

**COUNTY OF EL DORADO
PLANNING AND BUILDING DEPARTMENT
ZONING ADMINISTRATOR
STAFF REPORT**



Agenda of:	June 3, 2020
Item No.:	4.a.
Staff:	Bianca Dinkler

TENTATIVE PARCEL MAP

FILE NUMBER: P19-0012/Green Leaf Drive

APPLICANT: Jai Shri Ram Hospitality Group, LLC

OWNER: Jai Shri Ram Hospitality Group, LLC

REQUEST: Tentative Parcel Map for two commercial parcels of 3.37 acres and 0.32 acres from an existing 3.69 acre parcel.

LOCATION: On the east side of Green Leaf Drive and Mother Lode Drive and immediately south of the intersection with Missouri Flat Road, in the Placerville area, Supervisorial District 3. (Exhibit A, B, C)

APN: 327-140-044 (Exhibit D)

ACREAGE: 3.69 Acres

GENERAL PLAN: Commercial (C) (Exhibit E)

ZONING: Community Commercial with Planned Development Combining Zone (CC-PD) (Exhibit F)

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to Section 15315 of the California Environmental Quality Act (CEQA) Guidelines (Minor Land Divisions)

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

1. Find Tentative Parcel Map P19-0012 exempt under Section 15315 of the CEQA Guidelines; and
2. Approve Tentative Parcel Map P19-0012, based on the Findings and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY

Approval of this Parcel Map would allow the subdivision of a developed 3.69-acre parcel, including two existing commercial buildings, parking and landscaping improvements, into one approximate 3.37-acre parcel (proposed Parcel 1), and one approximate 0.32-acre-parcel (proposed Parcel 2). Proposed Parcel 1 would contain an existing two-story commercial building (hotel/Best Western) of approximately 30,504 square feet. Proposed Parcel 2 would contain an existing single-story commercial building (restaurant/Casa Los Abuelos) of approximately 7,840 square feet. The existing parcel is zoned Community Commercial with Planned Development Combining Zone (CC-PD) and a General Plan land use designation of Commercial (C). Both proposed parcels meet the required development standards for new lots in the Community Commercial zone including minimum lot size and lot width. The location of the proposed lot lines would allow both existing structures to conform to minimum development standards including building setbacks, Floor Area Ratio (FAR) and off-street parking and loading. To ensure off-street parking and vehicular/emergency vehicle access remains fully accessible between both commercial buildings, a reciprocal/shared parking and access agreement between the owner(s) of proposed Parcel 1 and the owner(s) of proposed Parcel 2 will be required as a condition of project approval. Staff has determined that the project is consistent with the Commercial General Plan land use designation and the Community Commercial with Planned Development Combining Zone, as well as other applicable County General Plan policies and Zoning Ordinance requirements, as discussed in the Findings.

OTHER PROJECT CONSIDERATIONS

Emergency/Vehicular Access and Off-Street Parking: Vehicular access to the existing commercial buildings is provided from Green Leaf Drive, a privately-maintained road located directly off of Mother Lode Drive at the intersection with Missouri Flat Road. Off-street parking is currently shared between the two buildings. No changes to parking or vehicular access are proposed as part of the project. To ensure adequate off-street parking and emergency/vehicular access is maintained in perpetuity between proposed Parcel 1 and proposed Parcel 2, a reciprocal/shared access and parking agreement will be required as a standard condition of approval. (Exhibit H, Draft CC&Rs)

Planned Development Zoning Overlay (-PD): The project parcel is overlaid with a Planned Development (-PD) Combining Zone district. However, under Title 130 Section 130.28.030.C. allowed uses of a development plan shall only be those allowed in the base zone. The existing hotel and restaurant are allowed uses in the Community Commercial base zone, and the existing structures were constructed in 1988 prior to the application of the -PD Zoning overlay which was approved in 1991 (ordinance #4165, approved 8/22/91), therefore no additional oversight pertaining to an approved development plan applies to this project.

