

**COUNTY OF EL DORADO DEVELOPMENT SERVICES
ZONING ADMINISTRATOR
STAFF REPORT**



Agenda of: February 16, 2011
Item No.: 4.a.
Staff: Tom Dougherty

TENTATIVE PARCEL MAP

FILE NUMBER: P10-0011/Diamond Springs Retail

APPLICANT: Grado Equities II, LLC CA, Leonard Grado

ENGINEER: Patterson Development, Lawrence Patterson

REQUEST:

1. Tentative Parcel Map creating two commercial parcels 0.63 and 0.98-acres in size from a 1.61-acre parcel within an existing retail center; and
2. Elimination of required commercial loading zone and RV parking.

LOCATION: On the northeast corner of the intersection with Pleasant Valley Road in the Diamond Springs Area, Supervisorial District 3. (Exhibit A).

APN: 054-342-35 (Exhibit B)

PARCEL SIZE: 1.61 acres

GENERAL PLAN: Commercial (C) (Exhibit D)

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

ENVIRONMENTAL DOCUMENT: Exempt from CEQA review pursuant to Section 15061 (b) (3) of the CEQA Guidelines

RECOMMENDATION:

Staff recommends the Zoning Administrator take the following actions:

1. Certify that the project is Exempt from CEQA pursuant to Section 15061 (b) (3);
2. Approve Tentative Parcel Map P10-0011 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2; and

BACKGROUND: The 1.61-acre parcel was created by Parcel Map PM 50/39, recorded in September 2008.

The Diamond Springs Retail Center project Design Review DR05-0005 was approved by the Planning Commission on May 25, 2006 for the following:

- 5,628 square foot retail shop;
- 1, 200 square foot fast food restaurant space within the retail shop;
- 3,000 square foot convenience market;
- Drive through automated car wash; and
- Fueling station canopy.

The current site improvements were approved or are pending with the following building permits:

Building/Structure Type	Suite Number	Square Footage	Permit Number	Status
Quick Stop convenience market/car wash		3,075/1,127	175681	Issued 9/18/08
Multi-tenant retail building shell		5,625	175682	Finalized 7/31/09
Fueling station canopy, 6 pumps and 12 hoses.		3,600	190369	Issued 9/19/08
Subway Restaurant within multi-tenant retail building	400	1,250	192562	Finalized 7/31/09
Cleaners	300	896	195737	Pending 1/15/10
Spec retail space	200	1,100	195735	Pending 1/15/10
Vacant	100	2,379		

Monument signs were approved by the following discretionary permits subsequent to the Retail Center approval:

Special Use Permit S09-0001 was approved by the Planning Commission on May 14, 2009 for the construction of a three-sided internally illuminated monument sign at the southwest corner of Diamond Springs Retail Center site with a maximum height of six feet, a sign area of 33 square feet, sign height of five feet, and sign width of six feet six inches.

Special Use Permit S09-0001-R was approved by the Planning Commission on April 8, 2010 and revised the previous sign approved by S09-0001 and proposed a new sign at the southeast entrance as follows:

- A three-sided internally illuminated monument sign was approved to be constructed at the southwest parcel corner with a maximum height of nine feet, sign area of 150 square feet, sign height of six feet three inches, and a sign width of eight feet.
- The new sign size authorized under S09-0001-R was approved to be constructed at the southeast parcel encroachment onto Pleasant Valley Road with a maximum height of nine feet, sign area of 50 square feet and a sign width of 12 feet.

The proposed map shows that the northernmost portion of the multi-tenant building contains a restaurant drive-thru feature. That tenant space is currently vacant and has no submitted Tenant Improvement permit application. As noted in the Staff Report for Design Review DR05-0005, *during the project review process, the applicant indicated a desire to construct a drive-through as a future component of the planned fast-food restaurant upon the relinquishment of the former State Highway 49 alignment adjacent to the subject site to El Dorado County and ultimately to the respective property owners adjacent to the former road alignment. The timeline for this action occurring is not know at this time. However, a drive-through proposal will require a major Design Review revision application be processed through Planning Services with Planning Commission approval. Such a revision will require further environmental review under CEQA for issues such as traffic and circulation/access impacts, air quality impacts and increased project signage.*

Note: Exhibit B shows a 0.192-acre parcel south of the subject parcel. That parcel is County owned and is part of the right-of-way for Pleasant Valley Road.

