

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



Agenda of:	May 9, 2013
Item No.:	8
Staff:	Peter N. Maurer

DESIGN REVIEW REVISION

FILE NUMBER: DR08-0006-R/Bob Dog Pizza Sign

OWNER: Rebecca E. Schwartz-Leuch and Bryan A. Leuch

REQUEST: Minor Revision to Design Review to change the sign type for Bob Dog Pizza.

LOCATION: On the north side of U.S. Highway 50, approximately 1,500 feet east of the intersection with State Route 89 in the Meyers area, Supervisorial District V. (Exhibit A)

APN: 034-323-10 (Exhibit B)

ACREAGE: 0.29 acre

GENERAL PLAN: Adopted Plan (AP), Tahoe Regional Planning Agency (TRPA) Regional Plan

ZONING: Meyers Community Plan – Subarea 3 (MCP-3)

ENVIRONMENTAL DOCUMENT: Previous notice of exemption filed pursuant to Section 15061(b)(3) of the CEQA Guidelines

SUMMARY RECOMMENDATION: Staff has provided options for the Planning Commission to take action as it deems appropriate.

BACKGROUND

The Design Review for Bob Dog Pizza was approved on February 26, 2009. The sign that was included as a part of that package showed an externally lit carved wooden sign mounted on a rock base. The proposed sign is an internally lit plastic sign of approximately the same dimensions, also located on a rock base. See Exhibits F and G.

Project Description

This revision would modify the approved sign design from a externally lit, carved wooden sign with a roof canopy structure to an internally lit plastic sign. The location of the sign has also moved slightly from its originally approved location.

STAFF ANALYSIS

The only issue associated with this revision is conformity with the Design Guidelines of the Meyers Community Plan. Section 5.a of the Guidelines reads as follows:

Freestanding Signs. Freestanding signs should be set on a monument base which is stone or has a natural stone veneer. The sign face should be constructed of metal, concrete, wood, or sign foam. Plastic or plex faced signs should not be used.

While the language is advisory with the word “should”, there still is a clear intent that the preferred sign type is not plastic or plexiglass. For that reason, staff cannot support the proposed revision. However, there are other existing plastic or plexiglass signs in the Meyers area. The Commission may find that the proposed sign is consistent with other signs in the community. Regardless of the action taken, no changes to the conditions would be necessary.

The staff report for the original design review applications indicated that the sign met the County standards. However, there must have been some misunderstanding of what the standards were that apply to the Meyers Community Plan, because what was approved does meet the standards. There are no specific sign standards that apply to any of the MCP zones. Instead, §17.58.170 requires conformance to the TRPA Code of Ordinances. TRPA sign standards for commercial zones allow for a 25 square foot sign, not exceeding 6 feet in height, and located not closer than 5 feet from the front property line. A 20% increase in both height and area are permitted for sites on roads with speed limits over 40 MPH. Highway 50 through Meyers has a 45 MPH speed limit. Therefore, the maximum sign size and height would be 30 square feet and 7.2 feet respectively.

Without counting the rock base, when measured as a rectangle around the sign, the area would be 36 square feet. Measures using the diameter of the circle, it would be just over 28 square feet, and could be considered consistent with the size requirement. With regard to the height, the base for the sign could be reduced by a foot to comply with the standard, or the Commission could find that the sign height was vested by the previous approval.

ENVIRONMENTAL REVIEW

The approval of the original project has been found to be exempt from the requirements of CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines stating that “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the

environment, the activity is not subject to CEQA.” As such, the construction of a 2,587 square foot restaurant is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. This change to the sign does not alter any of the circumstances upon which the prior action was based.

RECOMMENDATION

Staff recommends the Planning Commission take the following actions:

1. Find that the proposed modification to the sign is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines;
2. Approve or deny the requested modifications, subject to the conditions contained in Attachment 1 and based on one of two alternative sets of findings contained in Attachment 2.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1Original Conditions of Approval; Approved 02/26/09
Attachment 2Findings

Exhibit AVicinity Map
Exhibit BAssessor’s Parcel Map Page
Exhibit CApproved Site Plan
Exhibit DProposed Site Plan
Exhibit ELandscape Plan
Exhibit FApproved Sign Plan
Exhibit GProposed Sign Plan
Exhibit HSign Rendering
Exhibit IPhoto Simulation

ATTACHMENT 1

ORIGINAL CONDITIONS OF APPROVAL

**Design Review DR08-0006/Bob Dog Pizza
Approved by the Planning Commission/February 26, 2009**

I. PROJECT DESCRIPTION

1. This design review permit is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits E through L, dated February 26, 2009, and conditions of approval set forth below. 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 will constitute a violation of permit approval.

