

**COUNTY OF EL DORADO DEVELOPMENT SERVICES
ZONING ADMINISTRATOR
STAFF REPORT**



Agenda of:	July 6, 2016
Item No.:	4.a
Staff:	Jennifer Franich

CONDITIONAL USE PERMIT

FILE NUMBER: S16-0003/Mt. Aukum Wine Storage

APPLICANT: Brian Miller

REQUEST: Conditional Use Permit request to allow wine storage in an existing commercial building.

LOCATION: East side of Mt. Aukum Road, approximately 350 feet south of the intersection with Cedar Creek Road, in the Mt. Aukum area, Supervisorial District 2 (Exhibit A).

APN: 046-180-35 (Exhibit B)

ACREAGE: 14.85 acres

GENERAL PLAN: Commercial (C) (Exhibit C)

ZONING: Commercial, Community (CC) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Categorically exempt pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines.

RECOMMENDATION: Staff recommends the Zoning Administrator take the following actions:

1. Find that the project is Categorically Exempt pursuant to CEQA Guidelines Section 15301; and
2. Approve Conditional Use Permit S16-0003 based on the Findings and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY

Approval of this Conditional Use Permit would allow for wine storage in an existing commercial building in the Mt. Aukum area. No construction or other changes in use are proposed. Wholesale Storage is allowed in the Commercial, Community (CC) Zone, with a Special or Conditional Use permit. Staff has determined that the proposed project is consistent with the Commercial land use designation and CC zone, as well as other applicable El Dorado County General Plan policies and Zoning Ordinance requirements, as discussed in the Findings.

PROJECT INFORMATION

Site Description: The subject property is located in the CC Zone. The property is relatively flat, and has an existing multi-tenant shopping center of approximately 23,500 square feet with associated parking area and landscaping (Exhibit E). The shopping center includes a 16,000 square-foot supermarket facility with a truck ramp and loading dock, and five retail suites. Suite 101, which comprises 3,000 square feet, is located at the east portion of the site and is leased by the United States Post Office. Suite 108 is currently leased by Rooster's Bar and Grill. The site is located within the Mt. Aukum Rural Region and is surrounded by commercially-zoned parcels to the north, large Rural Lands-zoned parcels to the east and west, and agricultural land to the south. Access to the site is provided by Mt. Aukum Road, a public road. The entire development is served by a private well and septic system.

Project Description: The applicant requests a Conditional Use Permit in order to operate a finished wine storage facility to serve local wineries in the area. The commercial building to be used for storage currently exists and no construction is proposed for the site. The Post Office portion of the building is not being considered for wine storage area however, the remaining 20,500 square feet could be used for this purpose. Traffic to and from the facility is expected to be infrequent, as wine would be stored on-site for several months on average. An existing loading bay would be available for the use of larger trucks; however, some deliveries may be small enough to use other entrances (Exhibit F). The maximum number of employees would be two, including the owner or operator.

STAFF ANALYSIS

Environmental Review: Staff has prepared a Notice of Exemption. Staff has determined that the proposed project would not have a significant effect on the environment and the project is Categorically Exempt pursuant to CEQA Guidelines Section 15301.

SUPPORT INFORMATION

Attachments to Staff Report:

Findings

Conditions of Approval

Exhibit A.....Location Map

Exhibit B.....Assessor's Parcel Number Map

Exhibit C.....General Plan Land Use Designations Map

Exhibit D.....Zoning Designations Map

Exhibit E.....Aerial Map

Exhibit F.....Site Plan

FINDINGS

Conditional Use Permit S16-0003/Mt. Aukum Wine Storage Zoning Administrator/July 6, 2016

1.0 CEQA FINDINGS

- 1.1 This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15301 of the CEQA Guidelines. As no new structures are proposed and there will be a negligible expansion of an existing use, this project would not have a significant impact to the environment. A \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.
- 1.0 The documents and other materials that constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Division at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with General Plan policy 2.2.1.2.

Commercial (C) land use designation establishes areas to provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County.

Rationale: The El Dorado County General Plan designates the subject site as Commercial. The site is proposed for use as a wine storage facility to serve the surrounding wineries. This use is consistent with the intent of the Commercial land use designation.

2.2 The project is consistent with General Plan Policy 2.2.5.21.

General Plan Policy 2.2.5.21 requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.

Rationale: The site contains an existing commercial building surrounded by commercially-zoned parcels to the north, large rural lands (RL)-zoned parcels to the east and west, and agricultural land to the south. The parcel is located within the Mt. Aukum Rural Center. The building currently exists on site, and no additions or changes to the site or building are proposed. Conditions of approval limiting the use of the outdoor areas of the facility are included to maintain the use of the shopping center for multiple community-serving commercial purposes.

2.3 The project is consistent with General Plan Policy 5.1.2.1.

General Plan Policy 5.1.2.1 requires a determination of the adequacy of the public services and utilities to be impacted by that development.

