

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



Agenda of: October 25, 2007
Item No.: 11.b.
Staff: Tom Dougherty

REZONE

FILE NUMBER: Z06-0014
APPLICANT: Steve Warden
REQUEST: Zone change from Professional Office Commercial (CPO) to General Commercial-Planned Development (CG-PD).
LOCATION: Northeast side of China Garden Road, at the intersection with Chuckwagon Way, in the Diamond Springs area, Supervisorial District III. (Exhibit A)
APN: 054-321-63
ACREAGE: 1.177 acres
ZONING: Professional Office Commercial (CPO) (Exhibit C)
ENVIRONMENTAL DOCUMENT: Negative Declaration
SUMMARY RECOMMENDATION: Recommend approval

SUMMARY

The proposed rezone conforms to the General Plan land use designation. This rezone would allow commercial development on the project site and would be compatible with the development patterns in the area. The impacts from additional commercial development would be further analyzed through a subsequent planned development application and new initial study.

BACKGROUND: The subject parcel was zoned Professional Office Commercial (CPO) zoning by the adoption of the Diamond Springs-El Dorado Area Plan effective October 2, 1980. The subject parcel was designated with a land use of Commercial (C) by the 1996 and 2004 General Plans.

The approval or denial of rezone applications are legislative acts and thus conditions of approval cannot be added at this time. Although mitigation measures could be added to the decision, planning staff recommends adding the Planned Development overlay zone district instead which would allow review of a specific proposal on its own merit because of the location next to the mobile home park. Agencies did respond with recommended conditions just for informational purposes for this particular applicant since he has indicated his intention to follow the potential approval of this rezone request with a Planned Development application for an auto repair shop. The applicant now has a general idea of what potential recommended conditions of approval are forthcoming from the various concerned agencies solicited and can plan accordingly for that endeavor.

STAFF ANALYSIS

Staff has reviewed the project for compliance with County regulations. Staff’s analysis of the zone change request for the Planning Commission to consider is as follows:

Project Description: Zone Change from Professional Office Commercial (CPO) to General Commercial-Planned Development (CG-PD) for the intended purpose of creating an option for the construction of an auto repair garage. No development plan accompanies this rezone request.

Site Description: The project site is essentially level and slopes downward in an easterly direction beginning at China Hill Road and then drops down to a flat portion previously graded and then has a short drop off onto Chuckwagon Road. The flat portion of the site is devoid of shrubs and trees comprising only annual grasses. Randomly-spaced native conifers, oaks and shrubs exist around the parcel boundaries.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	CPO	C	Vacant
North	I	I	Vehicle storage yard
South	MP	MFR	Diamond Springs Senior Mobile Home Park
East	I	I	Mini storage
West	MP	MFR	Diamond Springs Senior Mobile Home Park

Discussion: The subject parcel is bounded on the south by China Garden Road. The small parcels directly to the southeast the also fronts China Garden Road is vacant. China Garden Road separates the site from the existing mobile home park.

General Plan: The General Plan designates the subject site as Commercial (C). General Plan Policy 2.2.1.2 states the purpose of the Commercial 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. The following General Plan policies apply to this project:

Policy 2.1.1.1 establishes El Dorado-Diamond Springs as a Community Region. The subject 1.177-acre parcel is located within that Community Region boundary and Policy 2.1.1.3 directs that Community Regions are intended to be those areas which are appropriate for the highest intensity of self-sustaining compact urban-type development or suburban type development within the County based on the municipal spheres of influence, availability of infrastructure, public services, major transportation corridors and travel patterns. Policy 2.1.1.7 directs that development in Community Regions and elsewhere will be limited in some cases until such time as adequate roadways, utilities, and other public service infrastructure become available.

Policy 2.2.5.2 directs that applications for discretionary projects or permits including, but not limited to, General Plan amendments, zoning boundary amendments, tentative maps for major and minor land divisions, and special use permits shall be reviewed to determine consistency with the policies of the General Plan. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan. The subject application includes a zone change request to General Commercial-Planned Development for a 1.177-acre parcel. The establishment of a new zone designation of CG-PD and the ensuing uses it allows is consistent with the allowed uses intended by the Commercial (C) land use designation.

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

- 1. Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands;*
- 2. Availability and capacity of public treated water system;*
- 3. Availability and capacity of public waste water treatment system;*
- 4. Distance to and capacity of the serving elementary and high school;*
- 5. Response time from the nearest fire station handling structure fires;*
- 6. Distance to nearest Community Region or Rural Center;*
- 7. Erosion hazard;*
- 8. Septic and leach field capability;*
- 9. Groundwater capability to support wells;*
- 10. Critical flora and fauna habitat areas;*
- 11. Important timber production areas;*
- 12. Important agricultural areas;*
- 13. Important mineral resource areas;*
- 14. Capacity of the transportation system serving the area;*

15. *Existing land use patterns;*
16. *Proximity to perennial water course;*
17. *Important historical/archeological sites;*
18. *Seismic hazards and present active faults; and*
19. *Consistency with existing Conditions, Covenants, and Restrictions.*

The surrounding parcels on three sides are also designated for commercial uses by the General Plan. The parcel fronts a County maintained road. Power and telephone exists adjacent to the site, there is an existing rough entrance driveway and encroachment onto Chuckwagon Road. There is potential for pedestrian traffic in front of the parcel with the inclusion of a sidewalk although it would be the first section in the area. The level portion of the parcel is devoid of trees and has been graded in the past. The potential impacts to the native oak canopy in the rear portion of the parcel, the traffic, the existing septic and well, will all be re-examined during the Planned Development process when an actual structure and specific use are proposed. The location in a Community Region, the current availability of supporting utilities and infrastructure, the easy access for emergency responders, and the potential for other surrounding commercial opportunities have determined that the site is appropriate for commercial development.

