

**Agenda of:** September 22, 2005

**Item No.:** 9.a.

**Staff:** Jason R. Hade

**STAFF REPORT – REZONE/PLANNED DEVELOPMENT/PARCEL MAP**

**FILE NUMBER:** Z05-0002/PD05-0003/P05-0006/Diamond Development

**PROPERTY OWNER:** Bruce Wirtanen

**APPLICANT:** Bruce Wirtanen

**REQUEST:** Zone change from General Commercial (CG) to General Commercial-Planned Development (CG-PD); planned development creating 9 condominium units from an existing 30,240 square foot commercial structure; and tentative parcel map creating 10 parcels ranging in size from 3,150 square feet to a 67,721 square foot common area.

**LOCATION:** On the north side of Enterprise Drive, approximately 385 feet east of the intersection with Forni Road, in the Diamond Springs area. (Exhibit A)

**APN:** 329-341-01

**ACREAGE:** 2.18 acres

**GENERAL PLAN:** Commercial (C) (Exhibit B)

**ZONING:** General Commercial (CG) (Exhibit C)

**ENVIRONMENTAL DOCUMENT:** Categorically Exempt pursuant to Section 15301(a) of the CEQA Guidelines

**SUMMARY RECOMMENDATION:** Forward a recommendation that the Board of Supervisors approve the zone change and conditionally approve the planned development and tentative parcel map

**BACKGROUND:** The 30,240 square foot commercial building currently under construction at the subject site was approved by Planning Services staff on January 17, 2005, as Site Plan Review SPR05-00001 and building permit #159384. Encroachment and grading permits have also been

issued for the project site. However, the building permit is not yet finalized pending final inspections and the payment of traffic impact fees.

**STAFF ANALYSIS**

**Project Description:** A zone change, planned development, and tentative parcel map request to create nine condominium units from a soon to be completed 30,240 square foot commercial structure. The proposed tentative parcel map is to create ten parcels ranging in size from 3,150 square feet to a 64,721 square foot common area. The zone change requested would change the zoning from General Commercial (CG) to General Commercial – Planned Development (CG-PD) to facilitate the creation of the proposed planned development.

**Site Description:** The project area lies at an elevation of approximately 1,200 feet. Site topography is relatively flat. Site improvements include: a 30,240 structure; 71 parking spaces; and public utility services, including sewer and water. Access to the site is from Enterprise Drive. The project is located within the Missouri Flat Master Circulation and Funding Plan area.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	CG	C	30,240 square foot commercial building (under construction)
<b>North</b>	I	I	Manufacturing, research and development
<b>South</b>	CG	C	Automotive repair/towing services
<b>East</b>	I	I	Equipment leasing
<b>West</b>	R20,000	HDR	Single-family residences

**General Plan:** The 1996 and 2004 General Plans designate the subject site as Commercial (C), which permits a full range of commercial, retail, office, and service uses to serve the residents of El Dorado County. The following General Plan policies apply to this project:

*2004 Policy 2.2.1.5: The General Plan shall provide for the following building intensities in each land use designation as shown in Table 2-3: Commercial 0.25 Floor Area Ratio and 85 percent maximum impervious surface.*

**Discussion:** As shown on the submitted site plan, the proposed project has a floor area ratio (FAR) of 31.8 percent which is inconsistent with the maximum 0.25 FAR associated with the Commercial land use designation in Table 2-3. However, the applicant has requested that the FAR be calculated over an entire integrated development (Park West) rather than on a project-by-project basis because of the two circumstances described above. In order to exceed the maximum FAR, the Planning Commission must making the following findings regarding this project:

1. *The aggregate average FAR within applicable land use designations does not exceed the General Plan maximum; or*
2. *Satisfactory evidence is provided that demonstrates on a site-specific basis that measures will be imposed to keep traffic at levels associated with the applicable FAR threshold.*

According to the applicant's analysis (Exhibit I), the aggregate average FAR within the Park West Industrial Park is 22.6 percent inclusive of the proposed project as well as undeveloped parcels. Therefore, the aggregate average FAR for the applicable land use designations does not exceed the General Plan maximum of 0.25. The applicant also submitted traffic volume calculations indicating that the allowable average daily traffic for the project is 594 ADT. However, the approved average daily traffic under SPR05-0001 will generate a total of 435 ADT. The result is a reduction of 159 daily trip ends or a 26 percent reduction of allowable daily trip ends. A maximum impervious surface of 85 percent is permitted under the Commercial land use designation. As demonstrated on the submitted site plan, the proposed impervious surface for the project site is 75 percent and therefore consistent with General Plan Policy 2.2.1.5. The submitted FAR analysis and methodology was reviewed by staff within SPR05-0007 and approved. Staff has found that the applicant has submitted satisfactory evidence to allow the Planning Commission to make the two findings required above.

