

**EL DORADO COUNTY DEVELOPMENT SERVICES  
PLANNING COMMISSION  
STAFF REPORT**



**Agenda of:** May 8, 2008  
**Item No.:** 8.  
**Staff:** Aaron Mount

**DESIGN REVIEW**

**FILE NUMBER:** DR07-0004/Odd Fellow Office/Retail

**APPLICANT:** Carl Salch

**REQUEST:** Design Review for two commercial structures totaling 2,872 square feet, 10 parking spaces, and associated landscaping.

**LOCATION:** On the north side of State Route 49 (Main Street), at the intersection with Odd Fellows Road in the Diamond Springs area, Supervisorial District III. (Exhibit A)

**APN:** 054-391-18

**ACREAGE:** 0.23 acre

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

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

**ENVIRONMENTAL DOCUMENT:** Exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines

**RECOMMENDATION**

Staff recommends the Planning Commission take the following actions:

1. Find the project is Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines (General Rule); and

2. Approve Design Review DR07-0004 based on the findings in Attachment 2 and subject to the conditions in Attachment 1.

**BACKGROUND:** A Site Plan Review application was submitted April 23, 2007 as required by the CP zone district for by right uses. It was later determined that the parcel was adjacent to State Highway 49 which is also Main St in Diamond Springs. Section 17.14.130.A of the Zoning Ordinance requires any permit for a building in a commercial zone district that is adjacent to a State Highway shall be considered by the Planning Commission in an endeavor to provide that the architectural and general appearance of the buildings be in keeping with the character of the neighborhood. A Design Review application was subsequently submitted and deemed complete on December 03, 2007 and final elevations were submitted in January, 2008. The applicant has redesigned the project since the original submittal incorporating a site design and architecture that is more consistent with the historical character of the area.

**STAFF ANALYSIS:**

**Project Description:** The design review request is for a commercial development consisting of two structures totaling 2,872 square feet. The structure closest to Highway 49/Main Street consists of a single unit and totals 906 square feet. The structure at the north end of the project parcel consists of two units and is a total of 1,966 square feet. The siting and design of the commercial structures was done in an effort to better fit the historic character of the Diamond Springs Community Region. The intended use of the development is general office or retail. Findings have been made to reduce on-site parking and reduction of a front setback due to site constraints and to allow a better site design.

**Site Description:** The project site is at an average elevation of 1,800 feet above mean sea level and is located in the Diamond Springs Community Region. The currently undeveloped site was previously occupied by a structure that burned down many years ago and has stayed vacant since. The site does not contain any native vegetation, except for two oak trees that are proposed to remain, and is mainly bare soil. Proposed access to the parcel is from Odd Fellows Road as no encroachment exists at this time.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	CP	C	Vacant
<b>North</b>	CP	C	Single family residence
<b>South</b>	CP	C	Commercial
<b>East</b>	CP	C	Single family residence, business license for real estate office
<b>West</b>	CP	C	Commercial structure

Discussion: The subject parcel and adjacent parcels are within the Diamond Springs Community Region. The project would be consistent with the existing commercial development on Highway 49/Main Street in Diamond Springs.

**General Plan:**

The General Plan designates the subject site as Commercial (C). This designation permits a full range of commercial retail, office, and service uses.

Table 2.3 requires a maximum floor area ratio of 0.85 for commercial land uses. The project parcel size is 9,792 square feet and the total square footage of the floor area of the proposed structures is 2,872 square feet. The floor area ratio from the proposed project equals 0.29 and is therefore compliant with General Plan policy standards of Policy 2.2.1.5.

General Plan Policy 7.4.4.4 requires retention standards for native oaks. The two existing oak trees on the project parcel are proposed to be retained which would equal 100 percent canopy retention.

It was determined by the Department of Transportation that the proposed project did not trigger the threshold to require a traffic study and is therefore consistent with Policies TC-Xe and TC-Xf.

