

Z08-0009/PD08-0009/P08-0012 – As approved by the Board of Supervisors on January 13, 2009.

Findings

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 The project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15301(k) that allows subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt. The project proposes to create 15 air space condominium units and one common area where no physical changes would occur.
- 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 Commercial land use designation allows for a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. The project site is located within the Shingle Springs Community Region. The Commercial land use designation is considered appropriate within Community Regions such as Shingle Springs.
- 2.2 The proposal is consistent with General Plan policies, including 2.2.1.5 (Floor Area Ratio), 2.2.3.1 (Planned Development Combining Zone District), and 2.2.5.3 (Future Rezoning). It has been determined that the project is consistent with the General Plan. Because of the project's provision of adequate floor area ratio, providing innovative planning and development techniques through the use of the Planned Development Combining Zone District, consistency with criteria for evaluation future rezoning, and efforts to fit within the context of the surroundings land uses, it is consistent with the General Plan policies identified above.

3.0 ZONING CHANGE FINDINGS

- 3.1 The project is consistent with the El Dorado County Zoning Ordinance designation of General Commercial because the proposed project allows for warehouse, light industrial, office and retail uses pursuant to Section 17.32.180 of the Zoning Ordinance.

- 3.2 The project, as proposed and conditioned, along with the zone change adding the Planned Development overlay to the General Commercial zone district to create the General Commercial – Planned Development (CG-PD) zoned district, is consistent with the El Dorado County Zoning Ordinance because the application has been processed in accordance with Section 17.02 (Planned Developments - General Provisions), Section 17.04 (Planned Developments - Procedure), Section 17.18 (Off-Street Parking and Loading), and Sections 17.32.170 through 17.32.220 (General Commercial Districts).

4.0 PLANNED DEVELOPMENT FINDINGS

- 4.1 *The Planned Development zone request is consistent with the General Plan.*

The planned development will allow for a range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County consistent with the General Plan Commercial Land Use Designation.

- 4.2 *The proposed development is so designed to provide a desirable environment within its own boundaries.*

The project was originally reviewed and approved under a design review application DR 01-0015 and has been constructed in accordance with that approval. No modifications to the aesthetics of the site have been proposed.

- 4.3 *Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.*

Except for minimum parcel sizes and lot widths for the individual units, the project complies with development standards of the General Commercial zoning district and applicable regulations of the El Dorado County Zoning Ordinance. A planned development application is required to facilitate the conversion of an existing commercial structure into air space condominium units and individual ownership.

- 4.4 *The site is physically suited for the proposed uses.*

The project would not create any additional development on a previously permitted and constructed commercial development containing existing structures, landscaping, signage, parking and access improvements. The site currently has 15 suites which will be converted to condominium suites for individual ownership so no change in density would occur.

- 4.5 *Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads, and utilities.*

The project is located within the Barnett Business Park and has adequate utilities and infrastructure to service the project.

- 4.6 *The proposed uses do not significantly detract from the natural land and scenic values of the site.*

The proposed uses do not significantly detract from the natural land and scenic values of the site since the site is previously developed and no additional development is proposed.

5.0 PARCEL MAP FINDINGS

- 5.1 *The proposed tentative map, including design and improvements, is consistent with the General Plan.*

The proposed warehousing, light industrial, office, and retail land uses are consistent with the Commercial General Plan land use designation, and is consistent with applicable policies as outlined in Finding 2.2 above.

- 5.2 *The proposed tentative map conforms to the applicable standards and requirements of the County's zoning regulations and Minor Land Division Ordinance.*

As proposed and conditioned, the tentative parcel map conforms to the development standards within the General Commercial zone district, with the exception of minimum parcel size and lot width for proposed condominium units, and the Minor Land Division Ordinance.

- 5.3 *The site is physically suitable for the proposed type and density of development.*

The site is physically suitable for the proposed type and density of development as discussed in Finding 4.4 above.