STAFF ANALYSIS: Staff has reviewed the project for compliance with the County’s regulations and requirements. An analysis of the Tentative Parcel Map request and issues for Zoning Administrator consideration are provided in the following sections:

Project Description: Tentative Parcel Map creating two commercials parcels 0.63 and 0.98 acres in size from a 1.61-acre parcel within an existing commercial retail center.

Site Description: The project site consists of an existing convenience market, drive through automated car wash, fueling station canopy atop a six-pump, twelve-hose station, and a separate multi-tenant building. There is an asphalted and landscaped parking area that allows through access. The east and south sides have grass berms with sidewalks adjoining the roads.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	C-DC	C	Commercial-retail/Fueling station, carwash, multi-tenant retail building and supporting parking, utilities, and landscaping
North	C-DC/R1A	C	Residential/Single-Family dwellings, outbuildings
South	C-DC	C	Commercial-retail/ Pleasant Valley Road adjoins, retail businesses on the opposite side.
East	C-DC	C	Commercial-retail/ Fueling station and mini-market.
West	C-DC	C	Commercial/ State Route 49 adjoins west parcel boundary, vacant on the opposite side.

Discussion: The project vicinity is primarily commercially zoned land of similar parcel sizes. The project parcel is bounded on four sides by parcels designated by the General Plan for commercial land uses. A portion of the north boundary adjoins a parcel zoned for residential uses however; all other portions adjoin parcels zoned for commercial uses. State Route 49 adjoins the parcel along the west boundary and the Pleasant Valley Road right-of-way adjoins

the parcel along the south side. There are existing retail businesses located to the south and the parcel to the west is vacant.

Project Issues: Discussion items for this project include access and circulation, floor-area ratio, and parking.

Access and Circulation: The parent parcel has access through existing encroachments onto Pleasant Valley Road at the southeast parcel corner, and two to State Route 49 to the west directly, and north via a frontage road. These encroachments have been approved by the El Dorado County Department of Transportation (DOT) and California Department of Transportation (Cal Trans). No new impacts and vehicle trips would be anticipated as the project requests to put a line on the map to create two separate parcels with no new uses or construction proposed.

DOT reviewed the proposed project and had no concerns or recommended conditions.

Cal Trans reviewed the project has recommended that the project have an approved shared access and parking agreement and to specifically label the west ingress/egress encroachment, that the proposed new boundary line splits, as a shared access. This condition has been added to the recommended Conditions of Approval in Attachment 1.

The project was reviewed by the Diamond Springs-El Dorado Fire Protection District and they have recommended that the project provide a minimum 20-foot wide non-gated nonexclusive easement along the interior boundary between the two parcels which would allow fire apparatus access to either parcel from either direction prior to the filing of the Parcel Map.

As conditioned, there are outstanding concerns with access and circulation for the proposed Parcel Map.

Floor Area Ratio (FAR): General Plan Policy 2.2.1.5 directs that the Floor Area Ratio (FAR) within a Commercial zone district be a maximum of 0.85 or 85 percent. The FAR for the proposed parcels would be as follows:

- Parcel A: Proposed parcel area = 42,818 square feet.
Existing buildings = 4,142 square feet.
FAR = 9.6 percent
- Parcel B: Proposed parcel area = 27,522 square feet;
Existing building = 5,628 square feet
FAR = 20.45 percent

As proposed, both parcels would be consistent with this policy.

Parking: The submitted site plan was reviewed to verify compliance with Zoning Ordinance on-site parking requirements. Section 17.18.060 of the Zoning Ordinance lists the parking requirements by use. Parking exists and has been approved for the current uses through the Tenant Improvement Building Permit processes. The table below shows how the current approved and potential proposed uses and parking requirements would break down:

PARKING REQUIREMENTS BY EXISTING TENANT IMPROVEMENT			
Parcel A	Gross Floor Area (in square feet)	No. of Spaces Required	No. of Spaces Provided
Retail (Currently Quick Stop convenience market and fueling station needs 10 spaces)	3,000	10	21
Car wash	1,142	0	0
Parcel 4: Grocery/Market	25,000	100	122
Parcel 5: Office/Commercial	4,400	18	19
Totals	46,900	188	230

