

**ELDORADO COUNTY DEVELOPMENT SERVICES  
STAFF REPORT**



**Agenda of:** July 13, 2006  
**Item No.:** 8.b.  
**Staff:** Winnifred Wilson

## **REZONE**

**FILE NUMBER:** Z05-0013

**APPLICANT:** James R. Kidder

**REQUEST:** Rezone parcel from Planned Commercial (CP) to General Commercial (CG)

**LOCATION:** On the north side of Mother Lode Drive, approximately 3/8 mile east of the intersection with Greenstone Road, in the Diamond Springs/El Dorado area (Exhibit A, Vicinity Map).

**APN:** 319-370-24

**ACREAGE:** 0.87 acre

**GENERAL PLAN:** Commercial (C) (Exhibit B)

**ZONING:** Planned Commercial (CP) (Exhibit C)

**ENVIRONMENTAL DOCUMENT:** Negative Declaration

**SUMMARY RECOMMENDATION:** Recommend Approval

**BACKGROUND:** The project parcel, containing the existing 7,500 square foot building, had obtained three building permits since it was first constructed in 1987. The Building Department issued a building permit (Permit No. 87052944) for a 1,453 square foot retail office and a 6,047 square foot warehouse use on December 18, 1987. On March 18, 1992, Building Permit No. 92078272 was issued to increase the office space within the same building by 1,145 square foot. The site plan (Exhibit D) is based on this approved permit showing 2,598 square foot of office space and 4,902 square foot of warehouse. On September 9, 1993, a third building permit (Permit No.

93085593) was issued for some minor interior remodeling (to add a sink) with no change in floor space between office and warehouse.

The project parcel was acquired by the applicant in 2000. The building is currently vacant and in the process of being sold to a buyer who intends to use the subject property for a use that would not otherwise be permitted by right under current zoning of Planned Commercial (CP) but would be allowed by right in the CG Zone.

**STAFF ANALYSIS**

**Project Description:** A zone change to rezone the 37,999 square foot subject parcel from Planned Commercial (CP) to General Commercial (CG).

**Site Description:** The topography of the site is relatively flat. The project site is fully developed with an inverted L-shaped 7,500 square foot structure, fronted by a parking lot on the western half, and bordered by either bare ground, or sparse and spotty perimeter landscaping. Public utility services, including sewer and water, are already in place. Access to the site is from Mother Lode Drive, a 32-foot wide paved County-maintained Rural Minor Arterial, with a 100 foot wide right-of-way via Production Drive, which is a private 24-foot wide paved road. The project is located in the Kingsville area.

**Adjacent Land Uses:**

	Zoning	General Plan	Land Use/Improvements
<b>Site</b>	CP	C	7,500 square foot building, parking lot, perimeter landscaping
<b>North</b>	CG	C	Parking lot/light industrial use
<b>South</b>	R2	MFR	Mother Lode Drive/vacant
<b>East</b>	CP	C	Church
<b>West</b>	CG	I	Production Drive/vacant

**General Plan:**

Policy 2.2.1.2: The General Plan designates the subject site as Commercial. This designation permits a *full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County*). *Except as provided in Policy 2.2.2.3, this designation is considered appropriate only within Community Regions and Rural Centers.*

Discussion:

The project parcel is located within the Community Region of Diamond Springs. Both the existing zoning of Planned Commercial (CP) and the proposed zoning of General Commercial (CG) are consistent with the Commercial land use designation (Table 2-4 General Plan Land Use Designation and Zoning District Consistency Matrix). However, the CG zoning under this Commercial

designation would be more intensive than the current zone and would allow a broader range of commercial uses.

The following additional General Plan policies apply to this project:

Policy 2.2.5.3: The County shall evaluate future rezoning: (1) To be based on the General Plan's general direction as to minimum parcel size or maximum allowable density; and (2) To assess whether changes in conditions that would support a higher density or intensity zoning district. The specific criteria to be considered include; but are not limited to, the following:

1. Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands;

Discussion: The project site has been served by El Dorado Irrigation District (EID) since its construction in 1987 and will continue to be served by the District. Adequate existing water and sewer facilities are already available onsite to serve the proposed project.

