

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



Agenda of: October 24, 2013

Item No.: 10

Staff: Tom Dougherty

DESIGN REVIEW

FILE NUMBER: DR13-0004/Kyburz 76 Fuel Island Canopy

APPLICANT/PARCEL OWNER: Hosuk Choe

AGENT: Mike Lee

REQUEST: Design Review to allow the construction of a 1,320 square-foot replacement canopy over the existing fueling islands.

LOCATION: Southeast side of U.S. Highway 50, approximately 1.03 miles west of the intersection with Kyburz Drive, in the Kyburz area, Supervisorial District 5. (Exhibit A).

APN: 012-150-08 (Exhibit B)

ACREAGE: 1.27 acres

GENERAL PLAN: Commercial (C) (Exhibit D)

ZONING: Commercial (C) (Exhibit E)

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

RECOMMENDATION: Staff recommends that the Planning Commission take the following action:

1. Find that the project is Categorically Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines; and
2. Approve Design Review DR13-0004, subject to the Conditions of Approval in Attachment 1 and based on the Findings in Attachment 2.

STAFF ANALYSIS

Project Description: This project is a Design Review for the replacement of the existing 1,161 square-foot canopy with a 1,320 square-foot canopy over existing fuel islands. The project includes re-imaging the existing signage and changing existing color schemes on the canopy fascia to the new 76 corporate colors. The canopy would get a new fascia, decals, re-painted columns and island curbs, and lighting.

Site Description: The developed site contains one existing retail/office building, a four-pump fuel station with a canopy, one adjacent shipping container utilized by the Kyburz Silver Fork General Store, and one restaurant building utilized by the Silver Fork Café. The majority of the parcel is paved. U.S. Highway 50 adjoins the parcel on the northwest side and the junction of the South Fork and Silver Fork American Rivers are adjacent to the south/southeast side.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	C	C	Commercial/Fuel service station, retail store and restaurant.
North	RE-5	HDR	U.S. Highway 50 and residences across.
South	C/RE-10	C/NR	Residence/South Fork and Silver Fork American Rivers
East	R1/RE-10	C/NR	Commercial/Vacant.
West	RE-5	HDR	U.S. Highway 50 and residences across.

Project Issues: The primary issue with this project is aesthetics. Other discussion items include emergency ingress/egress, and economic development.

Aesthetics: Because the project fronts U.S. Highway 50, Zoning Ordinance Section 17.14.130.A requires review by the Planning Commission to assure the project design and elements are in keeping with the character of the neighborhood. Additionally, the portion of U.S. Highway 50 from Ray Lawyer Drive to South Lake Tahoe is designated as a State Designated Scenic Highway, (El Dorado County EIR, May 2003, Exhibit 5.3-1). There currently is no Scenic Corridor Ordinance however, Policy 2.6.1.2 directs that “until such time as the Scenic Corridor Ordinance is adopted, the County shall review all projects within designated State Scenic Highway corridors for compliance with State criteria.”

The Scenic Highway Program minimum requirements for scenic corridor protection are:

1. Regulation of land use and density of development.
2. Detailed land and site planning.
3. Control of outdoor advertising (including a ban on billboards).
4. Careful attention to and control of earthmoving and landscaping.
5. Careful attention to design and appearance of structures and equipment.

The use of bright red colors and metal features in the canopy design is inconsistent with the Sierra Design Guide, adopted by the County in October of 1982, as well as with other commercial structures between Pollock Pines and Strawberry. The Guide suggests “the different building materials of stone and wood are appropriate to building in the area and need to be skillfully blended with each other and with the setting of forest and mountain.” Staff recommends that the canopy columns and fascia be similar in architectural treatment with the Kyburz Silver Fork General Store, using wood and stone treatment. This will be similar to other structures along Highway 50 in the American River canyon and more consistent with the Sierra Design Guide. An example of a possible design is included in Exhibit H.

The canopy is proposed to include two 33-inch diameter internally illuminated “76” signs placed on the southwest and northeast front portions of the canopy to face traffic in both directions (one on each side) as shown on Drawing CS1 (Exhibit F). A condition is recommended that would assure these backlit signs would not create excessive light trespass. Zoning Ordinance Section 17.16.030 allows wall signs as long as their size does not exceed 20 percent of the total area of a wall. The two logo signs would comply with this requirement.

ENVIRONMENTAL REVIEW

This project is Categorically Exempt from the requirements of CEQA pursuant to Section 15301 of the CEQA Guidelines stating that “Class 1 consists of the minor alteration of existing public or private structures, facilities, mechanical equipment involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The project involves the removal of an existing 1,161 square-foot canopy and replacement with a 1,320 square-foot canopy which has been determined to be a negligible expansion.