If proposed Parcel B develops a drive thru restaurant with more than 45 seats in the future, and/or any of the current tenants are replaced with uses requiring additional parking spaces, shared parking with Parcel A would be necessary as follows:

Parcel B has 28 spaces
 Subway needs 6 spaces
 Cleaner needs 3 spaces
 Spec Retail needs 4 spaces
 2,379 square-foot fast food restaurant area would need 15 spaces for 45 seats
 Total needed: 28

Parcel A has 21 spaces
 Quick Stop needs 10 spaces
 11 spaces are available to share if needed

The existing parking for proposed project would comply with Chapter 17.18 of the County Code as it exists today. However, to prevent limiting the uses in the future, the applicant will be recording a shared parking agreement between the two parcels, including shared access. Recommended Condition of Approval 6 is included to require that this agreement is recorded concurrently with the recording of the Parcel Map.

General Plan: The General Plan designates the subject site as Commercial (C). **Policy 2.2.1.2** states the Commercial land use designation permits a full range of commercial retail, office and service uses. The Diamond Springs Retail Center was approved for these types of uses with the approval of Design Review DR05-0005. The project would create two new parcels but would not change any of the uses allowed that were previously approved and therefore would be consistent with this policy.

Land Use Compatibility: Policy 2.2.5.21 directs that new development be compatible with the surrounding neighborhood.

Discussion: The parcel sizes and commercial uses would be consistent and compatible with the intended development pattern in the immediate neighborhood.

Conclusion: It has been determined that the project would be consistent with the applicable General Plan Policies. Findings of Consistency with the General Plan are provided in Attachment 2.

Zoning: The project site is located within the Commercial-Design Control (C-DC) zone district which permits parcels with a minimum parcel size of 5,000 square feet. The project proposes one parcel 0.98 acre (42,818 sq. ft.) and one 0.63 acre (27,522 sq. ft.) which both exceed the minimum parcel size required. The proposed project conforms to development standards provided under Section 17.32.040 for building coverage of 60 percent, minimum lot width of 50 feet, and yard setbacks of 10 feet front, 5-foot sides, and ten-foot rear.

Maximum Building Coverage: Lot A would be allowed a maximum building coverage of 25,690 square feet and shows 4,142 square feet. Lot B would be allowed a maximum building coverage of 16,513 square feet and shows 5,628 square feet of building coverage. Based on the square footages provided, the project would be in compliance.

Loading Zone and RV Parking Modification:

1. **Off-street Loading Zone:** The request for relief from an off-street loading zone, measuring 12 feet by 40 feet, is subject to special circumstances as defined under Section 17.18.080.D. The special circumstances are based on types of use, project design and site dimensions, impact to surrounding properties, and public safety.

Discussion: The request to waive loading zone requirements could be approved by the Zoning Administrator due to the following:

- a. The specific nature of the combined proposed uses with two restaurants and other retail, would require product deliveries be made to the site, however deliveries would be minimal in size and quantities and deliveries to restaurants are typically done in the morning hours with the typical hours of operations of restaurants being later in the day.
 - b. The size of the proposed buildings relative to site dimensions and parking availability limit placement of a discrete loading zone, however this is not adequate justification to waive the loading zone requirement.
 - c. Impact of a loading zone on surrounding properties is a non-issue due to the commercial development of the area. Required landscaping and building placement would screen loading activities to some degree.
 - d. Deliveries to the buildings would be handled by small delivery trucks or vans, which can utilize the areas, not marked as parking spaces, as this activity is usually of short duration and can be done by hand or dolly. The previous approval of Design Review DR05-0005 designated a loading zone as shown in Exhibit F and the project would be conditioned to record a shared parking and access easement that would allow Parcel B to share that space as well.
2. **Designated recreational vehicle parking:** Section 17.18.040.C states that *when it is determined by the approving authority, as provided in Section 17.18.040 D, that the use or activity will promote or encourage recreational vehicle parking, such parking spaces shall be designed to minimize conflicts with the parking and circulation otherwise required.*

Discussion: The request to waive the RV space requirement could be approved by the Zoning Administrator due to :Planning's determination that neighborhood restaurants and the other retail

uses within the Diamond Springs Retail Center do not promote or encourage RV parking and finds that a RV parking would not need not be required on each parcel. And further, the original review and approval of Design Review DR05-0005 did not require a designated RV space as well.