2. Availability and capacity of public treated water system;

Discussion: As discussed above, EID has adequate water facilities to serve the projected needs of the project.

3. Availability and capacity of public waste water treatment system;

Discussion: As discussed above, EID has adequate sewer facilities to serve the projected needs of the project.

4. Distance to and capacity of the serving elementary and high school;

Discussion: Project parcel will not be developed for residential use.

5. Response time from the nearest fire station handling structure fires;

Discussion: The Diamond Springs-El Dorado Fire Protection District is responsible for providing fire protection to the subject site. The rezone would not result in an increased demand for fire protection, because no new development would occur. However, the District has reviewed the proposal and required that, for fire safety, the commercial dumpster be relocated or moved to allow a separation of a minimum five-foot from the existing building pursuant to Section 1103 of the California Fire Code. The site plan has been revised to reflect this change. The fire department has no other comment.

6. Distance to nearest Community Region or Rural Center;

Discussion: The project site is located within the El Dorado-Diamond Springs Community Region. The proposed rezone would promote an in-fill commercial project surrounded by compatible land uses. After the rezone, the parcel would be more compatible and more in conformity with the

surrounding mix of commercial and light industrial or manufacturing land use pattern in the neighborhood north of Mother Lode Drive. While both the CP and CG districts are appropriate within the Community Region and consistent with the Commercial land use designation, a CG zoned parcel would be more compatible with and integrate better with the contiguous CG zoned properties directly to the north and to the west of the project site than a CP zoned property. It would also achieve better continuity and cohesiveness with this type of land use pattern.

7. Erosion hazards;

Discussion: Based on the Soil Survey of El Dorado Area, California, 1974, the project site is located within the Auburn AxD Soil Series with a low shrink-swell potential and therefore, was ideally suited for the construction of the building structure which exists today. The project is not located in an area with significant topographic variation in slope. The project site is currently fully developed and improved, and there will be no future expansion of the building structure after the rezone due to building size and lot constraints. Based upon this information, there will be no impact from expansive soils.

8. Septic and leach field capability;

Discussion: The project will be served by EID public sewer facilities.

9. Groundwater capability to support wells;

Discussion: The project will be served by EID public water facilities.

10. Critical flora and fauna habitat areas:

Discussion: There would be no future construction of the site after the rezone. The site is completely built out. Furthermore, the limitations in the size of the building and lot area have precluded any development. Consequently, the rezone will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The subject parcel is not identified as important biological resources pursuant to the Important Biological Resources Map located in Planning Services or in any critical flora and fauna habitat areas or Ecological Preserve Area.

11. Important timber production areas:

Discussion: The project is not located in or near an important timber production area.

12. Important agricultural areas;

Discussion: The project is not located in or near an important agricultural area.

13. Important mineral resource areas;

Discussion: The project will not impact an important mineral resource area.

14. Capacity of the transportation system serving the area;

Discussion: The El Dorado County Department of Transportation had reviewed the proposal and concluded that the applicant had paid all applicable traffic fees with the construction of the existing building on the subject site in 1987, thereby mitigating the impact to traffic on the County's regional roadway system.

Because the project parcel, after the rezone, would keep the same square footage for office and warehouse uses within the existing building as the site plans approved by Building Permit No. 92078272, and Building Permit No. 93085543, it would generate the same number of Average Daily Traffic (ADT) after the rezone, as past uses under the current zone (Department of Transportation analysis, April 2006). According to DOT, the 2,598 square feet of office space at 24.6 ADT per square foot, would generate 63.91 ADT, while the 4,902 square feet of warehouse at 4.88 ADT per square foot would generate 23.92 ADT. The total ADT of 87.83, before and after the rezone, is considered minimal. Consequently, there would be minimal impacts on adjacent traffic on Mother Lode Drive as a result of this rezone. The Department of Transportation has, therefore, determined that no traffic study is warranted for this rezone request.

