

Agenda of:

Approval Date:

Staff: Tom Purciel

STAFF REPORT - DESIGN REVIEW

FILE NUMBER: DR 05-0011S

APPLICANT: David and Angela Copeland

REQUEST: A minor revision to Design Review DR88-01 to allow for the construction of a 160 square foot drive-through coffee shop.

LOCATION: On the southeast side of Missouri Flat Road at the intersection of China Garden Road in the Diamond Springs area (Exhibit A).

APN: 327-270-08

ACREAGE: 2.94 Acres

GENERAL PLAN: Commercial (Exhibit B)

ZONING: Industrial (I) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to Section 15303 of the CEQA Guidelines

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND: Design Review application No. DR88-01 was completed for Missouri Flat Station in 1988. This project is being processed as a minor revision to this existing Design Review application.

STAFF ANALYSIS

Project Description: The applicant is requesting a Design Review revision to allow the construction of a 160 square foot, wood framed drive-through coffee shop. As proposed, this project will utilize existing water, sewer and electric service and create minimal ground disturbance during construction.

Site Description: The property is located at an elevation of approximately 1700 feet above mean sea level. The site, located at the corner of Missouri Flat Road and China Garden Road, is located

within a developed office and retail center. Access to the site is from China Garden Road in the Diamond Springs area of El Dorado County.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	I	C	Office/Retail Center
North	I	I	Undeveloped
South	I/MP	C/MFR	Mobile Home Park
East	I/MP	I/MFR	Mobile Home Park
West	I	I/C	Light Industrial

General Plan: Both the 1996 and 2004 General Plan designate the subject site as Commercial (C). This designation permits a wide range of commercial retail, office and service uses. The following General Plan policies also apply to this project:

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 (C) designation discussed below).

Discussion: For the Commercial (C) land use designation, this policy requires maximum impervious parcel coverage of no more than 85% and a Floor Area Ratio (FAR) of no more than 25%. As the total impervious coverage, including 160 additional square feet for this project, is calculated to be approximately 78%, and the FAR is calculated at 18.77%, this project complies with this policy.

Policy 7.4.5.2: *The County shall require, as a condition of development approval for Commercial, industrial, and multifamily residential uses, that at a minimum 50 percent of the proposed landscaping is consistent with the predominant plant community and fits the natural vegetation native to the area. Exotic or introduced plant species not consistent with the plant community in which proposed development is located shall be discouraged.*

Discussion: The existing landscaping features at least 50 percent natural vegetation native to the area, and the proposed structure will not encroach on or affect any existing planted areas.

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

General Plan Lawsuit: On February 5, 1999, Judge Cecily Bond of the Sacramento Superior Court acted to invalidate the Environmental Impact Report adopted for the 1996 General Plan. This invalidation restricted the County from acting on any discretionary project pending issuance of a Writ from the Court.

Paragraph 5, sub-paragraph 3 within the Final Writ establishes that “*The Court permits the County to issue any approvals, permits, or entitlements whether or not discretionary, for **non-residential development**; provided that such approvals, permits or entitlements comply with sub-paragraph (8) below...*” Sub-paragraph 8 within the Writ establishes that the “*County cannot approve or undertake any such project unless it finds, on substantial evidence, that:*

a. *The approval or project will not significantly impair the County’s ability to adopt and implement a new General Plan after complying with CEQA.*

Discussion: The project is non-residential and is consistent with all applicable policies in the 1996 and 2004 General Plans. Additionally, none of the issues identified in the February 5, 1999, Court ruling will be affected by this project.

b. *The approval or project complies with all other requirements of law.*

Discussion: The project will comply in all instances with the provisions of County Code.

c. *The project is consistent with the text and maps of the General Plan as of February 5, 1999, and there is no evidence that the development of the site would affect issues identified in the General Plan lawsuit that could impact the County’s ability to adopt a new General Plan.*

Discussion: The project site is identified as being Commercial (C) on both the Public Review Draft and 1996 General Plan Land Use Maps. The Commercial General Plan land use designation establishes a wide range of commercial retail, office and service uses.

Zoning: The subject site is zoned Industrial (I) which permits the proposed use subject to Sections 17.32.010 through 17.32.040 of County Code. The project meets all the applicable development standards contained in Section 17.34.040.

Design Review and Design Guidelines: This project is being processed as a minor revision to existing Design Review application, DR88-01. As such, Section 17.74.040 (C) of County Code requires compliance with the design guidelines contained in the *Community Design Guide*. The *Community Design Guide* contains the following guidelines which are applicable to the proposed project:

Site Planning (Community Design Guide, Page 6):

Suitability – *A project should be designed to fit the existing site, rather than alter the site to accommodate a stock plan.*

Discussion: The proposed structure is designed to fit the existing site.

Open Space – *Natural features and views should be maintained and protected through use of adequate open space.*

Discussion: There are no significant existing natural features to be preserved on the site.

