

## **FROM THE PLANNING COMMISSION MINUTES OF FEBRUARY 26, 2009**

### **11. REZONE/PLANNED DEVELOPMENT/PARCEL MAP**

**Z06-0002/PD06-0002/P06-0001/Sunstone Business Park** submitted by EL DORADO DEVELOPMENT PARTNERSHIP GROUP (Agent: Lebeck Young Engineering) to rezone from Research and Development-Design Control (R&D-DC) to Research and Development-Planned Development (R&D-PD); Allow the construction of 25 buildings totaling approximately 205,212 square feet, with the individual buildings ranging in size from 5,700 to 13,375 square feet; Create 25 parcels ranging in size from 1 to 1.52 acres; and Two Design Waivers have been requested to allow the following: (a) Omit the sidewalks along the proposed 'Road A' and 'Road B'; and (b) Reduce the right-of-way width requirement from 70 feet to 50 feet except at the project entrances. The property, identified by Assessor's Parcel Number 117-100-32, consisting of 33.18 acres, is located on the south side of Sandstone Court, southwest of the intersection with Golden Foothill Parkway, in the El Dorado Hills Area, Supervisorial District II. (Negative declaration prepared)\*

Jonathan Fong presented the item to the Commission with a recommendation of approval and a denial of a Design Waiver to the Board of Supervisors. Mr. Fong informed the Commission that staff has received several public comment letters identifying concerns with the project. He also summarized staff's memo dated February 10, 2009 which identified conditions that DOT had requested to be modified.

Brandon Ghetia, applicant, identified areas in the Staff Report that he was not in agreement with and felt merited changes. He also requested that Condition 4 be removed as it has already been met. In regard's to staff's recommendation for denial of the design waiver to omit sidewalks, Mr. Ghetia stated that the sidewalks do not provide any viable means of transportation as there are no other sidewalks and this requirement would put a financial strain on the development. He also said that if the Fire Department is satisfied with not having a required turnaround, then that requirement should be removed. Mr. Ghetia indicated that he had met with residents from the Four Seasons development and have addressed their concerns regarding lighting and noise. In addition, the Economic Development Advisory Committee and the El Dorado Hills Business Park Board of Directors are in support of this project.

County Counsel Paula Frantz recommended that the Commission do not remove Condition 4 as requested by the applicant, because if a condition has been satisfied, it will be "checked-off" as being in compliance and will allow the permit to move forward.

Bobbie Lebeck, applicant's agent, summarized Mr. Ghetia's change requests regarding the conditions of approval: (1) Condition 21-Table 1, in Exceptions/Notes: Add "and no sidewalk" to Road A and Road B; (2) Condition 22: 50 foot right-of-way; (3) Condition 24 (Turnaround): Remove; (4) Condition 25: Inconsistent with Staff Report, should be Design Standard 103F with no taper; and (5) Conditions 26 and 27: Ensure that developer will have the option to utilize B.6.d of the Grading Ordinance-Design Manual if needed.

Coy Baugh/Four Seasons, distributed a letter to the Commission. He requested that they consider the following: (1) Maintain the grading elevations/lot sizes as presented in the exhibit; (2) Condition project to have only one-story structures; (3) Request fast-growing, dense, evergreen trees planted on the west side that will fit with the environment and that are planted no later than one year; (4) Request light poles on west side to be short and not have flood lights; and (5) Request construction period be from 8:00am – 4:30pm, with a 48 hour notice if explosives will be used.

Commissioner Tolhurst and Mr. Baugh discussed in more detail the lighting issue, with Commissioner Tolhurst stating that as long as it meets the County standards, Mr. Baugh's issues would more than likely be addressed.

Jim O'Camb/El Dorado Hills Fire Department stated that their biggest issue is always being able to get their rigs in and people out, so a roadway needs to be open and clear and able to support the rigs. Therefore, their requirement of getting in doesn't necessarily have to meet DOT standards. Mr. O'Camb stated that for a turnaround, as long as it meets the turning radius, then they are okay with it.

Eileen Crawford/DOT, stated that Condition 24-Turnarounds does contain the language "or approved equivalent" which provides options for the applicant to satisfy this condition. She also stated that DOT has received numerous complaints regarding the lack of sidewalks in the business park and DOT tries to avoid placing pedestrians in the roadway. Commissioner Heflin felt that since these are independent businesses, sidewalks would not be utilized. Commissioner Tolhurst disagreed by stating that a business park is a park and is significantly used by pedestrians during lunch breaks, etc. He felt that sidewalks attract more business and are an amenity. Ms. Crawford stated that there are other businesses in the park that were conditioned for sidewalks due to the nature of the business (i.e., daycare, church). She also explained that the sidewalks would be placed inside the track.