Policies 9.1.2.4 and 9.1.2.8 direct that discretionary projects be evaluated with regard to their ability to implement, integrate and link, where possible, existing and proposed National, State, regional, County, city and local hiking, bicycle, and equestrian trails for public use. There are Class 2 bike lanes proposed for Highway 49/Main Street. Staff recommends that the project be conditioned to require that a minimum of one bicycle spaces/racks be provided at a location or locations chosen by the applicant and approved by Planning Services to achieve consistency with these policies.

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

**Zoning:** The subject site within the Planned Commercial Zone District (CP), which permits the proposed uses by site plan approval as there are no other zoning overlays. The site is however directly adjacent to State Highway 49 and Section 17.14.130 of the Zoning Ordinance states the following, "In case an application is made for a permit for any building or structure in any RL, RM or C district and where it faces on a state highway, the application shall be accompanied by architectural drawings or sketches showing the elevations of the proposed building or structure. The drawings or sketches shall be considered by the Planning Commission in an endeavor to provide that the architectural and general appearance of the buildings and structures be in keeping with the character of the neighborhood, and such as not to be detrimental to the orderly and harmonious development of the county, or to impair the desirability of investment or occupation in the neighborhood." The project has been designed to be consistent with the historical character of the Diamond Springs commercial center.

Section 17.32.160 of the CP zone district specifies development standards, of which all have been met by the project except for the front setback of the structure along Highway 49/Main Street which

is required to have a ten foot setback but is designed with a five foot setback. The subject parcel has two fronts but in an effort to allow a better site design planning staff has found the project to be consistent with Section 17.14.040 which states “Where more than twenty five percent of the building sites along any road have been improved, the required distance between any building and the property line at the highway and the county road shall be the average of the improved building sites but not more than that set forth in this article for the district in which the building site is located.” Many of the adjacent commercial structures in the Diamond Springs Main St commercial area have zero setbacks. It can be found that the reduction in the front setback from 10 feet to five feet is consistent with Section 17.14.040 of the zoning ordinance.

**Elevations:** The proposed commercial structures are to be of an architectural style which is consistent with the historical character of the structures that are remaining from the gold rush era in the Diamond Springs area. Recently there has been an effort by the Planning Commission and Planning Services to ensure that new proposed structures in the Diamond Springs/El Dorado Community Region retain this historical character that was slowly being lost in the area. Features such as ginger bread accents and turned posts have changed what was submitted as a standard commercial structure into buildings more consistent with this effort.

**Building Materials:** The exterior finish materials consist of painted faux wood siding, and composition shingles on the roof.

**Colors:** The following are the proposed colors for the building: The walls are to be yellow with white accents and the roof is to be black shingles.

**Signage:** One sign has been proposed which would contain 19.2 square feet of sign area and eight feet six inches in height. The design of the sign is consistent with the proposed structures and signs in the area.

**Lighting:** The proposed development would have no free standing lighting in the parking lot. There would be lighting mounted in the soffit of the buildings and are conditioned to be fully cut shielded.

**Parking:** The submitted site plan was reviewed to verify compliance with on-site parking requirements of Section 17.18 of the Zoning Ordinance. Section 17.18.060 of the Zoning Ordinance lists parking requirements by use. As a result, calculations at final build-out for the proposed general office/retail facility based on 2,872 square feet, requires ten spaces if all square footage is used for retail and 11 spaces if used as general office of which one must be ADA compliant. The proposed project indicates a total of ten on-site parking spaces, of which one is ADA designated. Section 17.18.040.D.2 allows administrative relief from the strict compliance with the provisions for commercial uses may be granted where the Planning Commission finds all of the following: The intent of the parking ordinance is preserved, the parking provided is sufficient to serve the use for which it is intended, and the modification will not be detrimental to the public health and safety. If the proposed commercial structures are utilized as general office the development will be short one parking space, however on-street parking is available directly in front of the subject site with a possibility of providing space for three to four vehicles.