Rationale: The project would not increase the need for public services or utilities, since the storage of wine does not require the use of public services or utilities and the approximate number of employees is anticipated to be one to two at maximum. The project would not generate a substantial increase in solid waste, however, the project would be required to comply with county recycling standards and follow CalGreen requirements during operation.

2.4 The project is consistent with General Plan Policy 5.2.1.2.

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

Rationale: The site is currently served by Pioneer Fire Protection District for fire protection. No comments or concerns about the project were provided by this agency. A private well and septic system serve the development, and no additional water or sewer would be needed for this project. The project does not include any proposed new construction.

2.5 The project is consistent with General Plan Policy 6.2.3.2.

Policy 6.2.3.2, Adequate Access for Emergencies, requires that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Rationale: The Transportation Division and Long Range Planning Division reviewed the application materials and site plan for adequate access for emergencies. The project was required to address the adequacy of vehicle parking for anticipated demand, vehicle types, and zoning requirements. It was determined that a traffic study was not required, since the proposed use would generate fewer trips than the use of the facility as a supermarket. Also, the roads serving the development are rural in nature and would be able to accommodate any added traffic without resulting in changes to the level of service. Because this is an existing facility, the on-site circulation was reviewed as part of previous approvals for the shopping center and on-site transportation review was not needed. No additional site access or improvements to the existing roads are required. The project is in compliance with the General Plan Policy.

3.0 ZONING FINDINGS

3.1 The project is consistent with Title 130.

The CC zone is intended to provide for retail sales, office, and service needs of the residents residing within the surrounding community and accommodates the commercial and service needs of visitors to the County.

Rationale: The parcel is zoned Commercial, Community (CC). The Commercial Zone matrix of allowed uses and permit requirements establishes those uses that are permitted and those that require approval by a Conditional Use Permit in the CC zone district. The matrix includes industrial uses, specifically Wholesale Storage and Distribution, and Storage facilities, which are specifically permitted by Conditional Use Permit pursuant to Section 130.22.020.

Wholesale Storage and Distribution is defined as “Establishments engaged in wholesaling, storage, warehousing, and bulk sale distribution. It does not include uses classified under “Equipment and Materials Storage Yard.” This use does not include outdoor storage of large construction equipment or machinery, company vehicles, and materials produced or constructed on-site for off-site sales and/or delivery. The wine will be produced off-site at local area wineries, then transported to the storage facility (Article 8). The storage use conforms to all other requirements of this Title, including, but not limited to parking and signs (Chapters 130.35 (Parking and Loading) and 130.16 (Signs), respectively).

The project has been analyzed in accordance with Zoning Ordinance Section 130.23.030 (Development Standards) for minimum lot size, dimensions, height and building setbacks. The project, as proposed, is consistent with the Zoning Ordinance because the project will comply with building setbacks and other applicable design standards. The building and landscaping are existing, and no changes are proposed. Parking and loading were analyzed according to the use type, and the current parking situation would be sufficient for the change in use (see Finding 3.2).

3.2 The project is consistent with Chapter 130.35: Off-Street Parking and Loading.

Section 130.35 of the Zoning Ordinance establishes off-street parking requirements by use. Community Shopping Centers, those ranging in size from 15,000 square feet to 400,000 square feet, are required to have at least one parking space per 400 square feet of gross floor area. The number of handicapped parking spaces is calculated based on the total number of spaces, with 76 to 100 spaces requiring 4 handicapped spaces, pursuant to the California Building Code.

Rationale: Although this Conditional Use Permit is a request to accommodate a wine storage facility, the site could potentially accommodate a number of commercial uses. For this reason, parking requirements are calculated based upon the shopping center as a whole. Community Shopping Centers, those ranging in size from 15,000 square feet to 400,000 square feet, are required to have at least one parking space per 400 square feet of gross floor area. Gross floor area includes the area of all floors measured from the exterior faces of the walls and floor space used for mechanical equipment. The shopping center is 23,500 square feet, indicating that at least 59 parking spaces are required. Of these, four accessible spaces are required. The site currently has 96 spaces, including 6 handicapped spaces. The total number of parking spaces meets the minimum number required and is consistent with the parking and loading standards. As required by Section 4.5 of the Parking and Loading Standards, one loading bay exists on the site, will continue to be used as-needed, and will not conflict with traffic flow or impact parking areas.

3.3 The project is consistent with the El Dorado County Parking and Loading Standards.

The El Dorado County Parking and Loading standards augment the portions of the Zoning Ordinance pertaining to parking and loading. According to Section 4.5, Material and Passenger Loading/Unloading Areas, uses which require the receipt or distribution of materials or merchandise by vehicle shall provide off-street loading spaces.

For use areas 10,000 to 30,000 feet, 0 to 2 loading bays are required, based on the demand. Industrial sites are required to be self-contained and capable of handling all truck loading, maneuvering, and docking on site. All loading/unloading areas shall conform to the dimensions under Table 4.5.B, Dimensions. For Industrial uses, the minimum width is 12 feet, minimum length is 40 feet, and vertical clearance is at least 14 feet.

