

Findings

1.0 CEQA FINDINGS

This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15301(k) of the CEQA Guidelines stating that “ subdivision of existing commercial or industrial buildings, where no physical changes occur which are otherwise exempt.”

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with the General Plan

The General Plan Land Use map designates the subject property as Industrial (I). The proposal to create four (4) air space condominiums and common area on a site that has been previously approved and constructed. The subject property has been developed to adequately serve the proposed request to convert the existing industrial structure and site improvements into condominium air space units and common area.

3.0 REZONE FINDINGS

3.1 The project is consistent with the Zoning Ordinance

The project is consistent with the Industrial (I) Zone District and Planned Development (PD) overlay district which would allow the flexibility with the creation of air space condominium units and common area for parcels being created on a site that is less than two acres in size.

The project is consistent with the Zoning Code pursuant to the County making findings for approval of a Planned Development zone because the subject property is physically suited for the proposed use. The subject property has previously been graded and developed under prior approvals. New development is not proposed on the subject property.

4.0 TENTATIVE MAP FINDINGS

4.1 That the proposed map is consistent with applicable general and specific plans;

The proposed Parcel Map would create parcels utilizing the existing approved development on the project site which was previously permitted and is consistent with the General Plan.

4.2 That the design or improvement of the proposed division is consistent with applicable general and specific plans;

The proposed Parcel Map has been designed in conformance with the Industrial (I) development standards. The PD would allow for flexibility in the Development Standards of the I Zone District, including the minimum lot size, building coverage, and lot width.

4.3 That the site is physically suitable for the type and density of development;

The Parcel Map would not increase the density on the project site. The project would make use of the existing previously permitted commercial structure and existing exterior site improvements and would not allow additional improvements to the site.

4.4 The design of the division would not cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat.

The project site is developed with an existing commercial structure consisting of 8,698 square feet and site improvements consisting of parking, landscaping and lighting. The design of the division would not cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat because the parcelizing of the subject property does not propose new development and site improvements. This project is consistent with the finding based on issuance of the categorical exemption.

4.5 The design of the division or the type of improvements is not likely to cause serious public health hazards;

The project site is developed with an existing commercial structure consisting of 8,698 square feet and site improvements consisting of parking, landscaping and lighting. The design of the division is not likely to cause serious public health hazards because the parcelizing of the subject property does not propose new development and site improvements.

5.0 PLANNED DEVELOPMENT FINDINGS

5.1 That the Planned Development request is consistent with the General Plan;

The proposed request to rezone the property from Industrial /Design Control (I-DC) to Research & Development/Planned Development (I/PD) is consistent with the land use designation. The proposed PD is consistent with applicable General Plan policies.

5.2 That the proposed development is so designed to provide a desirable environment within its own boundaries.

The proposed project would parcelize the existing structure and does not propose new development and site improvements. The proposed request is designed to provide a desirable environment within its own boundaries because adequate parking, lighting and landscaping has been provided on the subject property.

5.3 That any exception to the standard requirements of the zone regulations are justified by the design or existing topography;

A Planned Development application is required to facilitate the conversion of the existing structure to the proposed air space condominium units and common area to allow for individual ownership. The request includes exceptions to the standard requirements for zone regulations pertaining to minimum lot size, lot width, and building coverage. Staff has determined that the request to accommodate the air space condominium conversion and common space proposal is justified by the project design because it would not impact existing on-site development. The project site has been developed. The existing site improvements would accommodate individual ownership and no future site improvements are proposed.

5.4 That the site is physically suited for the proposed uses.

The project site is an existing commercial structure located in the Barnett Business Park which is within the Industrial zone district designed for industrial uses. Conversion of an existing structure to air space condominium units and common area is physically suited for the proposed use.

5.5 That adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities.

The project site is currently served by EID public water and sewer services. No alteration or intensification would occur that would require additional services or road improvements.

5.6 That the proposed uses do not significantly detract from the natural land and scenic values of the site.

The existing development is compatible with the surrounding land use improvements. The subject property is developed and does not negatively impact any natural or scenic features of the site. No onsite improvements are proposed as part of this application.

Conditions of Approval

Planning Services

1. This Zone Change, Parcel Map and Planned Development is based upon and limited compliance with the project description, the Planning Commission hearing exhibit marked Exhibit F (Tentative Parcel Map) dated December 11, 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 will constitute a violation of permit approval.