*1996 and 2004 Policy 2.2.5.3: The County shall evaluate future rezoning: (1) To be based on the General Plan's general direction as to minimum parcel size or maximum allowable density; and (2) To assess whether changes in conditions that would support a higher density or intensity zoning district. The specific criteria to be considered include; but are not limited to, the following:*

1. *Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands;*

Discussion: An El Dorado Irrigation District (EID) Facility Improvement Letter dated June 17, 2004, states that adequate existing water and sewer facilities are available to serve the proposed project.

2. *Availability and capacity of public treated water system;*

Discussion: As discussed above, EID has adequate water facilities to serve the projected needs of the project.

3. *Availability and capacity of public waste water treatment system;*

Discussion: As discussed above, EID has adequate sewer facilities to serve the projected needs of the project.

4. *Distance to and capacity of the serving elementary and high school;*

Discussion: As the proposed project is a commercial use, it will not impact elementary and high school enrollment.

5. *Response time from the nearest fire station handling structure fires;*

Discussion: The El Dorado – Diamond Springs Fire Protection District is responsible for providing fire protection to the subject site. As such, the District has reviewed the proposal and indicated that adherence to the applicable building and fire codes, as well as conditions of approval regarding installation of a sprinkler system, fire alarm system, and knox box, will satisfactorily address all fire related safety issues. No response time concerns are present.

6. *Distance to nearest Community Region or Rural Center;*

Discussion: The project site is located within the El Dorado/Diamond Springs Community Region. As proposed, the project is an in-fill commercial project surrounded by compatible land uses within the Park West Industrial Park.

7. *Erosion hazard;*

Discussion: The Natural Resources Conservation Service (NRCS) has mapped soils on the subject site as Placer Diggings (*Soil Survey of El Dorado Area, California, 1974*). The *Soil Survey of El Dorado Area, California, 1974*, did not indicate that the project site was located on expansive soil or prone to any erosion hazards. The project is not located in an area with significant topographic variation in slope. Based upon this information, the impact from expansive soils or erosion hazards is less than significant.

8. *Septic and leach field capability;*

Discussion: The project will be served by EID public sewer facilities.

9. *Groundwater capability to support wells;*

Discussion: The project will be served by EID public water facilities.

10. *Critical flora and fauna habitat areas:*

Discussion: Conversion of the existing commercial structure at the site to condominiums will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The subject parcel has no identified biological resources pursuant to the Important Biological Resources Map located in Planning Services.

11. *Important timber production areas:*

Discussion: The project is not located in or near an important timber production area.

12. *Important agricultural areas;*

Discussion: The project is not located in or near an important agricultural area.

13. *Important mineral resource areas;*

Discussion: The project will not impact an important mineral resource area.

14. *Capacity of the transportation system serving the area;*

Discussion: The El Dorado County Department of Transportation reviewed the proposal and concluded that the applicant had paid all applicable traffic fees with the construction of the existing building at the subject site, thereby mitigating the impact to traffic on the County's regional roadway system. No additional traffic analysis is required.

15. *Existing land use patterns;*

Discussion: The project area is surrounded by existing commercial and industrial uses. Several single-family homes are also located near the subject site. Impacts to the residential uses are anticipated to be minimal. Staff has determined that the proposed project is consistent with existing land use patterns within the project area.

16. *Proximity to perennial water course;*

Discussion: The United States Department of the Interior National Wetlands Inventory Map for the project area (Placerville, CA Quadrangle, 1994) was reviewed to determine if any identified wetland or riparian habitat areas exist on or adjacent to the project site. This review indicates that there are no mapped wetlands or riparian habitat areas on or adjacent to the project.

17. *Important historical/archeological sites;*

Discussion: A 30,240 square foot commercial building is currently located at the subject site. The proposed conversion of this structure to nine condominium units will not result in significant earth disturbances affecting important historical/archeological sites.

18. *Seismic hazards and present active faults; and*

Discussion: As shown in the Division of Mines and Geology's publication Fault Rupture Hazard Zones in California, there are no Alquist-Priolo Special Studies Zones mapped in El Dorado County. The impacts from fault ruptures, seismically induced ground shaking, or seismic ground failure or liquefaction are considered to be less than significant. Any potential impact caused by locating buildings in the project area will be offset by the compliance with the Uniform Building Code earthquake standards.

19. *Consistency with existing Conditions, Covenants, and Restrictions.*

Discussion: No Conditions, Covenants, and Restrictions are effective within the project area. However, prior to final building occupancy, project CC & R's shall be recorded that provide for the maintenance of the private and common roadway, parking, and drainage facilities.