The review authority may modify the loading zone requirements in special circumstances based on the specific nature of the use or combination of uses, the design characteristics of the project and site dimensions, the impacts to surrounding properties, and public safety.

Rationale: The proposed use would involve receipt and distribution of materials or merchandise by vehicle on a Commercial site. For this use, 0 to 2 loading bays are required, to be determined by the proposed intensity of the use. Because the use of the building as a wine storage facility would not necessitate a high level of trucks in need of a loading bay, the single existing loading bay provided is anticipated to be sufficient for the intended use. The loading bay is approximately 20 feet wide and 100 feet long, with no roof structure limiting vertical clearance. The site plan was reviewed by the County's Transportation Engineer and will not conflict

with traffic flow. The project was required to address the adequacy of vehicle parking for anticipated demand, vehicle types, and zoning requirements, but did not require a traffic study because the use would generate a minimal number of new trips. Though the facility is existing and the on-site circulation was reviewed as part of previous approvals, the site plan was reviewed for adequacy and it was determined that no changes would be required in order to serve the proposed wine storage facility. To preserve the adequacy of the on-site parking and circulation, a condition has been included to require that the uses at the site be self-contained and capable of handling all truck loading, maneuvering, and docking on site. The parking and loading available on-site meet the minimum number and dimensions required under the parking and loading standards, and the site is therefore consistent with the intent of the parking ordinance.

3.4 The project is consistent with Chapter 130.37, Noise Standards.

Chapter 130.37, Noise Standards, requires that noise created by new proposed non-transportation noise sources shall be mitigated so as not to exceed the noise level standards of Table 130.37.060.1 for noise-sensitive uses.

Rationale: Noise levels are not expected to exceed maximum levels as a result of the project, as there is no new work proposed and the only activities that will occur outside of the building will include loading and unloading. The nearest residence is located across Mt. Aukum Road, approximately 400 feet to the northwest. The majority of loading and unloading activities are proposed to take place at the southeast portion of the building. The next-nearest noise-sensitive receptor is approximately 1,000 feet from the loading bay. Noise generated during operation and any potential future construction will be required to comply with the noise standards established in the Zoning Ordinance.

4.0 CONDITIONAL USE PERMIT FINDINGS

4.1 The issuance of the permit is consistent with the General Plan.

Rationale: As discussed above in Section 2.0, General Plan Findings, the Conditional Use Permit is consistent with the applicable policies and requirements in the El Dorado County General Plan.

4.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.

Rationale: The use will not significantly conflict with surrounding uses. The proposed use will comply with the Development Standards of the CC zone district. The proposed use is consistent with the surrounding land uses which include large lot single family residences, agriculture, and other commercial uses. The project is not expected to result in any changes to the current use or condition of the site. As conditioned, the project is not anticipated to result in significant environmental, visual, or noise impacts to the surrounding residents.

4.3 The proposed use is specifically permitted by Conditional Use Permit.

Rationale: Wholesale Storage and Distribution is specifically permitted by Conditional Use Permit pursuant to Section 130.22.020. The subject property is located in the CC zone district. The Commercial Zone matrix of allowed uses and permit requirements establishes those uses that are permitted and those that require approval by a Conditional Use Permit in the CC zone district. The matrix includes industrial uses, specifically Wholesale Storage and Distribution, and Storage facilities, which are allowed with a Conditional Use Permit in the CC zone.

CONDITIONS OF APPROVAL

Conditional Use Permit S16-0003/Mt. Aukum Wine Storage Zoning Administrator/July 6, 2016

1. This Conditional Use Permit is based upon and limited to compliance with the project description and conditions of approval.

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.

Approval of the Conditional Use Permit authorizes the use of an existing commercial building as a wine storage facility with up to two employees. No activity authorized by this Conditional Use Permit may commence until all of the conditions of approval have been complied with in full.

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 must be submitted for review and approval and shall be implemented as approved by the County.

2. Pursuant to County Code Section 130.54.060, implementation of the project must occur within 24 months of approval of this Conditional Use Permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval.
3. Any signage for the wine storage facility shall meet the requirements of County Code Chapter 130.16. Changes to outdoor lighting shall comply with Chapter 130.34 and the El Dorado County Outdoor Lighting Standards.
4. The use of public roads for staging and/or maneuvering is prohibited. Loading areas shall remain at the southeast side of the existing building and shall not interfere with parking areas accommodating the personal vehicles of employees or visitors to the site.
5. Packing of products produced off-site to ready them for shipping and sales shall warrant a revision to this Conditional Use Permit. No equipment, wine containers, or other items shall be stored outdoors on site.
6. 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. The County shall notify the applicant of any claim, action, or proceeding and the County will cooperate fully in the defense.