OBJECTIVE 5.3.1 seeks to ensure the availability of wastewater collection and treatment facilities of adequate capacity to meet the needs commercial and industrial areas. Policy 5.3.1.1 directs that commercial, and industrial projects shall be required to connect to public wastewater collection facilities. Policy 5.3.1.7 directs that in Community Regions, all new development shall connect to public wastewater treatment facilities. In Community Regions where public wastewater collection facilities do not exist project applicants must demonstrate that the proposed wastewater disposal system can accommodate the highest possible demand of the project. This issue will be examined in detail when a specific structure and use are proposed with any future planned development application.

Policy 7.4.4.4 requires that all permitted development in the County adhere to the General Plan tree canopy retention and replacement standards. The subject parcel is located in the Blue Oak-foothill pine habitat type which is a mixture of conifers and hardwoods. (El Dorado County General Plan EIR, 5.12-7, May 2003). No trees will be removed as a direct result of this rezone. All existing trees are located around the perimeter of the parcel and of those, only oaks are subject to review. Future development permits will be looked at for the impacts to existing tree canopy when they are submitted.

Support utilities and infrastructure are currently available to be expanded to the site and the potential impacts on natural resources were examined by the Initial Study that recommends approval of a Negative Declaration.

Conclusion: The project has been reviewed in accordance with the El Dorado County 2004 General Plan policies and it has been determined that the project is consistent as proposed and conditioned, with all of the General Plan policies. Findings for approval are included are provided in Attachment 2.

Zoning: Table 2.4 of the 2004 General Plan shows General Commercial-Planned Development is compatible with the Commercial land use designation. The 1.177-acre parcel would comply with the minimum development standard for parcel sizes in General Commercial pursuant to sections 17.32.200 A and C.

Planning staff is recommending adding the Planned Development overlay zoning in order allow use of modern planning and development techniques, effect more efficient utilization of land and to allow flexibility of development. The permitted uses, when the Planned Development is used in combination with other zones, will be limited to those listed within the basic zone with which the Planned Development zone is combined. In this case, the General Commercial District would be the base zone for the site, with the Planned Development as an overlay zone. No development plan accompanies this rezone request. With the addition of the Planned Development overlay, Section 17.04.030 B of the Zoning Ordinance would then require that any future development plan would require the submittal of a Planned Development application which then requires Planning Commission review any future development plan.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project may have a significant effect on the environment. Based on the Initial Study, conditions have been added to the project to avoid or mitigate to a point of insignificance the potentially significant effects of the project in the areas of impacts to traffic, noise and utilities. Staff has determined that significant effects of the project on the environment have been mitigated therefore, a Mitigated Negative Declaration has been prepared.

This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,850.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee, includes a \$50.00 recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$1,800.00 is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the States fish and wildlife resources.

RECOMMENDATION:

Planning staff recommends the Planning Commission forward a recommendation that the Board of Supervisors take the following actions:

1. Adopt the Negative Declaration based on the Initial Study prepared by staff and
2. Approve Z06-0014 based on the findings in Attachment 1.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Findings
Exhibit A	Vicinity Map
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map with Design Control Overlay
Exhibit D	Assessor's Parcel Map
Exhibit E1, E2	Parcel Map 26-33, two pages, recorded February 6, 1980
Exhibit F	Applicant submitted site plan
Exhibit G	El Dorado-Diamond Springs Community Region Map
Exhibit H	Missouri Flat Circulating and Funding area
Exhibit I	Applicant submitted narrative received May 16, 2006
Exhibits J1, J2, J3	Site Visit Photos from July 17, 2006
Exhibits K1, K2	Aerial Photos
Exhibit L	Initial Study/Environmental Checklist

ATTACHMENT 1 FINDINGS

FILE NUMBER Z06-0014

1.0 CEQA FINDING

- 1.1 The County has considered the negative declaration together with the comments received and considered during the public hearing process. The negative declaration reflects the independent judgment of the County and has been completed in compliance with CEQA, and is adequate for this proposal.
- 1.2 The proposed project could not have a significant effect on the environment.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

- 2.1 The proposed rezone is consistent with the policies of the 2004 El Dorado County General Plan, as discussed in the General Plan section of this staff report including Policies 2.1.1.1, 2.1.1.3, 2.1.1.7 about consistency with Community Regions, 2.2.1.2, consistency with Commercial Land Use Designation; 2.2.5.2 and 2.2.5.3, Suitability; Objective 5.3.1 and Policies 5.3.1.1 and 5.3.1.7 Waste Facilities; and 7.4.4.4, Protection of Oak Woodlands.