



# County of El Dorado

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## Legislation Text

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**File #:** 19-0722, **Version:** 1

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HEARING - Planning and Building Department and County Counsel recommending the Board:

- 1) Rescind approval of Design Review Project DR14-0005-S, Dollar General Georgetown, approved by the Board of Supervisors on April 5, 2016; and
- 2) Rescind adoption of the Mitigated Negative Declaration and Mitigation Monitoring Report Program for Design Review DR14-0005-S. (Est. Time: 10 Min.)

**FUNDING:** N/A

### **DISCUSSION / BACKGROUND**

Hearing to provide for the rescission of the 9,000 square foot commercial building Dollar General Georgetown project approved by the Board of Supervisors on April 5, 2016 (Design Review DR14-0005-S). The property, identified by Assessor's Parcel Numbers 061-362-01, 061-362-02, and 061-362-04, consisting of 1.2 acres, is located on the southeast side of Main Street between the intersections with Orleans Street and Harkness Street, in the Georgetown area, Supervisorial District 4. (County Planner: Aaron Mount)

On April 5, 2016, the Board approved Design Review DR14-0005-S, constituting the "Dollar General Georgetown" project (Legistar 15-1409). Subsequent to the project's approval, the trial court granted a petition for writ of mandate that challenged the County's reliance on the Initial Study/Mitigated Negative Declaration and, on May 5, 2017, issued a peremptory writ of mandate requiring the County to set aside its adoption of the Initial Study/Mitigated Negative Declaration and the approval of the design review for the project. The County and project applicant unsuccessfully appealed the trial court decision and the appellate court's decision affirming the trial court judgment became final on February 20, 2019.

The rescission qualifies for an exemption under California Environmental Quality Act Section 15061 (b)(3) as the project would not result in significant effects on the environment.

### **ALTERNATIVES**

N/A

### **PRIOR BOARD ACTION**

See Discussion/Background Section above.

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

County Counsel

### **CAO RECOMMENDATION / COMMENTS**

It is recommended that the Board approve this item.

### **FINANCIAL IMPACT**

There is no net County cost associated with the proposed actions.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

N/A

**STRATEGIC PLAN COMPONENT**

N/A

**CONTACT**

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County Counsel