**Landscaping:** Section 17.18.090 requires all open automobile parking areas that contain five or more parking spaces shall provide a landscape buffer along those property boundaries where the parking facility abuts or adjoins a public road, street or highway or abuts a property under different ownership or zoning district. The proposed landscape plans provide the required landscape buffers apart from for one exception which is due to the sites constraints and drainage requirements. The eastern edge of the property contains a drainage swale which has been determined to be required by an engineer due to the topography of the site and drainage characteristics. This drainage swale does not allow the required landscape buffer that would be located along the eastern edge of the property. In an effort to ensure an adequate buffer is placed in lieu of the landscape buffer, a wooden fence has been conditioned as there is a residence on the adjacent parcel. General Plan Policy 7.3.5.1 recommends native plants to be used when feasible and a condition has been added requiring consistency with this policy. All other portions of the landscape plan appear to meet the intention of the ordinance.

**Mechanical equipment and utilities:** Service equipment, including meter boxes, should be designed as part of the structure with screening provided for them.

**Public Water and Sewer:** The applicant provided a copy of a Facility Improvement Letter (FIL) issued by the El Dorado Irrigation District. The existing sewer and water lines have adequate capacity to serve the project.

## **ENVIRONMENTAL REVIEW**

This project has been found to be Exempt from the requirements of CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines stating that The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The site was previously developed and contains no native vegetation that is proposed to be removed, is not adjacent to riparian habitat or wetlands, is not located in an area known to contain protected species, and will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance

Pursuant to Resolution No. 240-93, a \$50.<sup>00</sup> processing fee is required by the County Recorder to file the Notice of Exemption

## SUPPORT INFORMATION

### Attachments:

Attachment 1 .....	Conditions of Approval
Attachment 2 .....	Findings
Exhibit A .....	Vicinity Map
Exhibit B .....	General Plan Land Use Map
Exhibit C .....	Zoning Map
Exhibit D .....	Site Plan
Exhibit E1-4 .....	Elevations
Exhibit F .....	Landscape Plans
Exhibit G .....	Sign Elevation
Exhibit H .....	First Submitted Site Plan

# **ATTACHMENT 1**

## **CONDITIONS OF APPROVAL**

**File Number DR07-0004/Odd Fellows Office/Retail  
Planning Commission/May 8, 2008**

### **El Dorado County Planning Services**

1. This design review is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits D-F, dated May 8, 2008, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

A commercial development consisting of two structures totaling 2,872 square feet. The structure closest to Highway 49/Main Street consists of a single unit and totals 906 square feet. The structure at the north end of the project parcel consists of two units and is a total of 1,966 square feet. Other features include 10 off street parking spaces, landscaping, a trash enclosure, a free standing sign which would contain 19.2 square feet of sign area and eight feet six inches in height, public water and sewer provided by El Dorado Irrigation District, and lighting.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

2. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval by El Dorado County.

County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

3. The applicant shall make the actual and full payment of planning processing fees for the Design Review application prior to the issuance of building permits.
4. Exterior colors and materials for buildings shall substantially conform to the following color palette submitted as Exhibit M. The exterior of the buildings will be yellow with white trim and black fire resistant roof shingles will be installed for the project. All exterior building materials, treatments, and landscaping shall be maintained in good visual repair, at all times.
5. The final landscape plan shall meet Zoning Ordinance Chapter 17.18.090 and 17.35 and General Plan Policies 7.3.5.1, 7.3.5.2, and 7.4.4.4 and be approved by the Deputy Planning Director or designee prior to issuance of the building permit. The final revised Landscape Plan shall include a minimum of 50 percent native materials. The applicant shall install landscaping in accordance with the approved final landscaping plan and maintain for the life of the project.
6. All outdoor lighting shall conform to §17.14.170 and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. In addition, the following apply:
  - a. External lights used to illuminate a sign or side of a building or wall shall be shielded in order to prevent light from shining off the surface to be illuminated.

Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services.

