



## Legislation Details (With Text)

**File #:** 20-0866      **Version:** 1

**Type:** Agenda Item      **Status:** Approved

**File created:** 6/25/2020      **In control:** Board of Supervisors

**On agenda:** 7/14/2020      **Final action:** 7/14/2020

**Title:** HEARING - To consider separate requests by the Divide Preservation Society and Cool Pilot Hill Advisory Committee appealing the Planning Commission's May 28, 2020 approval of Design Review DR19-0006/Cool General Retail to allow the construction of a 9,100 square foot commercial retail building and associated driveway, parking lot, utilities, signage, and landscaping improvements. The property, identified by Assessor's Parcel Number 071-500-037, consisting of 1.69 acres, is located on the east side of California State Highway 49, south of the intersection with Northside Drive, in the Cool Rural Center; and staff recommending the Board take the following actions:

- 1) Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
- 2) Adopt the Mitigation Monitoring Reporting Program in accordance with the California Environmental Quality Act Guidelines Section 15074(d), incorporated as Conditions of Approval; and
- 3) Deny the appeals, thereby upholding the Planning Commission's May 28, 2020, approval of Design Review DR19-0006/Cool General Retail based on the Findings (Attachment C) and subject to the Conditions of Approval (Attachment D). (Supervisory District 4)

**FUNDING:** Privately-funded appeal for Developer-funded project.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Appeal Form (Divide Preservation Society), 2. B - Appeal Form (Cool Pilot Hill Advisory Committee), 3. C - Findings, 4. D - Conditions of Approval, 5. E - Planning Commission Minute Order 05-28-20, 6. F - Notification Map, 7. G - Proof of Publication-Mountain Democrat, 8. H - Staff Memo 07-01-20, 9. I - Dollar General Traffic Supplemental Discussion Memo, 10. J - Proof of Publication-Georgetown Gazette, 11. K - REVISED Initial Study Environmental Checklist BOS Rcvd 7-13-2020, 12. L - Applicant Appeal Rebuttal Letter 07-07-20 & Cool Dollar General Economic Analysis', 13. Public Comment BOS Rcvd 7-14 to 7-22-20, 14. Public Comment BOS Rcvd 7-14-20, 15. Public Comment BOS Rcvd 7-13-20, 16. Public Comment BOS Rcvd 7-8-20 to 7-10-20, 17. Public Comment BOS RCVD 6-30-20 to 7-8-20, 18. Public Comment Rcvd 06-15-20 to 06-29-20, 19. Proof of Publication - Georgetown Gazette, 20. Public Comment BOS Rcvd 7-28-20 to 8-5-20, 21. Public Comment BOS Rcvd 10-23-2020

Date	Ver.	Action By	Action	Result
7/14/2020	1	Board of Supervisors	Failed	Fail
7/14/2020	1	Board of Supervisors	Approved	Pass

HEARING - To consider separate requests by the Divide Preservation Society and Cool Pilot Hill Advisory Committee appealing the Planning Commission's May 28, 2020 approval of Design Review DR19-0006/Cool General Retail to allow the construction of a 9,100 square foot commercial retail building and associated driveway, parking lot, utilities, signage, and landscaping improvements. The property, identified by Assessor's Parcel Number 071-500-037, consisting of 1.69 acres, is located on the east side of California State Highway 49, south of the intersection with Northside Drive, in the Cool Rural Center; and staff recommending the Board take the following actions:

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**FUNDING:** Privately-funded appeal for Developer-funded project.

### **DISCUSSION / BACKGROUND**

This is to consider requests by the Divide Preservation Society and Cool Pilot Hill Advisory Committee appealing the Planning Commission's May 28, 2020 approval of Design Review DR19-0006/Cool General Retail to allow the construction of a 9,100 square foot commercial retail building and associated driveway, parking lot, utilities, signage, and landscaping improvements. The property, identified by Assessor's Parcel Number 071-500-037, consisting of 1.69 acres, is located on the east side of California State Highway 49, south of the intersection with Northside Drive, in the Cool Rural Center, Supervisory District 4.

An Initial Study and Mitigated Negative Declaration was prepared by staff, along with a Mitigation Monitoring Reporting Program in accordance with the California Environmental Quality Act Guidelines Section 15074(d), incorporated as Conditions of Approval.

The Planning Commission held a public hearing on May 28, 2020 and unanimously (4-0 vote) approved the project. The appellants formally filed the appeals on June 10, 2020, within 10 working days after the approval of the project. The Zoning Ordinance provides that the appeal of a Planning Commission decision be decided at a public hearing before the Board of Supervisors.

### Appeals

The appeals (Attachments A and B) assert that the project violates the requirements of the California Environmental Quality Act (CEQA) and the El Dorado County General Plan. Response to the submitted appeals is provided in the attached memorandum from the Planning and Building Department and Department of Transportation.

**Conclusion:** The Planning and Building Department recommends that the appeals be denied thereby upholding the action taken by the Planning Commission on May 28, 2020.

### **ALTERNATIVES**

The Board may elect one of the following alternatives:

- 1) Remand the project to the Planning Commission for further consideration of the basis of appeal requests; or
- 2) Uphold the appeals, thereby reversing the action taken by the Planning Commission on May 28, 2020, resulting in the denial of Design Review Permit DR19-0006 Cool General Retail. A grant of the appeals and denial of the application should be continued to a date certain public hearing so that staff can prepare written Findings of Denial.

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel / Department of Transportation

### **FINANCIAL IMPACT**

There is no net County cost associated with this item. Privately-funded appeal for Developer-funded project.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

N/A

**STRATEGIC PLAN COMPONENT**

Good Governance and Economic Development. The project aligns with the Economic Development goals of the County's Strategic Plan, as it would develop business that would help provide job creation, and supports Good Governance goals by providing property tax from proposed improvements and sales tax revenues from retail activities.

**CONTACT**

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