The Zoning Findings for Approval are provided in Attachment 2.

Other agencies contacted:

Diamond Springs and El Dorado Community Advisory Committee: The Diamond Springs and El Dorado Community Advisory Committee reviewed the project at the meeting of January 20, 2011. The committee had no outstanding concerns with the project as proposed.

El Dorado Irrigation District (EID): The project was distributed to the Environmental Division Manager for review and he responded that EID had no outstanding concerns with the project as proposed.

ENVIRONMENTAL REVIEW: This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15061 (b) (3) of the CEQA Guidelines. As conditioned the project is consistent with the commercial development standards of the Commercial (C) Zone District for the existing structures and facilities. The potential environmental impacts of the project uses, accesses, structures and supporting infrastructure were analyzed, and a Mitigated Negative Declaration previously approved, by the approval of Design Review DR05-0005, previous to the subject project request. A \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1Conditions of Approval
Attachment 2Findings of Approval

Exhibit ALocation map
Exhibit BAssessor’s Parcel Number map
Exhibit CParcel Map 50-30 (two pages)
Exhibit DGeneral Plan Land Use map
Exhibit EZoning map
Exhibit FTentative Parcel Map, dated October 27, 2010
Exhibits G-1 to G-4Site visit pictures
Exhibit HAerial map showing vicinity (2007, pre-
construction)

ATTACHMENT 1

CONDITIONS OF APPROVAL

Diamond Springs Retail Tentative Parcel Map/P10-0011

February 16, 2011 Zoning Administrator Hearing

CONDITIONS OF APPROVAL

Project Description

1. This Tentative Parcel Map is based upon and limited to compliance with the project description, the hearing exhibit marked Exhibit F 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 would constitute a violation of permit approval.

The project description is as follows:

The project allows the creation of two parcels 0.63 and 0.98 acre in size, from a 1.61-acre site identified by Assessor's Parcel Number 054-342-35, as shown in Exhibit F. The approval includes the following:

Parcel Number	Gross Area	Existing Improvements
A	0.98 acre (42,818 sq. ft.)	3,000 sq. ft. retail (currently Quick Stop mini market), 1,142 sq. ft. carwash, 6-pump, 12-hose fueling station with a 40-foot by 90-foot canopy above, two monument signs, 21 parking spaces including one handicap, van accessible space, one Recreational Vehicle parking space.
B	0.63 acre (27,522 sq. ft.)	5,628 sq. ft. retail space building with one drive-thru window, one monument sign, 28 parking spaces with two handicap accessible spaces, one having van accessibility.

The commercial loading zone located on Parcel A shall be shared with Parcel B and there is no requirement for designated /RV spaces on either parcel.

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 must be submitted for review and approval and shall be implemented as approved by the County.

Planning Services

2. **Map Time Limits:** The map shall remain in effect for three years from the date of approval. If the map has not been filed within this timeframe, an extension may be requested prior to expiration of the map. Appropriate fees shall be paid to process the time extension.
3. **Tentative Parcel Map Fees:** The applicant shall make the actual and full payment of Development Services Department processing fees for the Tentative Parcel Map application prior to filing the Parcel Map.
4. **Notice of Exemption Fee:** A \$50.00 administration fee is required by the County Recorder to file the Notice of Exemption. This fee shall be made payable to El Dorado County and shall be submitted to Planning Services after the end of the ten working day appeal period of a final project.
5. **Recreational Vehicle (RV) Parking and Loading Space Waivers:** The requirement for dedicated RV spaces for both parcels under Section 17.18.060 Number 16 is waived. The requirement for a dedicated commercial loading zone for both parcels under Section 17.18.080 is waived. Both parcels shall share the existing dedicated commercial loading zone within Parcel A.
6. **Joint Access and Parking Agreement:** A joint access and parking agreement shall be provided to insure on-going access and maintenance of the parking to all property owners within Diamond Springs Retail Center. A copy of said agreement shall be provided to Planning Services for review and approval, and the approved agreement shall then be recorded concurrently with the filing of the Parcel Map. A note shall be made on the Parcel Map that there is a recorded Joint Access and Parking Agreement.
7. **Shared Encroachment:** The encroachment onto State Route 49 that is split by the new parcel boundary shall be labeled as a shared access for Parcels A and B on the filed Parcel Map.
8. **Indemnity:** 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 developer and land owner 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 Parcel Map.