7. The applicant shall include provisions for bicycle parking on the site by providing a minimum of one bicycle spaces/rack within the project. The bike rack shall be installed prior to finaling of the building permit.
8. The applicant shall construct a six foot high wood fence along the eastern property line prior to finaling of the building permit.
9. Parking shall be improved consistent with Chapter 17.18 of the County Code, including the April 14, 1993 California Accessibility Regulations. The uses will be evaluated during the tenant improvement/building permit process prior to issuance of a building permit to ensure that parking will be available for each use that had been authorized by this approval and to be sure the initial proposed uses were not subjected to a change. Parking shall conform to the approved site plan. Any tenant improvement use that causes the total approved number of parking spaces to be exceeded, beyond the approved 10 off-street spaces and three on

street spaces, shall not be approved until such time as additional parking is legally created, reviewed, and then approved by Deputy Planning Director or designee.

10. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the applicant shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance. Planning Services shall review and approve the grading plans prior to the issuance of a grading permit.
11. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission. Planning Services shall review and approve the grading plans prior to the issuance of a grading permit.
12. Prior to issuance of certificate of occupancy of a building permit or commencement of any use authorized by this permit the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to occupancy/issuance of a building permit for verification of compliance with applicable conditions of approval.

### **Department of Transportation**

13. The applicant shall improve the on-site portion of Odd Fellows Road to the provisions of the Design and Improvement Standards Manual (DISM), Standard Plan 101B, with a minimum width of 24 feet with Type 2 vertical curb and gutter and no sidewalk. Railing shall be required along the proposed retaining wall along Odd Fellows Road, as required by the County, due to the grade differential of the roadway and the proposed lot elevation. The applicant shall provide any additional right of way/slope easements for said improvements, as required by the DOT. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the issuance of any building permits associated with this project.
14. The applicant shall obtain an encroachment permit from DOT and shall construct said encroachment onto Odd Fellows Road to the provisions of DISM, Standard Plan 103G (modified), which shall be accomplished prior to the occupancy of any unit of this proposed project.

15. The applicant shall irrevocably offer to dedicate, in fee, any additional right of way and slope easements as required for the approved improvements along the entire project frontage of Odd Fellows Road, prior to the issuance of any building permits associated with this project. This offer will be accepted by the County.

#### **Diamond Springs-El Dorado Fire Protection District**

16. Minimum fire flow for a building is 1500 GPM for duration of 2 hours @ 20 psi.
17. Knox Box shall be installed per District requirements prior to final occupancy.
18. Fire apparatus roads shall be provided within 150 feet to all portions of the building.
19. Approval of the subject project is conditioned on meeting the public safety and fire protection requirements of the County of El Dorado General Plan, which shall include provision of a financing mechanism for said services. The financing mechanism shall include inclusion within, or annexation into, a Community facilities District (“CFD”) established under the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 et seq.) established by the Diamond Springs/El Dorado Fire Protection District (“District”) for the provision of public services permitted under Government Code Section 53313, including fire suppression services, emergency medical services, fire prevention activities and other services (collectively “Public Services”), and as such, shall be subject to the special tax approved with the formation of such CFD with the Tract’s inclusion or annexation into the CFD.

#### **Air Quality Management District**

20. The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM10) in the form of dust. Current county records indicate this property is not located within the Asbestos Review Area (See Enclosed). But, District Rules 223 and 223.1 address the regulations and mitigation measures for fugitive dust emissions shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223 and 223.1. In addition, a Fugitive Dust Plan (FDP) Application shall be submitted to and approved by the District prior to start of project construction.
21. Project construction may involve road development and should adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
22. The project daily operations will result in a negative impact to the surrounding neighbors in the form of dust. Dust control measures shall be provided to reduce the amount of dust generated as vehicles enter and leave the facility (i.e. pave internal roads, install a water

sprinkler system to wet down all areas where vehicle traffic travels on to reduce the formation of dust).

