



## Legislation Details (With Text)

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**Title:** HEARING - Consider a request submitted by Dave Souza, member of the Georgetown Preservation Society (GPS), and the GPS appealing the Planning Commission's February 25, 2016 approval of Design Review DR14-0005-S for the Georgetown Dollar General, a new 9,000 square foot commercial building, on property identified by Assessor's Parcel Numbers 061-362-01, 061-362-02, and 061-362-04, consisting of 1.2 acres, in the Georgetown area; and staff recommending the Board take the following actions:

- 1) Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff (Attachment G);
- 2) Adopt the Mitigation Monitoring and Reporting Program in accordance with CEQA Guidelines, Section 15074(d), incorporating the Mitigation Measures (Attachment 4E); and
- 3) Deny the appeal, thereby upholding the approval of Design Review DR14-0005-S/Georgetown Dollar General by the Planning Commission on February 25, 2016, based on the Findings (Attachment 4C) and subject to the Conditions of Approval (Attachment 4D). (Supervisory District 4) (Est. Time: 3 Hr.)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 4A - Appeal Form BOS 04-05-16, 2. 4B - Planning Commission Minutes 02-25-16 BOS 04-05-16, 3. 4C - Findings BOS 04-05-16, 4. 4D - Conditions of Approval BOS 04-05-16, 5. 4E - Mitigation Measures BOS 04-05-16, 6. 4F - Proof of Publication-Mountain Democrat BOS 04-05-16, 7. 4G - Proof of Publication-Georgetown Gazette BOS 04-05-16, 8. Applicant Display Items BOS Rcvd 4-5-16 BOS 4-5-16, 9. Staff Report Rcvd 4-5-16 BOS 4-5-16, 10. Photos-Public Comment Rcvd 4-5-16 BOS 4-5-16, 11. Public Comment Rcvd 4-5-16 BOS 4-5-16, 12. Applicant Response to Comment BOS Rcvd 4-4-16 BOS 4-5-16, 13. Public Comment Rcvd 4-4-16 BOS 4-5-16, 14. Applicant Response to Comment BOS Rcvd 3-31-16 BOS 4-5-16, 15. Public Comment Rcvd 3-31-16 BOS 4-5-16, 16. Public Comment Rcvd 3-29-16 BOS 4-5-16, 17. Public Comment Rcvd 3-21-16 BOS 4-5-16, 18. FINAL Findings, 19. FINAL Conditions of Approval, 20. FINAL Mitigation Measures, 21. APPROVED STAMPED Exhibits, 22. ADOPTED Mitigated Negative Declaration, 23. RECEIPT-Notice of Determination.pdf, 24. 3A - Planning Commission Minutes 01-14-16 PC 02-25-16.pdf, 25. 3B - Applicant's Response to Comments 02-04-16 PC 02-25-16.pdf, 26. 3C - Staff Memo 02-23-16 Revised Recommendation PC 02-25-16.pdf, 27. Public Comment Rcvd 02-25-16 to 02-26-16 PC 02-25-16.pdf, 28. Public Comment Rcvd 02-22-16 PC 02-25-16.pdf, 29. 2A - Planning Commission Minutes 12-10-15 PC 01-14-16.pdf, 30. 2B - Applicant's Response to Comments 01-04-16 PC 01-14-16.pdf, 31. Public Comment Rcvd 01-14-16 PC 01-14-16.pdf, 32. Public Comment Rcvd 01-11-16 PC 01-14-16.pdf, 33. Public Comment Rcvd 12-28-15 PC 01-14-16.pdf, 34. Public Comment Rcvd 12-21-15 PC 01-14-16.pdf, 35. Public Comment Rcvd 12-11-15 PC 01-14-16.pdf, 36. A - Appeal Form PC 12-10-15.pdf, 37. B - Staff Report PC 12-10-15.pdf, 38. C - Findings PC 12-10-15.pdf, 39. D - Conditions of Approval PC 12-10-15.pdf, 40. E - Mitigation Measures PC 12-10-15.pdf, 41. F - Staff Report Exhibits A-M PC 12-10-15.pdf, 42. G - Staff Report Exhibit N PC 12-10-15.pdf, 43. H - Staff Report Exhibit O PC 12-10-15.pdf, 44. I - Proof of Publication-Mountain Democrat PC 12-10-15.pdf, 45. J - Proof of Publication-Georgetown Gazette PC 12-10-15.pdf, 46. Public Comment Rcvd 12-10-15 PC 12-10-15.pdf, 47. Public Comment Rcvd 12-03-15 PC 12-10-15.pdf, 48. Public Comment Rcvd 12-02-15 PC 12-10-15.pdf, 49. Public Comment Rcvd 12-01-15 PC 12-10-15.pdf, 50. Public Comment Rcvd 11-30-15 PC 12-10-15.pdf, 51. Public Comment Rcvd 11-23-15 PC 12-10-15.pdf

Date	Ver.	Action By	Action	Result
4/5/2016	4	Board of Supervisors	Approved	Pass
2/25/2016	3	Planning Commission	Denied	Pass
1/14/2016	2	Planning Commission	Continued	Pass
1/14/2016	2	Planning Commission	Approved	Fail
12/10/2015	1	Planning Commission	Failed	Fail
12/10/2015	1	Planning Commission	Continued	Pass