- 5.4 *The proposed subdivision is not likely to cause substantial environmental damage.*

The proposed parcel map is not likely to cause substantial environmental damage as determined in the categorical exemption pursuant to CEQA guidelines 15301 (k) as discussed in Finding 1.1 above.

- 5.5 *The design of the parcel map is not likely to cause serious public health hazards.*

The proposed parcel map is not likely to cause serious public health hazards as the site is already approved and constructed pursuant to an approved design review DR01-0015, and adequate utilities and infrastructure exist to service the project.

Conditions of Approval

I. PROJECT DESCRIPTION

1. This rezone, planned development, and parcel map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibit A through K dated November 13, 2008, 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:

Rezone the 1.85-acre parcel identified as Assessor's Parcel Number 109-402-03 from General Commercial – Design Control (CG-DC) zone district to General Commercial – Planned Development (CG-PD) zone district; a planned development to create 15 air space condominium units ranging in size from 1,634 square feet to 1,770 square feet from two (2) existing commercial buildings; and a tentative parcel map creating 16 lots ranging in size from 1,634 square feet to 1.25 acres (common area)(see Exhibit I). The common area, illustrated as all areas outside of the 15 proposed units, is approximately 1.25 acres and includes two (2) 106.87 square-foot service rooms, previously developed parking, access, signage, and landscaping improvements as approved by design review application DR01-0015. No new development is to be conducted on the subject parcel. The project parcel is currently serviced for domestic water and wastewater by the El Dorado Irrigation District (EID). The proposed lots shall continue to utilize EID services.

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.

II. PROJECT CONDITIONS OF APPROVAL

Planning Services

2. This tentative parcel map shall expire within 36 months from date of approval unless a timely extension has been filed.
3. All Development Services fees shall be paid prior to filing the Parcel Map.
4. The applicant shall submit to Planning Services a \$50.00 recording fee. No permits shall be issued or final map filed until said fees are paid.
5. All outdoor lighting shall conform to 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. Should 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.
6. 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, as provided in *Section 66474.9(b)* of the *Government Code*.

The subdivider 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.

7. Prior to filing the parcel map, project CC&R's shall be submitted for review by Planning Services for the subject site that provide for the maintenance of the private and common roads, access, parking facilities, utilities, landscaping, signs, and drainage facilities, and a joint access and shared parking agreement.
8. Prior to issuance of a tenant improvement/building permit, the applicant shall provide a parking tally of all existing and proposed parking which shall be kept by Planning Services Permit Center staff to ensure the proposed use combinations will not result in a change that requires more parking than the 45 allowed spaces under the planned development approval.
9. Prior to issuance of a building 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.
10. All lots/units shall be served by individual water meters. Use of master meters/sub meters may be used subject to the approval of EID. Master meters shall be located on a common lot. Owner/tenant agreements for billing and maintenance purposes shall be required subject to approval of EID.
11. The project shall conform to the noise level performance protection standards for noise sensitive land uses affected by non-transportation sources outlined in General Plan Table 6-2.
- ~~12. Prior to filing the parcel map, the applicant shall install a six (6) foot high chain link fence with privacy slats along the entire eastern property line of the project parcel identified as Assessor's Parcel Number 109-402-03.~~

County Surveyor's Office

- ~~113.~~ All survey monuments shall be set prior to filing the Parcel Map.
- ~~114.~~ 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 P08-0012 by (that agency) have been satisfied." The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant

El Dorado County Fire Protection District

- ~~13~~15. Applicant shall submit a review fee of \$120.00
- ~~14~~16. Fire systems, sprinklers and alarms, shall be the responsibility of all owners and shall be recorded as a deed restriction on each created parcel.
- ~~15~~17. Property as rezoned shall remain within the El Dorado County Fire Protection District boundaries.
- ~~16~~18. The property is subject to all Federal, CA state and local Fire District regulations.
- ~~17~~19. Future development of the property for residential, commercial, or special use permit, will require Fire District Approval