

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



Agenda of: November 8, 2007
Item No.: 8
Staff: Thomas A. Lloyd

DESIGN REVIEW

FILE NUMBER: DR99-0012R2/Tower Mart Addition

APPLICANT: Tower Energy Group

AGENT: Chris Cunan, ARC Inc., Architects

REQUEST: This project is a request for a design review permit to revise a twice previously approved design review project (DR99-0012 and DR99-0012R1) that was never constructed. The current proposed project proposes a 1,100 square foot addition for the construction of a walk-in cooler, bringing the total square footage of the building to 4,700 square feet.

LOCATION: On the east side of Pleasant Valley Road (State Route 49), at the intersection with Patterson Drive, in the Diamond Springs area, Supervisorial District III. (Exhibit A)

APN: 329-280-12 (Admin.), 329-280-13 (Admin.) (One legal parcel; Exhibit G)

ACREAGE: 1.71 acres

GENERAL PLAN: Commercial (C) (Exhibit B)

ZONING: Commercial-Design Control (C-DC) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to Section 15301(e) of the CEQA Guidelines

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND:

The project location was the original site of the Cheaper Store that received approval for a Zone Change/General Plan Amendment (AZ96-002) by the Planning Commission on January 23, 1997, and by the Board of Supervisors on January 28, 1997. A site plan review permit (SPR96-0007) was approved administratively in September 1996 for the Cheaper Store parking lot. Subsequently, Tower Energy Group took possession of the facilities and now operates the fuel station and convenience store.

On April 13, 2000, the Planning Commission approved design review permit (DR99-0012) to allow the expansion of the existing store by 1,200 square feet to allow the construction of a walk in cooler. The approved addition was never constructed.

On June 10, 2004, the Planning Commission approved a revision to this permit (DR99-0012-R1) which allowed an increase in the square footage of the addition from 1,200 square feet to 1,760 square feet. This addition would have consisted of both the walk-in cooler and 560 square feet of additional retail space.

On July 13, 2004, the Board of Supervisors heard an appeal (DR99-0012A) of Condition 12 imposed by the Planning Commission. This condition requires the widening of Pleasant Valley Road to allow right turns from northbound Pleasant Valley Road onto Patterson Drive. The Board upheld the Planning Commission's decision and denied the appeal.

STAFF ANALYSIS:

Project Description:

This project is a request for a design review permit to revise a twice previously approved design review project (DR99-0012 and DR99-0012R) that was never constructed. The current proposed project seeks a 1,100 square foot addition for the construction of a walk-in cooler, bringing the total square footage of the building to 4,700 square feet (Exhibit D).

Site Description:

The project site contains the existing Tower Mart Store and Gas Station as well as its related parking lot and landscaping. The site is situated at the southeast corner of Pleasant Valley Road (State Route 49) and Patterson Drive. The existing structure is approximately 3,600 square feet. The fueling area consists of eight fueling stations beneath an overhead canopy. The structure is surfaced with wood siding, painted gray with blue, red, and white trim, and blue signage. The canopy is painted in a matching gray color with red and white signage. The northeastern portion of the project site contains an existing groundwater extraction system used for groundwater testing. The subject property is essentially flat with small drop-offs at the northern and eastern portions of the site. The project site currently meets the requirements of the Parking and Landscaping sections of the *County Code*.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
North	Commercial (C)	Commercial (C)	State Route 49, Undeveloped
South	Planned Commercial (CP), Mobile Home Park (MP)	Commercial (C)	Patterson Drive, Undeveloped
East	Commercial (C)	Commercial (C)	Residences
West	Estate Residential Ten-acre (RE-10)	Industrial (I)	Residences

General Plan:

The General Plan designates the majority of the subject site as Commercial (C). A very small portion of the landscaping along the eastern boundary line of the project site lies within a Multi-Family Residential land use designation (Exhibit B). 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. As such, the current use and proposed expansion of the Tower Mart is consistent with the General Plan.

Zoning:

The subject site is zoned Commercial Design Control (C-DC), and Planned Commercial (CP). Additionally, a small portion lies within a Limited Multifamily Residential (R2) Zone District. The use is permitted in the Commercial Zone pursuant to *Section 17.32.020B*, and by Site Plan Review in the Planned Commercial Zone pursuant to *Section 17.32.140B*. However, *Section 17.14.130* requires any application in a Commercial Zone District which faces a state highway to be reviewed by the Planning Commission to ensure the architectural style and general appearance of the proposed structure is in keeping with the character of the area, and not detrimental to development of the County or surrounding area. Thus the design review application supersedes the site plan review application.

Section 17.74 further supports the protection and enhancement of sites, and the building and structures placed upon these sites within designated review districts so as to maintain the special character, aesthetics, and value of such designated areas.

Discussion:

The entire western border of the project parcel lies along Pleasant Valley Road (State Route 49). The northern border of the project parcel lies within a designated Design Control Overlay district. The proposed expansion is complimentary and entirely consistent with the architecture and design of the building and site as it exists today (Exhibit F). The project as proposed and conditioned, meets the requirements of these sections.