HEARING - Consider a request submitted by Dave Souza, member of the Georgetown Preservation Society (GPS), and the GPS appealing the Planning Commission's February 25, 2016 approval of Design Review DR14-0005-S for the Georgetown Dollar General, a new 9,000 square foot commercial building, on property identified by Assessor's Parcel Numbers 061-362-01, 061-362-02, and 061-362-04, consisting of 1.2 acres, in the Georgetown area; and staff recommending the Board take the following actions:

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**Background**

This is a request submitted by Dave Souza, member of the Georgetown Preservation Society (GPS), and the GPS appealing the Planning Commission's February 25, 2016 approval of Design Review DR14-0005-S for the Georgetown Dollar General, a new 9,000 square foot commercial building on property identified by Assessor's Parcel Numbers 061-362-01, 061-362-02, and 061-362-04, consisting of 1.2 acres, located on the southeast side of Main Street between the intersections with Orleans Street and Harkness Street, in the Georgetown area, Supervisory District 4. [County Planner: Rob Peters] (Mitigated Negative Declaration was prepared)

**Project Description:**

The Project is a new 9,000 square foot commercial building located on three vacant parcels that total 1.2 acres in Georgetown. The site is zoned Commercial - Design Review. In order to build the new building, a Design Review application is required by the Zoning Ordinance. The Design Review permit (DR14-0005-S) was subject to County Planning Director (Development Services Division Director) approval and is required to comply with the California Environmental Quality Act (CEQA) and all other adopted rules, regulations, and ordinances.

The Planning Director approved the project with Findings, Conditions of Approval, and a Mitigated Negative Declaration on October 28, 2015. Pursuant to the County Zoning Ordinance, there was an appeal period of 10 working days after the Planning Director Approval. Dennis Smith filed an appeal (and \$200 appeal fee) within 10 working days. The Zoning Ordinance provides that the appeal of a Planning Director decision be decided at a public hearing with the Planning Commission.

The Planning Commission heard the appeal over three meetings: December 10, 2015, January 14, 2016, and February 25, 2016. The Planning Commission denied the appeal and upheld the Planning

Director's approval of the project. The approval included modifications to the project and Conditions of Approval required by the Planning Commission, including revised building exterior, revised elevations, and a revised grading and paving plan. The Zoning Ordinance allows a Planning Commission's decision to be appealed to the Board of Supervisors within 10 working days.

Dave Souza, a member of the Georgetown Preservation Society (GPS), and the GPS filed an appeal (and \$200 appeal fee) within 10 working days of the Planning Commission's decision. The appeal has been scheduled to be heard by the Board of Supervisors within 30 calendar days of the Planning Commission's decision.

Appeal:

The appeal (Attachment 4A) claims that the project approval violates the California Environmental Quality Act (CEQA); violates General Plan and Zoning laws; that the comments submitted to the Planning Commission contained accurate statements of significant legal violations that were not addressed by the Planning Commission at the hearing; and that a conflict of interest may exist for one of the Planning Commissioners. The appeal items are listed below with responses immediately following:

CEQA.

*Response: The project is required to comply with CEQA. The Project's impacts are adequately addressed in the project description and the Mitigated Negative Declaration. Mitigation Measures and Conditions of Approval were incorporated into the project, and the appropriate Findings, included as Attachment 4C, were made.*

General Plan and Zoning laws.

*Response: The appropriate Findings have been made to determine that the project is consistent with the County of El Dorado General Plan and the County's Zoning Ordinance. The Findings for project approval are identified in Attachment 4C.*

Comments submitted to the Planning Commission.

*Response: The Planning Commission was provided, and considered, all public comments that were submitted in writing or presented at the public hearing during review and approval of the project over the course of three meetings that lasted a total of approximately five hours.*

Commissioner Brian Shinault.

*Response: At the January 14, 2016 Planning Commission hearing, Commissioner Shinault expressed concern about the proposed project's elevations. He recommended an elevation that would have a Main Street-oriented façade, which would further differentiate the proposed building and create the appearance of multiple attached storefronts.*

*At the February 25, 2016 Planning Commission hearing, Commissioner Shinault identified that after the January 14, 2016 meeting he had been in contact with the Applicant and their architect and had reviewed and provided comments on several iterations of the proposed elevations. The revised elevations were presented at the February 25, 2016 meeting.*

Conclusion:

It is the Planning Director's recommendation that the appeal filed by Dave Souza, a member of Georgetown Preservation Society (GPS) and GPS should be denied because: (1) The project's environmental impacts have been adequately addressed in the project description, the Mitigated Negative Declaration, and Conditions of Approval, consistent with the California Environmental Quality Act; (2) The project is consistent with the County of El Dorado General Plan and Zoning Ordinance; (3) All public comments were considered by the Planning Commission; and (4) There is no conflict of interest regarding Planning Commissioner Shinault's participation in review of the project.

The Planning Director recommends 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 Program in accordance with CEQA Guidelines, Section 15074(d), incorporating the Mitigation Measures (4E) as presented; and
- 3) Deny the appeal, thereby upholding the approval of Design Review DR14-0005-S/Georgetown Dollar General by the Planning Commission on February 25, 2016, based on the Findings (Attachment 4C) and subject to the Conditions of Approval (Attachment 4D).

**Contact**

Roger Trout  
Development Services Division Director  
Community Development Agency