El Dorado Irrigation District (EID) Comments: The El Dorado Irrigation District (EID) provided comments regarding water and sewer service to the project site. The existing hotel and restaurant are both connected to an EID Sewer Manhole at the eastern corner of the hotel building. All of the sewer lines onsite are private and the configuration is unknown. EID recommends that the existing hotel property owner (proposed Parcel 1) grant the future property

owner of existing restaurant (proposed Parcel 2) with an easement for the private restaurant sewer on the hotel site. EID recommends that the property owners of both Parcel 1 and Parcel 2 develop an agreement regarding maintenance of the private sewer, which would be completed prior to filing the Parcel Map. There is an existing 8" EID waterline on the subject parcel located in an easement. The existing restaurant (proposed Parcel 2) has a 1.5" water submeter off the existing hotel water meter (proposed Parcel 1). All of the water flows through the hotel's meter then to the restaurant's submeter. As a result of the approval of this Parcel Map, the existing restaurant will need to establish its own service off of the EID main. EID can perform this work on a Time and Materials basis. As of date, no Facility Capacity Charges (FCCs) were paid associated with the existing restaurant submeter. FCCs will need to be paid based on the meter size desired. EID suggested the property owners may want to downsize from the current 1.5", however EID does not dictate meter size required.

BACKGROUND/HISTORY

The project parcel is located within the Diamond Springs area and was created by Parcel Map 39/59/1 in 1987. The site is currently developed with two commercial buildings, a two-story hotel of approximately 30,504 square feet, and a single-story restaurant of approximately 7,840 square feet, which were permitted and constructed in 1988. A Planned Development Combining Zone overlay (-PD) was approved to the parcel and surrounding parcels in 1991 (Ordinance #4165, approved 8/22/91). A previous Tentative Parcel Map application (P07-0020) was approved in 2007, however the map was never recorded eventually expiring in 2010.

EXISTING CONDITIONS/SITE CHARACTERISTICS

The project parcel consists of approximately 3.69-acres and is relatively flat with moderate slopes that increase upwards towards the south/west, to a hillside of densely covered natural terrain including foothill pines and various oak trees. The project site is fully developed with two commercial buildings including full utilities, parking areas, interior driveways, a retaining wall and mature landscaping. The eastern portion of the existing lot is proposed Parcel 1 and would contain an existing two-story commercial building (hotel/Best Western) of approximately 30,504 square feet, and the western portion of the existing lot is proposed Parcel 2 and would contain an existing single-story commercial building (restaurant/Casa Los Abuelos) of approximately 7,840 square feet. The parcel is zoned Community Commercial with Planned Development Combining Zone (CC-PD) with a corresponding General Plan land use designation of Commercial (C). The parcel is a triple frontage corner lot and adjoins Green Leaf Drive along the north property line which follows parallel with Mother Lode Drive, Hutson Lane adjoins the west property line, and Missouri Flat Road adjoins the east property line. Access is from Green Leaf Drive only, which is a privately-maintained road. The adjacent uses are a 'park-n-ride' parking lot to the north (Mother Lode Drive), a church (Church of Christ) to the south with access from Missouri Flat Road, and an existing residence to the west with access from Hutson Lane. All neighboring parcels are similarly zoned and have the same General Plan land use designation as the project parcel.

PROJECT DESCRIPTION

This project is a request for a Tentative Parcel Map for purposes of sale or financing, to create two commercial parcels of approximately 3.37-acres (Parcel 1 146,067-square feet) and approximately 0.32-acres (Parcel 2 14,077-square feet) from an existing 3.69-acre parcel (Exhibit G). Fire and vehicular access to both proposed parcels would be provided from Green Leaf Drive, a privately-maintained road. Existing parking spaces and interior driveway access would be shared between both buildings. To ensure off-street parking and vehicular/emergency vehicle access remains fully accessible between both commercial buildings, a reciprocal/shared parking and access agreement will be required prior to recording of the map. Both proposed parcels will be served by existing public utilities. However, separate utility service will be required for each parcel to the satisfaction of each utility provider. No new improvements or construction is proposed with this Tentative Parcel Map.

ANALYSIS

General Plan Consistency: The project is consistent with all applicable General Plan policies including Policy 2.2.1.2. (Commercial Land Use Designation), Policy 2.2.5.2 (General Plan Consistency), Policy 2.2.5.21 (compatibility with adjoining land uses), Policy 5.1.2.1 (adequacy of public services and utilities), Policy 5.2.1.2 (adequate quantity and quality of water for all uses, including fire protection), Policy 5.7.1.1 (fire protection in Community Regions) and Policy 6.2.3.2 (adequate access for emergencies). Further details are discussed in the Findings section below.