Ms. Crawford concurred with applicant's request for Condition 22 to be corrected to 50 foot right-of-way. However, if it is to be a County-maintained road, then it has to be a 60 foot right-of-way, which is what the existing roads are. She also agreed to the requested change in Condition 25 to exclude taper. In regards to Conditions 26 and 27, she stated the applicant would not lose the option of utilizing section B.6.d.

Doug Hus, adjacent owner, stated that requiring sidewalks would be imposing a burden on the developer. Small businesses are the tenants and on-going maintenance and liability for the sidewalks would increase costs and doesn't see it as a positive. He also said that he liked the development as it is subdividing a large parcel and therefore making it conducive to more business ownership.

Patty Scholberg said that the houses that back up to the business park are located at a lower level than the business park and would like only single-story buildings allowed.

Harry Marks, who lives along the wall that borders the business park, requested that the Commission consider all of the items that are being addressed by the public.

Mr. Ghetia explained that although they are proposing single-story structures, they still want the flexibility to provide a two-story building if so desired by an applicant. He also stated that the houses adjacent to the development, which are already depressed, would have a wall and landscaping between them and the proposed structures. He explained that the closest building to the wall would be 87 feet and the wall is approximately 8 feet tall. Mr. Ghetia stated that the Design Guidelines that they submitted would be approved with the project and page 38 identifies the building sizes. He also wanted to point out that Condition 37 lists construction hours earlier than what is being requested by the public. He again reiterated his request to not be required to have sidewalks. Mr. Ghetia also stated that he will utilize the County's approved list when identifying plants to use for the development and will obtain a professional landscaper. In response to a request for the public to be provided advance notice of any explosives being used, Ms. Crawford stated that OSHA requires notification to the Fire Department and CHP 10 days in advance and a changeable message sign to be put up five days in advance.

Mr. Fong stated that Condition 1 currently states "office and warehouse development" and staff recommends changing it to allow the range of uses as specified in the Design Guidelines, which is also being adopted.

There was discussion on the applicant's request to have a medical facility which would be allowed to have overnight stays. It was stated that this is a broader discussion and the applicant could apply for that special use separately, if so desired.

Commissioner Heflin inquired if there were any other options to provide pedestrian pathways besides sidewalks. Ms. Frantz indicated that in the past, the Commission has conditioned different types of sidewalks and widths.

Commissioner Rain requested that the applicant utilize more mature trees that have a fast-growth rate when the landscaping begins. Mr. Fong stated that the Design Guidelines could be modified to address those concerns.

Chair Mathews indicated that he is in favor of the sidewalks and they shouldn't be eliminated just because other areas don't have them. He is fine with the right-of-way being changed to 50 foot and it not being County-maintained. Ms. Lebeck clarified that the right-of-way has nothing to do with the road width. The road is 40 feet wide and the right-of-way is just the easement area. If the right-of-way was 60 foot then the lot size would have to be reduced. Ms. Crawford explained that if they accepted the roads if would be accepted in fee, so the County would own the roads that they are maintaining. Therefore, if the road was accepted, then would recommend a modification to Condition 22 to include "in fee" so that the land would be dedicated to the County.

Chair Mathews also said that he would like to have evergreens planted on the western side, but didn't want to prohibit development by limiting the building size.

No further discussion was presented.

**Motion: Commissioner MacCready moved, seconded by Commissioner Rain, and unanimously carried (5-0), to recommend the Board of Supervisors take the following actions: 1. Adopt the Negative Declaration based on the initial study prepared by staff; 2. Approve Rezone Z06-0002, Planned Development PD06-0002 adopting the Development Plan as the official development plan, and Parcel Map P06-0001, based on the findings proposed by staff, subject to the conditions as modified, which include amendments to Conditions 1 [reference uses in Planned Development Design Guidelines], 21-Table 1 [5 foot sidewalks], 22 [50 foot right-of-way, in fee], and 25 [Standard 103F excluding taper] and the revised conditions listed in the February 10, 2009 memorandum, and amend Design Guidelines – page 22 to include 15 gallon size non-deciduous plantings to occur where project abuts a residential zone; 3. Approve Design Waiver #2 based on the findings proposed by staff; and 4. Deny Design Waiver #1, since the required findings cannot be made.**

**AYES: Heflin, Tolhurst, Rain, MacCready, Mathews**  
**NOES: None**