In addition, the project site is fully developed with little room for expansion; there would not be adequate space left for any more intensive commercial uses (such as a hotel, or a motel, or a restaurant) that would be permitted by the proposed rezone. In the event of future changes in tenancy or interior alteration of uses, or changes in the proportion of office to warehouse space, the project would be subject to a site plan review by the Deputy Director of Planning and building permit requirements.

15. Existing land use patterns:

Discussion: The project site is located in an area developed primarily with commercial and light manufacturing uses located on the north side of Mother Lode Drive. Several single-family homes are located across Mother Lode Drive to the southeast of the subject site. Impacts on these residential uses, after the rezone, are considered minimal and no more significant than previous uses under the current zoning. Moreover, the fully developed project site, by virtue of the lot and building size limitations would preclude development of a more intensive nature than the office and warehouse as proposed. Staff has determined that the project parcel, after the rezone, is consistent and integrates well with the existing mix of commercial and light manufacturing land use patterns in the project vicinity on the north side of Mother Lode Drive.

16. Proximity to perennial water course;

Discussion: The United States Department of the Interior National Wetlands Inventory Map for the project area (Placerville, CA Quadrangle, 1994) was reviewed to determine if any identified wetland or riparian habitat areas exist on or adjacent to the project site. This review indicates that there are no mapped wetlands or riparian habitat areas on or adjacent to the project.

17. Important historical/archeological sites;

Discussion: The 37,999 square foot site was already fully developed, complete with improvements on the subject site. No archeological/historical sites were detected during construction. For this rezone, the floor space between office and warehouse within the building structure would remain the same and there would be no future expansion of the structure. Therefore, the proposed use, after the rezone, like the past uses, under the current zone, would not result in any impact on important historical/archeological sites.

18. Seismic hazards and present active faults; and

Discussion: As shown in the Division of Mines and Geology's publication Fault Rupture Hazard Zones in California, there are no Alquist-Priolo Special Studies Zones mapped in El Dorado County. The impacts from fault ruptures, seismically induced ground shaking, or seismic ground failure or liquefaction are considered to be less than significant. The existing structure was built in 1987 and fully permitted in conformance with the Uniform Building Code (UBC). Any potential impact caused by locating this building in the project area would be fully mitigated by compliance with the UBC. In addition, there will be no grading or construction or expansion of the existing building after the rezone. Therefore, there would be no impacts as a result of seismic hazards.

19. Consistency with existing Conditions, Covenants, and Restrictions.

Discussion: No Conditions, Covenants, and Restrictions are applicable within the project area. This rezone is for another commercial use.

*Policy 7.4.4.4. For all new development projects (not including agricultural cultivation and actions pursuant to an approved Fire Safe Plan necessary to protect existing structures, both of which are exempt from this policy) that would result in soil disturbance on parcels that (1) are over an acre and have at least 1 percent total canopy cover or (2) are less than an acre and have at least 10 percent total canopy cover by woodlands habitats as defined in this General Plan and determined from base line aerial photography or by site survey performed by a qualified biologist or licensed arborist, the County shall require one of two mitigation options: (1) the project applicant shall adhere to the tree canopy retention standards described below; or (2) the project applicant shall contribute to the County's Integrated Natural Resources Management Plan.*

Discussion: The tree canopy retention standards of the General Plan apply only to new development and would not apply to this zone change, because the project site is fully developed and would not plan any future development due to area constraint. The landscaping currently on the site has undergone deterioration and neglect and is longer in full compliance with the 1987 approved final landscape plan, which predated this 2004 General Plan Policy requirement. Moreover, the preliminary landscape plan, associated with the rezone request, approved by staff on April, 13, 2006, would replace the 1987 approved landscape plan. The new landscape plan would provide a denser vegetation coverage with more oak trees, and denser shrubs and groundcover, including some native and drought-resistant plants.