Zoning Ordinance Consistency: Staff has determined that the proposed project, as conditioned, is consistent with all applicable standards and requirements of Title 130 of the County Ordinance Code (Zoning Ordinance). The project parcel is zoned Community Commercial with Planned Development Combining Zone (CC-PD) and the project has been analyzed in accordance with all applicable development standards for this zone district. The proposed parcels, including existing structures/improvements, meet the required minimum lot size, lot width, building setbacks and Floor Area Ratio (FAR) as illustrated in the table below and also described in the Findings.

**Development Standards from Table 130.22.030
 (Commercial Zones Development Standards)**

Development Attribute	CC district	Proposed Parcel 1	Proposed Parcel 2
Minimum Lot Size (in square feet)	4,000	3.37 acres (146,067 square feet)	0.32 acres (14,077 square feet)
Minimum Lot Width (in feet)	60	Exceeds 60 feet	Exceeds 60 feet
Setbacks: (in feet) Front Secondary Front	10 feet 10 feet	10+ feet (north/Green Leaf Drive) 10+ feet (west)	10+ feet (north/Green Leaf Drive)
Sides	0 or 5 feet	10+ feet (south)	10+ feet (west/east)
Rear	0 or 5 feet	10+ feet (east/Missouri Flat Road)	10+ feet (south/Hutson Lane)
Floor Area Ratio (FAR)	0.85	.20	.55

Subdivision Ordinance Consistency: The project is in conformance with Title 120 of the County Code Subdivision Ordinance. The Tentative Parcel Map is consistent with the General Plan Land Use Designation, including the design and improvements, which are served by existing utilities. The project conforms to all applicable standards and requirements of the County zoning regulations and Minor Land Division Ordinance. The project site is physically suitable for the type of existing uses and the project is not likely to cause environmental damage.

Public Comments/Outreach: No formal public outreach was conducted by the County, and a public outreach plan was not required for this project pursuant to the County Zoning Ordinance. However, the project was duly noticed for a Zoning Administrator public hearing with a public notification range of 1,000 feet and a legal advertisement was published in applicable local newspapers. In addition, project notification was also posted on the Planning Services Zoning Administrator webpage. No physical sign posting is required for Tentative Parcel Maps.

AGENCY COMMENTS

The project was distributed to all applicable local, County and state agencies for review and comment. Comments were received from the El Dorado Irrigation District (EID), County Department of Transportation (DOT), County Air Quality Management District (AQMD), and the County Surveyor’s office. Of these agencies, the EID expressed concerns regarding the utilities servicing both of the buildings on the project site. These concerns will be remedied by incorporating conditions of approval to be completed to the satisfaction of the utilities provider. All other agencies that submitted comments have provided standard conditions of approval which have been incorporated into the project.

ENVIRONMENTAL REVIEW

Tentative Parcel Map P19-0012 has been found Categorically Exempt pursuant to Section 15315 (Minor Land Divisions) of the CEQA Guidelines, applying to the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent. Filing of a Notice of Exemption (NOE) is required in accordance with CEQA Guidelines Section 15062 to initiate a 35-day statute of limitations on legal challenges to the County's decision that the project is exempt from CEQA. The applicant shall submit a \$50.00 recording fee to Planning Services in order for the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments to Staff Report:

Findings
Conditions of Approval

Exhibit A.....Location Map
Exhibit B.....Vicinity Map
Exhibit C.....Site Aerial Photo
Exhibit D.....Assessor's Parcel Map
Exhibit E.....General Plan Land Use Map
Exhibit F.....Zoning Map
Exhibit G.....Tentative Parcel Map
Exhibit H.....Draft Covenants, Conditions, and Restrictions

FINDINGS

Tentative Parcel Map P19-0012/Green Leaf Drive Zoning Administrator/June 3, 2020

1.0 CEQA FINDINGS

- 1.1 The Green Leaf Drive Tentative Parcel Map P19-0012 has been found to be Categorically Exempt pursuant to Section 15315 of the California Environmental Quality Act (CEQA) Guidelines which states that minor land divisions in urbanized areas zoned for commercial or industrial use into four or fewer parcels are exempt when consistent with the General Plan, zoning, all applicable development standards and when the project parcel(s) contain slopes equal or less than 20 percent.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Building Department, Planning 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.