Off-Street Parking and Loading (including Landscaping and Buffering):

The proposed project was reviewed for compliance with *Chapter 17.18*. At 4,700 square feet of gross floor area, this revised design will require 19 parking spaces, one of which must be handicap accessible. The project site currently provides 41 standard parking spaces, two handicap accessible spaces, and 3 RV parking spaces, for a total of 46. The proposed project will not reduce these numbers.

The existing landscaping was reviewed for consistency with the appropriate portions of this section, and found to be compliant. No modifications to the existing landscaping are proposed with this addition.

Outdoor Lighting:

Section 17.14.170 establishes the criteria and procedures for ensuring lighting review and compliance to County Code for projects such as this. The proposed project will not be making any modifications to any of the existing outdoor lighting. Confirmation that the existing lighting is compliant will occur during building permit review of the approved project.

Traffic:

During the last revision to the approved design review project, a traffic study was prepared by the applicant's transportation engineering firm and reviewed by the El Dorado County Department of Transportation and an independent consulting firm. It was determined that a 1,760 square foot addition, including both retail space and a walk-in cooler, would not have a significant impact on the intersection of Pleasant Valley Road and Patterson Drive. CalTrans, however, requested minor improvements to the intersection to reduce delays. This decision was supported by the Department of Transportation.

Since the time of the last design review approval (DR99-0012R), the goals of the Department of Transportation and CalTrans have shifted. During the Technical Advisory Committee meeting of June 18, 2007, a representative from the El Dorado County Department of Transportation stated that a Capital Improvement Program will provide signalization and widening at the intersection of Paterson Drive and Pleasant Valley, perhaps as early as 2009. As such, a condition which required the widening of the pavement within the existing State right-of-way to allow right turns from northbound Pleasant Valley Road onto Patterson Drive, and included in the last revision to this design review, is no longer necessary. This condition prompted an appeal of the Planning Commission's decision to the Board of Supervisors on July 13, 2004. This appeal was denied. Since the current revision is not proposing additional retail space, only a walk-in cooler to support the existing retail activities, a new traffic study was not required.

ENVIRONMENTAL REVIEW

This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15301(e) of the CEQA Guidelines. This guideline states that additions to existing structures

are exempted, provided that the addition will not result in an increase of more than 50 percent of the floor area of the structure before addition. At 1,100 square feet the addition constitutes an expansion of approximately 30.5 percent, and is therefore exempt. Pursuant to Resolution No. 240-93, a \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption

RECOMMENDATION

1. Certify that the project is Categorically Exempt from CEQA pursuant to Section 15301(e) of the CEQA Guidelines; and
2. Approve Design Review DR99-0012R2 subject to the Conditions of Approval in Attachment 1 and Findings in Attachment 2.

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 ..	Floor Plan
Exhibit F	Elevations
Exhibit G	Assessor's Map

**ATTACHMENT 1
CONDITIONS OF APPROVAL**

**FILE NUMBER DR 99-0012-R2
Tower Mart Addition**

El Dorado County Planning ~~Department~~ Services:

1. This design review revision is based upon and limited to compliance with the project descriptions, the Planning Commission hearing exhibits marked Exhibits A through G dated November 8, 2007, and conditions of approval set forth below. Further, any deviations from the project descriptions, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval.

The project, as approved, consists of the following:

A request for a design review permit to allow a 1,200 square foot addition for the construction of a walk-in cooler, bringing the total square footage of the building to 4,800 square feet. (Note: DR99-0012 and DR99-0012R1 were never constructed)

2. All Development Services fees for processing this application shall be paid in full prior to the issuance of a building permit.
3. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the applicant agrees 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, as provided in Section 66474.9(b) of the California Government Code.

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 of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37. County shall notify the subdivider of any claim, action, or proceeding and County will cooperate fully in the defense.

1. ~~The project, as approved, shall conform to exhibits E, E-1, E-2, and E-3. The maximum increase of the building expansion shall not exceed 1,200 square feet. Minor modifications may be approved by the Planning Director. Major modifications require approval by the Planning Commission~~

2. 4. During all grading and construction activities in the project area, an Archaeologist or Historian approved by the ~~Planning~~ Development Services Director shall be on-call. In the event a heritage resource or other item of historical or archaeological interest is

discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until the on-call 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 appropriate measures are taken or the site is determined not to be of significance. The project grading and building plans shall include this condition of approval on the plans. ~~The Planning Department~~ Services shall review the grading and building plans prior to issuance of a grading or building permit.

3. 5. Any outdoor lighting shall conform to El Dorado County Code Section 17.14.170, and shall be fully shielded per Illumination Engineering Society of North America (IESNA) full cut-off designation. Lighting plans for existing lighting shall be submitted for confirmation of this compliance at the time of building permit review.
4. 6. Each of the conditions of approval required by this document must be demonstrated and so noted on the plans submitted for review by the applicant. This demonstration and notation of compliance must be located on the applicable page of the submitted plan set.

El Dorado County Building ~~Department~~ Services

5. 7. This project shall be subject to the issuance of a commercial building permit from ~~the El Dorado County Building Department~~ Services.