The project description is as follows:

Design review permit authorizing the construction of a new 2,587 square foot building for Bob Dog Pizza. An eight-foot tall monument sign is permitted with approximately 40 square feet of sign display area. Eleven parking spaces are permitted along with associated landscaping. Public sewer and water will be provided to the subject site by the South Tahoe Public Utility District (STPUD).

The grading, 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 (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

II. PROJECT CONDITIONS OF APPROVAL

Planning Services

2. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Design Review Permit. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

3. Prior to building permit issuance, the applicant shall provide a written description, together with appropriate documentation, demonstrating conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services permit center staff prior to final occupancy for verification of compliance with applicable conditions of approval.
4. The applicant is responsible for providing 11 off-street parking spaces at all times while the restaurant is in operation pursuant to 17.18.060 of the Zoning Ordinance. All on-site parking shall meet the parking lot design standards contained in Section 17.18.030 of the County Code. The required parking shall be provided as shown on the approved site plan, Exhibit E.
5. In accordance with the Parking Lot Landscaping and Buffering Standards (Section 17.18.090, El Dorado County Zoning Ordinance), the applicant shall submit a final landscape plan consistent with the approved landscape plan, Exhibit G, prior to issuance of a building permit. The final landscape plan shall reflect the continuation of the required landscape buffer along the entire length of the northeastern property line. Additionally, staff will make an on-site inspection to verify compliance with the final landscape plan prior to occupancy.
6. Prior to final building occupancy, all outdoor 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, as determined by Planning Services. The final lighting plan shall be consistent with the approved preliminary lighting plan, Exhibit H.
7. Prior to occupancy of the structure as a restaurant, the applicant shall pay all Development Services fees, if applicable.
8. Prior to building permit issuance, the applicant shall provide Planning Services proof of all permits required by the Tahoe Regional Planning Agency.

California Department of Transportation (Caltrans)

9. Prior to final building occupancy, the applicant shall provide Planning Services proof of an encroachment permit issued by Caltrans.

El Dorado County Department of Transportation

10. Prior to grading permit issuance, the applicant shall update the site improvement and grading plan to conform with the County of El Dorado "Design and Improvement Standards Manual," the "Grading, Erosion and Sediment Control Ordinance," the Drainage Manual," the "Storm Water Management Plan," the "Off-Street Parking and Loading Ordinance," and State of California Handicapped Accessibility Standards.

11. Prior to grading permit issuance, the applicant shall update the drainage report, dated October 2008, to conform to the County Drainage Manual and Storm Water Management Plan which addresses design storm requirements, storm water runoff increases, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.
12. The applicant shall complete an application for a commercial grading permit and is subject to a grading permit fee commensurate with the scope of the proposed project prior to commencement of any work performed.
13. The applicant shall provide a soils report time of grading permit application addressing, at a minimum, grading practices, compaction, erosion potential, ground water and pavement section based on TI and R values. Any export to be deposited within El Dorado County shall require an additional grading permit.
14. Prior to grading permit issuance, the applicant needs to address the potential flooding impacts at the convergence of the two outfall swales located at the NE side of the Magua Street encroachment.
15. Prior to grading permit issuance, the applicant shall provide a driveway profile at both encroachment locations commensurate with County standards.
16. Prior to building permit issuance, the applicant shall update the site plan to reflect improvements to the bike trail location which shall include: County approved removable type bollards, County approved bike trail delineation across the driveway, County approved signage, and appropriate pavement tie-in details.
17. The applicant shall provide a bike rack location at the building prior to final building occupancy.
18. Prior to grading permit issuance, the applicant shall update the design of the pond location at B with an appropriate outlet and the discharge location from the property which shall not negatively impact County right-of-way, downstream properties, or adjacent properties.
19. Prior to grading permit issuance, the applicant shall update the design of the rainstore location at C and the infiltration pond at D with an appropriate outlet design and the discharge location from the property which shall not negatively impact the adjacent property or Caltrans right-of-way.

Environmental Management Department

20. Prior to commencement of project construction, the water quality monitoring wells on-site shall be protected to the satisfaction of the Environmental Management Department.