A \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption. The filing of the Notice of Exemption is optional, however, not filing the Notice extends the statute of limitations for legal challenges to the project from 30 days to 180 days.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Location Map
Exhibit B	Assessor's Parcel Map
Exhibit C	General Plan Land Use Designations Map
Exhibit D	Zoning Map
Exhibit E	Site Plan, sheet A-1 dated March 29, 2013
Exhibit F	Elevation Plans, Drawing Number CS1 dated September 28, 2012
Exhibit G	Site Plan, Sheet A-1 with Aerial
Exhibit H	Example of a wood/stone design
Exhibit I	Agent Project Narrative dated April 24, 2013
Exhibits J-1, J-2	Site Photos

ATTACHMENT 1

CONDITIONS OF APPROVAL

Design Review DR13-0004/Kyburz 76 Fuel Island Canopy
Planning Commission/October 24, 2013

Conditions of Approval:

1. This Design Review approval is based upon and limited to compliance with the project description, the Conditions of Approval set forth below, and the following hearing Exhibits:

Exhibit ESite Plan, sheet A-1 dated March 29, 2013
Exhibit F.....Elevation Plans, Drawing Number CS1 dated
September 28, 2012, with changes described below:

The project approval allows the replacement of the existing 1,161 square-foot fuel dispensing area canopy with a 1,320 square-foot canopy shown on Exhibit F. The columns shall be entirely covered with stone veneer to match those on the Kyburz Silver Fork General Store building. The canopy fascia shall be consistent with Exhibit F in dimensions but shall be faced with wood or simulated wood grain with a board and batten pattern and shall be painted the same brownish-tan color as the store walls, and shall include trim across the top painted the same green color as the store building roof. The 33-inch diameter illuminated "76" logo shown is permitted to be mounted on the fascia as shown.

Any deviations from the project description, conditions, or exhibits shall 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.

The 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. **Lighting:** Under-canopy lights shall comply with County Code Section 17.14.170 and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. The backlit 33-inch diameter logos shall not create excessive light trespass. The final lighting fixture specification sheets shall be submitted

for review and approval by Planning Services for conformance prior to issuance of a building permit.

Should the installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services.

3. **Conditions Compliance:** Prior to issuance of a building permit or commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to Building Permit final for any Building Permit for verification of compliance with applicable Conditions of Approval.
4. **Hold Harmless Agreement:** 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. County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

5. **Permit Implementation:** Pursuant to County Code Section 17.22.250, implementation of the project must occur within twenty-four (24) months of approval of this Design Review, 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.

El Dorado County Fire Protection District

6. Applicant shall submit a site plan review fee of \$150.00, prior to the issue of a building permit.
7. There shall be a turning radius of inside radius 40 feet and the outside radius of 56 feet around the fuel canopy.
8. Bollards are required to be installed in front of fuel dispensing stations.
9. Canopy may need to be sprinklers or fire detection system to be installed.
10. Plans will need to be submitted to El Dorado County Fire District for review and approval.

ATTACHMENT 2

FINDINGS

Design Review DR13-0004/Kyburz 76 Fuel Island Canopy Planning Commission/October 24, 2013

FINDINGS FOR APPROVAL

1.0 CEQA FINDINGS

- 1.1 The proposed structure and facilities fall within the developmental limits allowed under the Section 15301 exemption. This project is, therefore, Categorically Exempt from the requirements of CEQA pursuant to Section 15301 of the CEQA Guidelines stating that "Class 1 consists of the minor alteration of existing public or private structures, facilities, mechanical equipment involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The key consideration is whether the project involves negligible or no expansion of an existing use. The project involves the removal and replacement of the existing fuel pump canopy. The new canopy will not directly increase the intensity of the existing use and is thus exempt from further environmental review.
- 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 Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

- 2.1 The project is consistent with the Commercial (C) land use designation of the subject site as defined by General Plan Policy 2.2.1.2. The project consists of the removal and replacement of the existing fuel pump canopy, a service station is an allowed use for the C Zone District with an approved Design Review.
- 2.2 As conditioned, and with adherence to County Code, the project is consistent with all applicable Policies of the General Plan, including:
 - 2.2.1 2.2.5.21 (compatibility with surroundings) because the project concentrates the commercial activities adjacent to other commercial parcels, and limits the visual intrusion within that area;
 - 2.2.2 6.2.3.2 (adequate emergency vehicle ingress/egress) the El Dorado County Fire Protection District has conditioned the project to assure adequate emergency vehicle ingress/egress.

3.0 ZONING FINDINGS

- 3.1 With an approved Design Review, the project is consistent with the El Dorado County Zoning Ordinance designation of Commercial because a service station use is a permitted use pursuant to Section 17.32.020 (B).
- 3.2 The project is consistent with the El Dorado County Zoning Ordinance Development Standards because the canopy size and location meet the development standards pursuant to Section 17.32.040 of County Code.

4.0 DESIGN REVIEW FINDINGS

- 4.1 The architectural style, site layout and improvements for this project are consistent with the existing design of the existing buildings and would be consistent with regional architecture and the character of the neighborhood as amended through the conditions of approval.