General Plan Policy 2.2.1.2 identifies that the purpose of the Commercial (C) land use designation is to provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. Mixed use development of commercial lands within Community Regions and Rural Centers which combine commercial and residential uses shall be permitted. Commercially designated parcels shall not be developed with a residential use as the sole use of the parcel unless the residential use is either (1) a community care facility as described in goal HO-4 or (2) part of an approved mixed use development as allowed by Policy 2.1.1.3 and 2.1.2.5, within an area zoned to allow for a mix of uses. Numerous zone districts shall be utilized to direct specific categories of commercial uses to the appropriate areas of the County. This designation is considered appropriate within Community Regions, Rural Centers and Rural Regions.

Rationale: The proposed Tentative Parcel Map is consistent with this policy. This project allows for a subdivision of two existing commercial buildings previously permitted for uses consistent with the Commercial land use designation.

2.2 The project is consistent with General Plan Policy 2.2.5.2.

This policy requires that all applications for discretionary projects or permits shall be reviewed to determine consistency with the policies of the General Plan.

Rationale: Staff has prepared this section on General Plan findings to document the project's consistency with the policies of the General Plan.

2.3 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 project site is fully developed with two existing commercial buildings, including associated parking and landscaping. All of the adjoining properties to the north, east, south, and west are similarly zoned as Community Commercial with Planned Development Combining Zone (CC-PD) and General Plan land use designation of Commercial (C). The project has been located and designed to be compatible with adjoining land uses.

2.4 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 parcel is currently served by public services and utilities. The project is not proposing additional uses or structures that would require additional utilities or services. Therefore, public services and utilities are deemed adequate for the project.

2.5 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: Both proposed lots will be served by existing public water service through the El Dorado Irrigation District (EID). With incorporation of standard conditions of approval for EID and the Diamond Springs - El Dorado Fire Protection District, water service is deemed to be adequate for the project.

2.6 The project is consistent with General Plan Policy 5.7.1.1.

General Plan Policy 5.7.1.1 (Fire Protection in Community Regions) requires the applicant to demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection would be provided concurrent with development.

Rationale: The Diamond Springs - El Dorado Fire Protection District provides fire protection service to the project site. Standard conditions of approval are incorporated to ensure adequate water supply, storage, conveyance and site access for fire protection remains adequate for both proposed parcels.

2.7 The project is consistent with General Plan Policy 6.2.3.2.

Policy 6.2.3.2 (Adequate Access for Emergencies) requires 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: Vehicular access to the existing commercial buildings is provided from Green Leaf Drive. No access changes are being proposed as part of the project. To ensure adequate emergency and vehicular access is maintained in perpetuity between proposed Parcel 1 and proposed Parcel 2, a reciprocal/shared access agreement will be required as a standard condition of approval.

3.0 ZONING FINDINGS

3.1 The project is consistent with Section 130.22.030.

Section 130.22.030 (Commercial Zones Development Standards) prescribes site-specific development standards for new lots, allowed uses and associated structures within the Community Commercial Zone District.

Rationale: The proposed parcels, including existing structures/improvements, meet the required minimum lot size, lot width, building setbacks and Floor Area Ratio (FAR) as required in Section 130.22.030.

4.0 PARCEL MAP FINDINGS

4.1 The proposed tentative map, including design and improvements, is consistent with the General Plan.

Rationale: The project proposes to create two parcels from a 3.69-acre parcel. The resulting lots would be approximately 3.37-acres (146,067 square feet) and approximately 0.32-acres (14,077 square feet). The project parcel is in the Commercial (C) General Plan land use designation. The proposed Parcel Map has been found consistent with all applicable General Plan policies as set forth in Finding 2.2.

4.2 The proposed Parcel Map conforms to the applicable standards and requirements of the County zoning regulations and Minor Land Division Ordinance.

Rationale: The proposed parcels have been analyzed and conditioned in accordance with the Community Commercial with Planned Development Combining Zone District (CC-PD) and will comply with all applicable development standards for new lots in that zone. As proposed and conditioned, the Parcel Map conforms to the Minor Land Division Ordinance.

4.3 **The site is physically suitable for the proposed type and density of development.**

Rationale: No additional development is proposed as part of the project. The existing commercial development meets the type and density requirements of the Community Commercial Zone District. The proposed parcels, including existing structures/improvements, meet the required minimum lot size, lot width, building setbacks and Floor Area Ratio (FAR) standards of the Community Commercial Zone District.