21. Prior to building permit issuance, construction plans shall be submitted to the Environmental Management Department for review and approval.
22. During construction, all activities shall apply standard Best Management Practices (BMPs) to control dust during construction. These practices shall be incorporated into the project and include:
 - Application of water on disturbed soils and unpaved roadways a minimum of three times per day
 - Using track-out prevention devices at construction site access points
 - Stabilizing construction area exit points
 - Covering haul vehicles
 - Restricting vehicle speeds on unpaved roads to 15 miles per hour
 - Replanting disturbed areas as soon as practical and other measures as deemed appropriate to the site, to control fugitive dust
23. Prior to grading permit issuance, a Fugitive Dust Plan (FDP) shall be submitted with appropriate fees to and approved by the Air Quality Management District (AQMD).
24. Burning of vegetative wastes that result from “Land Development Clearing” must be permitted through the District Rule 300 Open Burning. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.
25. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
26. If any commercial, industrial, agricultural, mining or any other hazardous materials handling activities have taken place on the property in the past, the applicant must conduct a Phase I Environmental Site Assessment (ESA). The Phase I must be conducted in accordance with ASTM standard E 1527-00. All information developed in the Phase I process must be submitted to the Hazardous Materials Division (HMD) for review. If upon review of the Phase I information, HMD determines the property is a potentially impacted site, the applicant must apply for a permit, submit a workplan and conduct a Phase II ESA and any required site remediation activities prior to developing property.
27. If this facility will store reportable quantities of hazardous materials (55 gallons/liquid, 500 lbs/solid or 200 cubic feet/gas) or generate hazardous waste, prior to commencing operations the owner/operator must:
 - Prepare, submit and implement a hazardous materials business plan and pay appropriate fees.
 - Obtain a hazardous waste generator identification number from the California Department of Toxic Substances Control.
 - Train all employees to properly handle hazardous materials and wastes.
 - Implement proper hazardous materials and hazardous waste storage methods in accordance with the Uniform Fire Code and Uniform Building Code.

Lake Valley Fire Protection District

28. The 2007 California Building Code, Section 701A.3.2.4, and Public Resource Code Section 4291 requires a minimum clearance of 100 feet, or to the property line of all flammable vegetation to be maintained around all structures by the property owner. This is for the purpose of creating and maintaining defensible space vegetation clearance around the structure. This does not include individual species of ornamental shrubs and landscaping. Any trees greater than 14 inches in diameter at 4.5 feet above grade level will require tree marking. Contact the Lake Valley Fire Protection District, Vegetation Management Division at 530-577-2447 to schedule an appointment for tree marking or for a required PRC 4291 Defensible Space inspection prior to final building occupancy.
29. As this project is located within a fire hazard severity zone, as designated by the California Department of Forestry and Fire Protection (Cal-Fire), all of the construction standards located in the 2007 California Building Code, Chapter 7A, Materials Construction Methods for Exterior Wildfire Exposure, are required to be incorporated into this project prior to building permit issuance.
30. Prior to building permit issuance, the 10 foot driveway in front of the building needs to be a minimum width of 12 feet.
31. At time of building permit submittal, the plans shall reflect access for a fire engine to negotiate from the front of the structure to the rear of the structure.
32. A complete set of engineered building plans must be submitted to the Fire District for review prior to the issuance of a building permit.
33. The site is subject to a final Fire District inspection prior to final building occupancy.

ATTACHMENT 2

FINDINGS

**Design Review Revision DR08-0006-R/Bob Dog Pizza
Planning Commission/May 9, 2013**

ALTERNATIVE 1 – FINDINGS FOR APPROVAL

1.0 CEQA FINDINGS

- 1.1 The proposed project will have no significant impact on the environment and is exempt from CEQA pursuant to 15061(b)(3) of the CEQA Guidelines.
- 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 Meyers Community Plan as found by the Planning Commission on February 26, 2009. The modification of the sign is not a substantial change to the project.

3.0 ZONING FINDINGS

- 3.1 The proposed sign is consistent with the sign standards of Tahoe Regional Planning Agency Code of Ordinances as to sign area.
- 3.2 The applicant has relied upon the prior approval of an 8' high sign in developing the plans and specifications for the revised sign, and has expended money in reliance on that prior approval.

4.0 DESIGN REVIEW FINDINGS

- 4.1 **The proposed use and design conforms to the General Plan and Zoning Ordinance.**

The revised sign is generally consistent with the Meyers Community Plan (MCP), as the rock material to be used for the base is consistent with the design recommendations of the MCP Design Guidelines, and the guidelines are advisory in nature.

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

The sign is similar in size and design to other signs existing in the Meyers area.

ALTERNATIVE 2 – FINDINGS FOR DENIAL

1.0 CEQA FINDINGS

- 1.1 The proposed project will have no significant impact on the environment and is exempt from CEQA pursuant to 15061(b)(3) of the CEQA Guidelines.
- 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 not consistent with the Meyers Community Plan (MCP). The plexiglass or plastic sign is inconsistent with Section 5.a of the Design Guidelines, adopted as a part of the MCP

3.0 ZONING FINDINGS

- 3.1 The proposed sign is inconsistent with the sign height standards of Tahoe Regional Planning Agency Code of Ordinances.

4.0 DESIGN REVIEW FINDINGS

- 4.1 **The proposed use and design conforms to the General Plan and Zoning Ordinance.**

The revised sign is inconsistent with Section 5.a of the Meyers Community Plan because the sign face is made of plastic or plexiglass material.