The County shall notify the applicant of any claim, action, or proceeding, and the County shall cooperate fully in the defense.

Diamond Springs-El Dorado Fire Protection District

9. The project shall provide a minimum 20-foot wide non-gated nonexclusive easement along the interior boundary between the two parcels which would allow fire apparatus access to either parcel from either direction prior to the filing of the Parcel Map.

County Surveyor's Office

10. All survey monuments shall be set prior to filing the Parcel Map.
11. Prior to filing the Parcel Map, a letter will be required from all agencies that have placed conditions on the map. The letter will state that "all conditions placed on P10-0011 by (that agency) have been satisfied." The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.

ATTACHMENT 2

FINDINGS

Tentative Parcel Map P10-0011/Diamond Springs Retail

Zoning Administrator Hearing/February 16, 2011

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 should be made:

FINDINGS FOR APPROVAL

1.0 CEQA FINDINGS

- 1.1 CEQA does not apply to this project pursuant to Section 15061, "Review for Exemption," which states in subsections (b) and (3) that a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. 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. The Zoning Administrator has found that the facts that the buildings, service station pumps and canopy, access driveways and encroachments, and all supporting utilities exist for both parcels, all support the decision that the project complies with the General Rule category.
- 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 As proposed, the project is consistent with the Commercial (C) land use designation of the subject site as defined within General Plan Policy 2.2.1.2 because the C land use designation allows minimum of 5,000 square-foot parcel sizes and the project creates two parcels 42,818 square feet and 27,522 square feet in size.
- 2.2 The proposal is consistent with General Plan policy 2.2.5.21 (land use compatibility). It has been determined that the project is consistent with the General Plan, because, as conditioned, the project would be compatible with the surrounding land uses and parcel sizes.

3.0 ZONING FINDINGS

- 3.1 The project site is located within the Commercial-Design Control (C-DC) zone district which permits parcels with a minimum parcel size of 5,000 square feet. The project proposes one parcel 0.98 acre (42,818 sq. ft.) and one 0.63 acre (27,522 sq. ft.) which both exceed the minimum parcel size required.

- 3.2 The existing commercial uses at the subject site are permitted by right under Section 17.32.020. As proposed, the project meets all applicable development standards contained within Section 17.32.040 of the Zoning Ordinance.
- 3.3 The requirement that both parcels have commercial loading spaces is waived the existing loading zone located within Parcel A is found to be adequate to serve both parcels because of the nature of the retail and restaurant businesses located within the Diamond Springs Retail Center. The project is required to record a shared parking and access easement that would allow Parcel B to share said commercial loading space with Parcel A.
- 3.4 The requirement that both parcels have RV spaces is waived as it has been determined the existing restaurant and retail uses within the Diamond Springs Retail Center will not promote the need for RV parking on either parcel.

4.0 PARCEL MAP FINDINGS

- 4.1 **The proposed tentative map, including design and improvements, is consistent with the General Plan** because all necessary improvements have been considered by the reviewing agencies to determine that this Tentative Parcel Map is consistent with the policies of the General Plan, as analyzed and described in the Staff Report and the General Plan Findings above.
- 4.2 **The proposed Parcel Map conforms to the applicable standards and requirements of the County's zoning regulations and Minor Land Division Ordinance** because as proposed and conditioned, the Tentative Parcel Map conforms to the development standards within the Commercial (C) zone district and the Minor Land Division Ordinance.
- 4.3 **The site is physically suitable for the proposed type and density of development because** the site is physically suitable for the proposed type and density of development. The project was designed in a manner which equally distributes the existing suitable emergency and potable water, emergency access, and parking. The proposed development meets the density and minimum parcel sizes allowed in the General Plan C land use designation and conforms to the minimum parcel size and development standards of the C zone district.
- 4.4 **The proposed subdivision is not likely to cause substantial environmental damage** because the proposed Parcel Map is not anticipated to cause substantial environmental damage as after agency and staff review of the project, it was determined that the project would create two parcels but would not change any uses or add any new physical improvements to the site.