Diamond Springs-El Dorado Fire Protection District:

6. 1003.2.1.1 General

~~An approved automatic fire extinguishing system shall be installed in all buildings 3,600 square feet in floor area or larger, except in one and two family dwelling units.~~

~~A. For purposes of Section 1003, area separation walls shall not define separate buildings.~~

~~B. For the purposes of section 1003, 1003.2.1 shall be used to identify required installations unless any section of 1003 is more restrictive, then such section shall be enforced.~~

1002.1 General

~~Portable fire extinguishers shall be installed in occupancies and locations as set forth in this code and as required by the chief. Portable fire extinguishers shall be in accordance with the UFC Standard 10-1. Additional portable fire extinguishers may be required.~~

8. 1003.2.1.2 Status of existing buildings of 3,600 square feet and over

~~In existing buildings of 3,600 square feet or larger, other than one and two family dwelling units, where the floor area of the building or structure is increased by an addition of more than thirty percent or 1,800 square feet, whichever is less, such building or structure shall be made to conform to Section 1003.~~

8. Prior to final inspection, the developer shall meet with the District to determine where proper fire lanes shall be installed and identified at the site.
9. As the existing building is 3,600 square feet or larger, and the floor area of the structure is increased by an addition of more than thirty percent, the structure must conform to Section 1003 of the California Fire Code prior to final inspection.
10. Per Fire District requirements, a sprinkler system shall be installed. The sets of sprinkler plans shall be submitted to the Fire District for approval prior to final inspection.
11. Fire flow for the building shall be confirmed at no less than 1,500 gpm for two hours at 20 psi prior to final inspection.
12. A "Knox Box" shall be installed per District Requirements and shall be monitored via electrical shunt prior to final inspection.
13. Prior to final inspection, fire hydrant placement shall be approved by the Fire District.
14. F.D.C. placement shall be approved by the Fire District prior to final inspection.
15. Prior to final inspection, the existence of a fire access road to within 150 feet of all portions of the building shall be verified or provided.
16. Further requirements may be necessary upon Fire District review of subsequent plan submittals.

El Dorado County Department of Transportation

9. 17. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department for review and approval. The plan shall be in conformance with the County of El Dorado *Design and Improvement Standards Manual*, the *Grading, Erosion and Sediment Control Ordinance*, the *Drainage Manual*, the *Off-Street Parking and Loading Ordinance*, the State of California Handicapped Accessibility Standards.
10. 18. The applicant shall be subject to a grading permit fee commensurate with the scope of the proposed project prior to commencement of any work performed.
11. 19. The applicant shall be subject to the county traffic impact mitigation fee programs. Said fee shall be due upon issuance of a building permit. The amount of fee shall be that in effect at the time of building permit application.
12. ~~The applicant shall be responsible for widening the pavement within the existing State right-of-way sufficiently to allow right turns from northbound Pleasant Valley Road onto Patterson Drive, to the satisfaction of Cal Trans and the County Department of Transportation. Approximate dimensions of pavement should be a minimum of 22 feet from the center line in width and 150 feet in length.~~
13. ~~The applicant shall trace the location of the existing drainage culvert that appears to traverse the property from Pleasant Valley Road to the drainage area to the east and, if needed, provide a drainage easement to the County for access and maintenance.~~
14. ~~The applicant shall be required to obtain an encroachment permit from Caltrans prior to obtaining a building permit.~~

El Dorado County Environmental Management

15. 20. The mini mart must meet the minimum requirements of the California Uniform Retail Food Facilities Law (CURFFL), *effective July 1, 2007*. Prior to tenant improvement of the mini mart, plans and permit application must be submitted to El Dorado County Environmental Management Department, Environmental Health Division for review and approval.
21. The applicant's current hazardous materials business plan shall be revised to reflect the addition prior to final inspection.

ATTACHMENT 2 FINDINGS

File Number DR99-0012R2 Tower Mart Addition

1.0 CEQA FINDINGS

- 1.1 This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15301 (e) of the CEQA Guidelines. This guideline states that additions to existing structures are exempted, provided that the addition will not result in an increase of more than (1) 50 percent of the floor area of the structure before addition.
- 1.2 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 95667.

2.0 General Plan Findings

- 2.1 *The project is consistent with the General Plan.*

The General Plan designates the majority of the subject site as Commercial (C). A very small portion of the landscaping along the eastern boundary line of the project site lies within a Multi-Family Residential land use designation. 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. As such, the current use and proposed expansion of the Tower Mart is consistent with the General Plan.

3.0 Zoning Findings

- 3.1 *The proposed use is consistent with Title 17.*

The use is permitted in the Commercial Zone pursuant to *Section 17.32.020B*, and by Site Plan Review in the Planned Commercial Zone pursuant to *Section 17.32.140B*. Additionally, the project was found consistent with *Sections 17.14.170, 17.18, and 17.74* of the Zoning Ordinance.

- 3.2 *The architectural style and general appearance of the proposed structure is in keeping with the character of the neighborhood, and not detrimental to development of the County or neighborhood.*

The project, as proposed and conditioned, is consistent with the provisions of *Section 17.14.130*.