2004 Policy 2.2.1.5: The General Plan shall provide for the following building intensities in each land use designation as shown in Table 2-3: Commercial 0.25 Floor Area Ratio.

Discussion The subject property has a 0.29 Floor Area Ratio (FAR) but does not anticipate any new development. The subject property was constructed and fully permitted in 1987 in full compliance with all applicable County ordinances, policies, and regulations at that time. The development was consistent with all the General Plan requirements at the time of permit issuance, therefore the project is considered a non-conforming structure and would not be required to meet current FAR standard.

Policy 2.2.5.2: Development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the development project is proposed. Development projects that are potentially incompatible with existing adjoining uses shall be designed in a manner that avoids any incompatibility or shall be located on a different site.

Discussion The rezone, as previously mentioned, would allow a wider range and more intensive uses on the subject property subject to some site constraints than the current zone. These uses would be more compatible and integrate better with the adjacent mix of light manufacturing and commercial uses than the existing zone. This rezone, therefore, would promote a more unified and cohesive commercial land use pattern than the current zone.

Conclusion: As discussed above, staff finds that the project, as proposed, conforms to the General Plan.

**Zoning:**

Section 17.32.170 of the Zoning Ordinance, states that the purpose of the CG zoning district is to *provide for the conduct of sales, storage, distribution and light manufacturing businesses of the type which do not ordinarily cause more than a minimal amount of noise, odor, smoke, dust or other factors tending to disturb the peaceful enjoyment of adjacent residential or agricultural land use zones; and further, to provide a close relationship between warehousing, distribution and retail sales.*

Discussion: This rezone to CG would fulfill the purpose of Section 17.32.170 by allowing a broader range of commercial and more intensive uses on the subject parcel than what is allowed under current zoning. Under a CG Zone, automobile sales and repairs are permitted by right, whereas they are permitted only subject to a special use permit with certain restrictions under a CP Zone. Additionally, certain outdoor storage of uses, such as building materials, and lumber are permitted by right in the CG Zone but under a CP Zone, all uses must be fully enclosed.

While the new zone is less restrictive, the development constraints of the site would preclude other more intensive commercial development than what is being proposed, thereby minimizing any potential ramifications on the adjacent properties. In the event of future changes in tenancy or interior alteration of uses, or changes in the proportion of office to warehouse space, the project would be subject to a site plan review by the Deputy Director of Planning and building permit

requirements. Moreover, the proposed rezone would facilitate a closer linkage between warehousing, distribution, and whole sale or retail business than the current zone.

The proposed use of the site would comply with the parking standards and the development standards of a CG Zone. While the size of the 7,500 square foot building would remain the same, the parking lot and the perimeter landscaping would be redesigned and reconfigured to meet current Parking Design Standards (Zoning Ordinance Section 17.18.030 B3 regulating aisle width, and Section 17.18.090 regulating parking lot landscaping (Exhibit D). There would be a total of 16 spaces provided while 15 spaces are required. Out of the total, the site would provide 10 spaces for office at 1 space per 250 square feet and 5 spaces for warehouse at 1 space per 1,000 square feet. The total 16 spaces would include one handicapped space. There are two 12 foot by 40 foot loading spaces which can be located either inside or in front of the existing building.

The proposed landscaped area would comprise 29.5 percent of the site, much more than the current landscaping (Exhibit D, site plan). The onsite parking lot would be bordered along the south and north property lines with a five-foot perimeter landscaped buffer in full compliance with Section 17.18.90 of the Zoning Ordinance. Landscaping would consist of several more blue oaks (*Quercus douglasii*), interior oaks (*Quercus wislizenii*), a Strawberry Tree (*Arbutus unedo*), Pineapple Guava (*Feijoa sellowiana*), and a denser cover of drought resistant shrubs to replenish the currently sparse and somewhat depleted landscaped area.

