Fax

bldgdept@edcgov.us

PLANNING

(530) 621-5355 / (530) 642-0508 Fax

planning@edcgov.us

LAKE TAHOE OFFICE:

924 B Emerald Bay Road

South Lake Tahoe, CA 96150

(530) 573-3330

(530) 542-9082 Fax

tahoebuild@edcgov.us

TO: Planning Commission

FROM: Evan Mattes, Associate Planner

DATE: May 8, 2019

RE: Minor Edits to Staff Report
DR-R18-00004/Starbucks Revision

Agenda of: May 9, 2019

Legistar / Item No.: 19-0739 / 3

Discussion:

Staff recommends the following minor edits to sections of the staff report involving the Recommendation, Environmental Review and Finding 1.1. Staff's original determination for the project environmental review was that the project be deemed exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines. Upon further review of the project, staff recommends that the project be found categorically exempt from CEQA pursuant to Section 15303 (New Construction or Conversion of Small Structures) as it more appropriately aligns with the project description and that existing case law (*Walters v. City of Redondo Beach*) has set precedent for this exemption to be applicable for drive through facilities. All proposed edits to the staff report are made in the ~~strikeout~~/underline format:

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

1. Find that the project to be Categorically Exempt pursuant to Section ~~15301 (Existing Facilities)~~ 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act Guidelines; and

CONSISTENCY

Environmental Review: This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section ~~15301~~15303 of the CEQA Guidelines stating that Class ~~13~~ exemptions consist "~~of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination a store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area.~~" The Starbucks coffee shop is an existing use in the Cameron Park East shopping center, and would re-locate to the remodeled suite, with the addition of a 34 square foot drive thru window area. ~~Thus no intensification of use is proposed as a~~

~~part of this project, and it~~ The project addition does not exceed 2,500 square feet and is consistent with this exemption classification under CEQA.

FINDINGS

1.0 CEQA FINDINGS

- 1.1 This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15304~~3~~ of the CEQA Guidelines stating that Class 4~~3~~ exemptions consist “~~of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination~~ a store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area.” The Starbucks coffee shop is an existing use in the Cameron Park East shopping center, and would re-locate to the remodeled suite, with the addition of a 34 square foot drive thru window area. ~~Thus no intensification of use is proposed as a part of this project, and it~~ The project addition does not exceed 2,500 square feet and is consistent with this exemption classification under CEQA.