4.4 **The proposed subdivision is not likely to cause substantial environmental damage.**

Rationale: The project has been found Categorical Exempt pursuant to Section 15315 (Minor Land Divisions) of the CEQA Guidelines. The proposed tentative parcel map will not result in substantial environmental damage and is consistent with existing and planned development in the vicinity.

CONDITIONS OF APPROVAL

**Tentative Parcel Map P19-0012/Green Leaf Drive
Zoning Administrator/June 3, 2020**

1. This Tentative Parcel Map is based upon and limited to compliance with the project description, Conditions of Approval set forth below, and the hearing exhibits marked:

Exhibit G.....Tentative Parcel Map

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 would constitute a violation of permit approval.

The project description is as follows:

The project consists of a Tentative Parcel Map to create two commercial parcels of approximately 3.37-acres (146,067 square feet) and approximately 0.32-acres (14,077 square feet) from an existing 3.69-acre parcel. Fire and vehicular access to both proposed parcels would be provided from Green Leaf Drive. Existing parking spaces and interior driveway access would be shared between both buildings. To ensure off-street parking and vehicular/emergency vehicle access remains fully accessible between both commercial buildings, a reciprocal/shared parking and access agreement will be required prior to recording of the map. Both proposed parcels will be served by existing public utilities. However, separate utility service will be required for each parcel to the satisfaction of each utility provider.

The development, use, and maintenance of the property, the size, shape 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.

Planning Services Division

2. **Permit Time Limits:** This Tentative Parcel Map shall expire 36 months from the date of approval unless a timely extension has been filed consistent with Section 120.74.020 (Expiration Period of Approved or Conditionally Approved Maps) of the Subdivision Ordinance.

3. **Notice of Exemption (NOE) Recording Fee:** The applicant shall submit to the Planning Services Division a \$50.00 recording fee for the County Recorder to file the Notice of Exemption. Checks shall be payable to El Dorado County. No permits shall be issued or parcel map filed until said fees are paid.
4. **Archeological Resources:** In the event of the discovery of human remains, all work shall cease and the County coroner shall be immediately notified pursuant to subdivision(c) of Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or in his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendant of the deceased Native American.

Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Section 5097.98 of the Public Resources Code, with the most likely descendants regarding their recommendations. The descendants shall complete their inspection and make their recommendation within 48 hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials or other proper method(s) for handling the remains in accordance with Section 5097.98(b-h). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken.

5. **Indemnity:** 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 developer and land owner 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 of El Dorado County concerning a Parcel Map.

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

6. **Shared Parking and Vehicular/Emergency Vehicle Access:** Prior to recordation of the Tentative Parcel Map, the applicant shall record an irrevocable reciprocal parking and vehicular/emergency vehicle access agreement upon both proposed parcels to ensure adequate shared vehicular/emergency vehicle access is maintained in perpetuity. The document shall be approved by the Planning and Building Department Director and County Counsel as to form and content.

Office of the County Surveyor

7. All survey monuments shall be set prior to filing the Parcel Map.
8. Situs addressing for the project shall be coordinated with the County Surveyor's Office prior to filing the Final Map.
9. Prior to filing the Parcel Map, a letter shall be required from all agencies that have placed conditions on the map. The letter shall state that "all conditions placed on P19-0012 by (that agency) have been satisfied." The letter is to be sent to the County Surveyor and copied to the Consultant and Applicant.

El Dorado Irrigation District

10. Prior to filing the Parcel Map, the property owner of the existing hotel (proposed Parcel 1) grant the future property owner of the existing restaurant (proposed Parcel 2) with an easement for the private restaurant sewer that is on the hotel site. The property owners of both proposed Parcel 1 and proposed Parcel 2 shall develop an agreement regarding maintenance of the private sewer.
11. The existing restaurant (proposed Parcel 2) has a 1.5" water submeter off the existing hotel water meter (proposed Parcel 1). All of the water flows through the hotel's meter then to the restaurant's submeter. As a result of the approval of this Parcel Map, the existing restaurant will need to establish its own service off of the EID main.
12. No Facility Capacity Charges (FCCs) were paid associated with the existing restaurant submeter. FCCs will need to be paid based on the meter size desired.

Diamond Springs - El Dorado Fire Protection District

13. The project shall be required to confirm annexation into the Diamond Springs - El Dorado Fire Protection District and pay all associated fees for all legal parcels based on Final Map recordation.