The project description is as follows:

The project, as approved, includes the construction of an 8,498 sq. ft. single story concrete tilt up warehouse/office. The warehouse is comprised of ~~7,218~~ 6,352sq. ft. and the office is comprised of ~~962~~ 2,028sq. ft.

The Rezone request would eliminate the Design Control (DC) zoning overlay and would add the Planned Development (PD) zoning overlay to the project parcel.

The Parcel Map would create four parcels and one common parcel. The parcel lot sizes shall correspond to the table below:

Lot Number	Area (sf)	Office (sf)	Warehouse (sf)	Restroom/Electrical (sf)
Lot 1 Unit D (Suite 101)	2,257.40	678	1,565	60
Lot 2 Unit C (Suite 102)	2,350.60	770	1,473	60
Lot 3 Unit B (Suite 103)	2,048.00	290	1,696	60
Lot 4 Unit A (Suite 104)	2,048.00	290	1,618	138
Lot 'A'	25,309.04	-	-	-

The subject 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.

2. All landscaping improvements, building locations, building orientations, building elevations, and materials shall comply with the approved plans. The approved plans shall consist of Exhibits E, F, And G attached. All buildings on the site shall be architecturally consistent. Changes not to exceed 10 percent of the square footage of buildings, minor location changes, and architectural feature changes may be approved by the Planning Director or designee. Major changes in building sizes or features will require an amendment or revision to the approved ~~Design Review~~ Planned Development application.

3. All on-site parking shall meet the parking lot design standards contained in Section 17.18.030 of the County Code. The project shall provide a total of 28 parking spaces. Loading spaces shall be provided at the rear of the building. Planning Services shall verify the parking spaces prior to filing the Parcel Map. Any re-allocation of the floor area from warehousing to other more intensive uses shall require a re-calculation by Planning Services which may require additional on-site parking.

4. 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.
5. Prior to filing of the parcel map all Development Services fees shall be paid. Planning Services shall verify payment of all fees prior to filing the Parcel Map.
5. ~~In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance.~~
6. ~~In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.~~
- 7.6. Landscaping is required to meet Zoning Code Chapter 17.18.090, and General Plan Policies 7.4.5.2 and 7.4.4.4. Final Landscape Plan will replace Quercus Chrysolepis with Quercus wislizenii. Landscaping shall be maintained for the life of the project.
- 8.7. Pursuant to Resolution No. 240-93, a \$35.⁰⁰ \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption.
8. A joint access and parking agreement shall be provided to ensure continued access and maintenance of the parking to all property owners within the development. A copy of said agreement shall be provided to Planning Services for review and approval, and the approved agreement shall then be recorded and a copy shall be provided to Planning Services prior to filing of the Parcel Map.
9. This Planned Development Application would allow for reduced lot sizes, smaller than the Development Standards of the Industrial (I) Zone District.
10. Wall-mounted signage may be administratively approved by the Development Services Director. Any free-standing signage shall be subject to a Revision to the Planned Development.
11. 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 California Government Code.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, or employees from any claim, action, or proceedings 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 applicant of any claim, action, or proceeding and County shall cooperate fully in the defense.

12. The map shall remain in effect for three years from the date of approval. If the map has not been recorded within this timeframe, an extension may be requested prior to expiration of the map. Appropriate fees shall be paid to process the time extension.

13. Prior to filing the parcel map, all Development Services fees shall be paid.

El Dorado County Fire Protection District

9.14. The applicant shall pay a site plan review fee of \$50.00 to the El Dorado County Fire Protection District prior to Fire District project approval.

10.15. As shown on plan, a NFPA 13 Fire Sprinkler System is required.

El Dorado County Department of Transportation:

16. Maintenance Entity: The proposed project must form an entity for the maintenance of any shared or common” private roads, parking facilities, landscaping, signs, and drainage facilities. If there is an existing entity, the property owner shall modify the document if the document does not sufficiently address the maintenance of the roads, parking facilities, landscaping, signs and drainage facilities of the project. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the Parcel Map.

Surveyor’s Office

17. All survey monuments must be set prior to filing the Parcel Map.

18. Provide a Parcel Map Guarantee, issued by a title company, showing proof of access to a State or County maintained road as defined in Section 16.44.120(B) (2) of the County Subdivision Ordinance with the legal right to improve that access as required by the County Design Manual.

19. Prior to filing the Parcel map, a letter to the County Surveyor will be required from all agencies that have conditions placed on the map. The letter will state that all conditions placed on the map by that agency have been met.