Parking Areas – Screen parking areas from public ways and divide them up with landscaping, walls, fences, berms and other means.

Discussion: The proposed project will have no affect on existing parking and landscaping.

Lighting – Exterior lighting shall be subdued and avoid creating glare for occupants or neighboring properties. Lighting should enhance the building design and landscaping as well as provide for safety and security.

Discussion: The applicants are proposing a total of eight 40-watt spotlights mounted under the center of each roofline to enhance the building design and provide for menu illumination. All lighting shall conform to Section 17.14.170 of the County Code and be fully shielded pursuant to the Illumination Engineering Society of North America (IESNA) full cut-off designation.

Trash and other service areas – Locate trash enclosures and loading docks away from public streets and store entrances and screen them. Screens should be durable and an integral part of the overall structural design.

Discussion: No additional trash enclosures are proposed at the time of application, as the applicant will utilize existing facilities on the parcel.

Building Design (Community Design Guide, Page 7):

Harmony – Different structures and parts of structures should harmonize with each other and the neighborhood.

Discussion: The proposed structure will be utilizing materials and colors that are consistent with other buildings on the parcel. As proposed, the project will fit in to the context of the surrounding buildings and structures.

Materials – Use materials honestly. Simulated wood or masonry, for example, generally is not acceptable.

Discussion: The proposed structure will have smooth wood paneling with brick and river rock accents that will match existing colors and materials on the main building.

Finishes, Textures and Colors – Exterior treatment should be subdued and restrained. Treatment should aim at durability and ease of maintenance as well as initial beauty. Large building masses should be broken with architectural details, varied roof-lines, and different windows and window treatments.

Discussion: The exterior utilizes trim and decorative features to create architectural variety. Project colors include dark grey (roof shingles, native river rock and stucco), and red (brick exterior design). Other building features include arched window trim and a cupola above the roofline.

Mechanical Equipment and Utilities – Design service equipment, including meter boxes as part of the structure, and provide screening for them.

Discussion: All service equipment is located within the design of the structure.

Access and Parking: Section 17.18.060 of the Zoning Ordinance lists the parking requirements by use. Pursuant to the proposed use, stacking lane credit will be given for the drive-through window, reducing the number of required off-street parking spaces to 1. Pursuant to parking calculations for the original project, 98 parking spaces were required for the office/retail center, and 100 spaces were provided, leaving two extra spaces, one to be used for this project. The proposed use is not expected to generate any significant additional traffic.

Landscaping: The landscape plan submitted with the original Design Review application met the requirements contained in Section 17.18.090. This project will not have a significant effect on existing landscaping.

Signs (*Community Design Guide, Page 7*):

Design Compatibility – Signs, their materials, size, color, lettering, location and arrangement, should be an integral part of the site and building design and compatible with their surroundings.

Discussion: Due to the fact that there presently exist a large number of signs, both legal and illegal, on the project parcel and on parcels both south and west of the project site, it is the opinion of staff that any additional signage would further clutter the view from surrounding parcels. Therefore, no freestanding or monument signs shall be allowed for this project, with the exception of a small 18 square-foot “book style” menu sign at the immediate front of the structure, advertising products served on the premises. Wall signs will be allowed pursuant to Section 17.16.030 of the Zoning Ordinance and shall conform to the overall design of the structure and surrounding buildings.

Agency and Public Comments: The following agencies provided comments on this application:

El Dorado County Fire Protection District: The District reviewed the project application with comments. These comments are included in attachment 1.

El Dorado County Board of Supervisors District III, James R. Sweeney: Supervisor Sweeney reviewed the project application and found it acceptable.

El Dorado County Environmental Management Department, Environmental Health Division: Environmental Health reviewed the project application with comments. These comments are included in attachment 1.

PG&E Land Services: PG & E reviewed the project application and had no comments.

El Dorado County Department of Transportation: The Department reviewed the project application with comments. These are included in attachment 1.

El Dorado County Resource Conservation District: The District reviewed the project application and did not have any concerns.

ENVIRONMENTAL REVIEW

This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15303 (c) of the CEQA Guidelines stating that a restaurant or similar structure not exceeding 2500 square feet in floor area is categorically exempt . Pursuant to Resolution No. 240-93, a \$35.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption

ACTION

Planning Services takes the following action:

1. Finds that the project is Categorical Exempt from CEQA pursuant to Section 15303 (c).
2. Approves **DR05-11S** as the required findings can be made as noted in Attachment 2 based on the analysis in the staff report and subject to the conditions of approval in Attachment 1.