23. Burning of wastes that result from "Land Development Clearing" must be permitted through the DISTRICT. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
24. The project construction will involve the application of architectural coating, which shall adhere to District Rule 215 Architectural Coatings.
25. The District's goal is to strive to achieve and maintain ambient air quality standards established by the U.S. Environmental Protection Agency and the California Air Resources Board and to minimize public exposure to toxic or hazardous air pollutants and air pollutants that create unpleasant odors. The following are measures used to reduce impacts on air quality from equipment exhaust emissions:

#### Heavy Equipment and Mobile Source Mitigation Measures.

- Use low-emission on-site mobile construction equipment.
- Maintain equipment in tune per manufacturer specifications.
- Retard diesel engine injection timing by two to four degrees.
- Use electricity from power poles rather than temporary gasoline or diesel generators.
- Use reformulated low-emission diesel fuel.
- Use catalytic converters on gasoline-powered equipment.
- Substitute electric and gasoline-powered equipment for diesel-powered equipment where feasible.
- Do not leave inactive construction equipment idling for prolonged periods (i.e., more than two minutes).
- Schedule construction activities and material hauls that affect traffic flow to off-peak hours.
- Configure construction parking to minimize traffic interference.

# ATTACHMENT 2

## FINDINGS

**File Number DR07-0004/Odd Fellows Office/Retail  
Planning Commission/May 8, 2008**

### 1.0 CEQA Findings

- 1.1 This project has been found to be Exempt from the requirements of CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines stating that The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The site was previously developed and contains no native vegetation that is proposed to be removed, is not adjacent to riparian habitat or wetlands, is not located in an area known to contain protected species, and will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance

### 2.0 General Plan Findings

- 2.1 As proposed, the project is consistent with the General Plan land use designation which designates the subject site as Commercial (C) as the proposed structures would contain commercial uses.
- 2.2 As conditioned, the proposal is consistent with the intent of the General Plan including Policies 2.2.1.5, 7.4.4.4, 9.1.2.4, 9.1.2.8, TC-Xe, and TC-Xf because of the review for land use consistency and siting, floor area ratio, oak tree canopy retention, alternative transportation, and review of traffic impacts.

### 3.0 Design Review Findings

- 3.1 *The proposed use and design conforms to the General Plan and Zoning Ordinance.*

The proposed commercial structures have been determined to be in compliance with County regulations, addressing environmental issues and health and safety concerns. All project-related environmental issues have been evaluated. Therefore, staff finds that the project, as conditioned, conforms to the General Plan as specifically noted in Finding 2.2 and the Zoning Ordinance as discussed in the staff report with exceptions made for off street parking and front setbacks as discussed in the Administrative Findings section.

- 3.2 *The proposed use and design will not be detrimental to the public health, safety, and welfare, nor injurious to the neighborhood.*

After review of the submitted site plan and upon consultations with concerned agencies, it has been determined that the impacts of allowing general office/retail uses and structures within the CP zone district, would not have a detrimental affect nor be injurious to the neighborhood.

#### **4.0 Administrative Findings**

- 4.1 *Pursuant to Section 17.18.040.D.2 of the Zoning Ordinance, administrative relief from the strict compliance with the provisions for commercial and industrial uses may be granted where the planning director or planning commission finds all of the following:*

- a. *The intent of the parking ordinance is preserved. The intent of the parking ordinance is preserved as the site contains adequate parking for all uses except if the site was all retail which would leave it deficient by one site. On-street parking is available directly in front of the subject parcel which has the capacity of providing three spaces.*
- b. *The parking provided is sufficient to serve the use for which it is intended. The off-street and on-street parking provided is sufficient to provide parking for the proposed uses.*
- c. *The modification will not be detrimental to the public health or safety. As the additional parking, which is on-street, is directly in front of the subject parcel, there would not be any detriment to public health and safety as no person would have to cross a street to enter the subject parcel.*

- 4.2 *Pursuant to Section 17.14.040 of the Zoning Ordinance, where more than twenty five percent of the building sites along any road have been improved, the required distance between any building and the property line at the highway and the county road shall be the average of the improved building sites but not more than that set forth in this article for the district in which the building site is located.*

As a majority of the structures along Highway 49/Main Street in the Diamond Springs Community Region have a zero setback, it can be found that the reduction of the front setback for the project parcel by 50 percent, from ten feet to five feet, is consistent 17.14.040. Further, it can be found that the reduction in the front setback along Highway 49/Main Street allows a site deign that is consistent with the historical character of the area and will not be detrimental to the public health or safety.