Therefore, the rezone, although less restrictive than the current zone, would not generate any more environmental ramifications or impacts (such as noise, traffic, smoke, aesthetics, and dust) that are detrimental to the health, safety, welfare, and enjoyment of the adjacent property owners than the current zone ( Refer to Sections I, II, XI of the Initial Study).

Conclusion: For the reasons mentioned above, the rezone request to CG would promote a better physical site design for the proposed office and warehouse, which would fit in more harmoniously, and in character with the predominantly commercial and light industrial land use context than the current zone. Moreover, the proposed site plan would improve the aesthetic appearance of the site at this visible intersection (Mother Lode Drive/Production Drive).

**Agency and Public Comments:** The following agencies provided comments on this application. Copies of their written comments are available at the Planning Services office.

**Department of Transportation:** The Department of Transportation has determined that, based on its analysis, there would be minimal impacts on adjacent traffic on Mother Lode Drive as a result of this rezone. Therefore, no traffic study is warranted for this rezone request.

**El Dorado County Fire Protection District:** The District has reviewed the proposal and required that, for fire safety, the commercial dumpster be relocated or moved to allow a separation of a minimum five feet from the existing building pursuant to Section 1103 of the California Fire Code. The site plan has been revised to reflect this change. The fire department has no other comment.

**El Dorado County Air Quality Management District:** Based on County's record, the project site is located within the Asbestos Review area. The District has provided standard conditions

for construction to mitigate air quality impacts. Because there would be no future construction, or grading, these conditions would not be applicable.

**El Dorado County Resource Conservation District:** The District listed standard conditions to mitigate erosion hazards and sediment runoff if there would be substantial grading. Since there would not be future development or grading of this parcel, the conditions would not apply.

At the time of the preparation of this report, staff had not received any comments or objections from the public. However, comments and/or objections may be raised as a result of project noticing and Planning Commission hearing.

### **ENVIRONMENTAL REVIEW**

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project has a significant effect on the environment. Based on the Initial Study staff has determined that there is no substantial evidence that the proposed project will have a significant effect on the environment, and a Negative Declaration has been prepared.

This project is found to be de minimis (having no effect on fish and game resources). Pursuant to Resolution No. 240-93, a \$35.<sup>00</sup> processing fee is required by the County Recorder to file the Notice of Determination and Certificate of Fee Exemption with the State in accordance with State Legislation (California Fish and Game Code Section 711.4).

### **RECOMMENDATION**

Staff recommends that the Planning Commission forward the following recommendations to the Board of Supervisors:

1. Adopt the Negative Declaration based on the Initial Study prepared by staff; and
2. Approve Zone Change Z05-0013 rezoning Assessor's Parcel Number 319-370-24 from Planned Commercial (CP) to General Commercial (CG), based on the findings in Attachment 1.

### **SUPPORT INFORMATION**

#### **Attachments to Staff Report:**

Attachment 1 .....	Findings
Exhibit A .....	Vicinity Map
Exhibit B .....	General Plan Land Use Map

Exhibit C .....Zoning Map  
Exhibit D .....Site Plan  
Exhibit E .....Assessor's Parcel Map

**ATTACHMENT 1**  
**FINDINGS**

**FILE NUMBER Z05-0013**

1. The zone change will not have a significant effect on the environment, based on the analysis contained in the Initial Study and a Negative Declaration has been filed. Further, the zone change will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game. Therefore, the zone change has a de minimis impact on the environment and a Certificate of Fee Exemption (DFG 753.5-5/91 is applicable.
  
2. In accordance with State law and pursuant to General Plan Policy 2.2.5.3, the County has evaluated the subject rezoning request based on the General Plan's general direction as to minimum parcel size or maximum allowable density and to assess whether changes in conditions are present that would support a higher density or intensity zoning district. The specific criteria found within General Plan Policy 2.2.5.3 have been analyzed with regards to the above-referenced zone change request. Based on this analysis and the conclusions reached in the staff report, the zone change is found to be consistent with the 2004 General Plan.