SUPPORT INFORMATION

Attachments To Staff Report:

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 E	Architectural Elevations
Exhibit F	Project Photo Simulation

ATTACHMENT 1
CONDITIONS OF APPROVAL

FILE NUMBER DR05-11S

Planning Services

1. The project, as approved, shall allow the construction of a 160 square foot drive-through coffee shop and a freestanding 18 square-foot “book style” menu sign placed at the immediate front of the structure.
2. Building design and colors, building placement, and parking lot improvements shall be completed in conformance with the plans submitted and in conformance with the conditions of approval herein (Exhibits D, E, F). Minor variations are allowed, however, any major changes in the design or location of the structure, access ways, and parking shall require Planning Services approval of a minor revision to this Design Review application.
3. All outdoor lighting shall be limited to 2 small 40 watt spotlights mounted under the center of each roofline, for a total of no more than 8 exterior lights. All lighting shall conform to Section 17.14.170 of the County Code and be fully shielded pursuant to the Illumination Engineering Society of North America (IESNA) full cut-off designation. Any additional lighting shall require Planning Services approval of a minor revision to this design review application.
4. Signage shall be limited to one freestanding 18 square-foot “book style” menu sign to be located at the immediate front of the structure. All signage shall conform to Chapter 17.16 and Chapter 17.28 of the County Code. Any additional signage shall be subject to Planning Services approval of a minor revision to this Design Review application.
5. One off-street parking space shall be required pursuant to Section 17.18.070 of the County code.
6. The project must be started or diligently pursued within one year of approval, or the Design Review approval becomes null and void.
7. Section 21089 of the State Public Resources Code requires the payment of certain fees prior to the filing of an environmental document on a project by the County. This project has been found to be Categorically Exempt from CEQA pursuant to Section 15303 (c) stating that a restaurant or similar structure not exceeding 2500 square feet in floor area is categorically exempt. The recording fee for the environmental document (Notice of Exemption) is \$35.⁰⁰. This fee is required by the Recorder's Office and is non-refundable.

8. This project shall meet the requirements of the California Health and Safety Code-California Uniform Retail Food Facilities Law (CURFFL).
9. Prior to construction of the facility, plans and permit application must be submitted to El Dorado County Environmental Management Department, Environmental Health Division for review and approval.
10. This project shall be served by public water and public sewer. There shall be no discharges of wastewater into the storm drain or onto the ground surface.
11. This facility shall be maintained and operated so that there is no nuisance or health hazard created by solid waste (trash) generated from the facility.

El Dorado County Department of Transportation

12. If determined appropriate by the Department of Transportation, the applicant will be responsible to annex the property into the "Community Facilities District (CFD) No. 2002-01 (Missouri Flat Area)". Prior to issuance of any building permits for any portion of this project, applicant shall submit, to the satisfaction of the Department of Transportation, a "REQUEST TO ANNEX INTO THE COMMUNITY FACILITIES DISTRICT NO. 2002-01 (MISSOURI FLAT AREA)", and shall also deposit sufficient funds to finance the costs of the annexation process, as determined by the Department of Transportation.

Diamond Springs-El Dorado Fire Protection District

13. The developer shall meet with this District and determine where the proper fire lanes shall be installed and identified at the site, so as to provide for easy access by fire and emergency apparatus during incidents that occur at the complex.
14. All applicable building and fire codes shall be adhered to, to the satisfaction of the District.
15. "Knox" Box shall be installed pursuant to District requirements to be monitored with electrical shunt.
16. Additional requirements, including the installation of Bollards, may be required as deemed necessary.

ATTACHMENT 2 FINDINGS

FILE NUMBER DR05-11S

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

FINDINGS FOR APPROVAL

1. **The project has been found to be Categorically Exempt from CEQA pursuant to Section 15303(c) of the CEQA Guidelines stating that a store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area is Categorically Exempt.**
2. **The proposed use and design conforms to the General Plan and Zoning Ordinance.**

The General Plan designates the subject parcel as Commercial (C), which permits a variety of light industrial, retail and office uses. The subject site is zoned Industrial (I) which permits eating and drinking establishments under Section 17.34.020(A). As proposed, the project is consistent with all applicable development standards contained within Section 17.34.020 of the Zoning Ordinance.

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

The proposed use is consistent with surrounding uses within the project vicinity with regards to traffic impacts, parking, access, building design, landscaping, and noise. Any potential impacts to public health, safety, and welfare are determined to be less than significant.

4. **This project may be approved subject to the following findings established in Paragraph 5, Subparagraph 4 (c)(i), which permits the County to approve residential development that is categorically exempt from CEQA, and Sub-Paragraph 8 in the Final Writ issued by the Court on July 19, 1999 as follows:**

a. The approval or project will not significantly impair the County's ability to adopt and implement a new General Plan after complying with CEQA.

b. The approval or project complies with all other requirements of law.

c. The project is consistent with the text and maps of the General Plan as of February 5, 1999, and there is no evidence that the development of the site would affect issues

identified in the General Plan lawsuit that could impact the County's ability to adopt a new General Plan.