*1996 Policy 7.4.5.2: The County shall require, as a condition of development approval for Commercial, industrial, and multifamily residential uses, that at a minimum 50 percent of the proposed landscaping is consistent with the predominant plant community and fits the natural vegetation native to the area. Exotic or introduced plant species not consistent with the plant community in which proposed development is located shall be discouraged.*

Discussion: The preliminary landscaping plan for the proposed project features at least 50 percent natural vegetation native to the area.

*2004 Policy TC-4i: Within Community Regions and Rural Centers, all development shall include pedestrian/bike paths connecting to adjacent development and to schools, parks, commercial areas and other facilities, where feasible. In Rural Regions, pedestrian/bike paths shall be considered as appropriate.*

Discussion: Pursuant to the 2005 El Dorado County Bicycle Transportation Plan, bicycle parking facilities shall be incorporated into new development. As such, bicycle/motorcycle parking facilities are to be provided for at the subject site prior to final building occupancy.

Conclusion: As outlined above, staff finds that the project, as proposed and conditioned, conforms to all applicable policies within the 1996 and 2004 General Plan.

**General Plan Lawsuit:** On February 5, 1999, Judge Cecily Bond of the Sacramento Superior Court acted to invalidate the Environmental Impact Report adopted for the 1996 General Plan. This invalidation restricted the County from acting on any discretionary project pending issuance of a Writ from the Court. On July 19, 1999, Judge Bond issued the Final Writ of Mandate.

Paragraph 5, sub-paragraph 3 within the Final Writ establishes that “*The Court permits the County to issue any approvals, permits, or entitlements whether or not discretionary, for **non-residential development**; provided that such approvals, permits or entitlements comply with sub-paragraph (8) below...*” Sub-paragraph 8 within the Writ establishes that the “*County cannot approve or undertake any such project unless it finds, on substantial evidence, that:*

- a. *The approval or project will not significantly impair the County's ability to adopt and implement a new General Plan after complying with CEQA.*

Discussion: The project was reviewed and determined to be Categorical Exempt from CEQA pursuant to Section 15301(a) of the CEQA Guidelines. Additionally, none of the issues identified in the February 5, 1999, Court ruling will be affected by this project. The County adopted the 2004

General Plan on July 19, 2004, which designates the subject parcel as Commercial. As proposed, the project is consistent with the commercial land use designation in the 2004 General Plan.

b. *The approval or project complies with all other requirements of law.*

Discussion: The project will comply in all instances with the provisions of County Code.

c. *The approval or project is consistent with the text and maps of the 1996 General Plan as amended through February 4, 1999.”*

Discussion: The project site is identified as being Commercial on both the Public Review Draft and 1996 and 2004 General Plan Land Use Maps. The Commercial General Plan land use designation establishes areas for commercial uses. The project will not affect the use of the property for commercial uses.

**Tentative Parcel Map:** The tentative parcel map (Exhibit E) proposes to create 10 lots ranging in size from 3,150 square feet to a 64,721 square foot common area. In accordance with Section 16.44 of the Minor Land Division Ordinance, the following findings must be made by the approving authority:

1. *That the proposed tentative map, including design and improvements, is consistent with the General Plan and Specific plan where applicable;*

Discussion: The proposed tentative parcel map conforms to the 1996 and 2004 General Plans.

2. *That the proposed tentative map conforms to the applicable standards and requirements of the County’s zoning regulations and Minor Land Division Ordinance;*

Discussion: The subject site is zoned General Commercial which requires a minimum lot area of 10,000 square feet or larger and a minimum lot width of 60 feet. However, as part of this development request, the subject site is to be rezoned to CG-PD. Under Section 17.04.010 of the Zoning Ordinance, planned development applications may request modifications in the regulations applicable to the subject property. In this case, the project includes zero lot lines for the nine proposed condominium units and parcels which are smaller than the minimum lot area of 10,000 square feet discussed under the development standards in Section 17.32.200. The primary purpose for the planned development application for this specific project is to facilitate the conversion of the existing 30,240 square foot building into nine condominium units. As proposed and conditioned, the tentative parcel map conforms to the applicable zoning regulations and Minor Land Division Ordinance.

3. *That the site is physically suitable for the proposed type and density of development; and*

Discussion: The commercial condominium conversion is physically suitable for the subject site as reviewed in the planned development application. As the 30,240 square foot building has already been constructed, earth disturbances related to the building conversion are expected to be minimal.

4. *That the proposed subdivision is not likely to cause substantial environmental damage.*

Discussion: The proposed project has been determined to be Categorical Exempt from CEQA pursuant to Section 15301(a) of the CEQA Guidelines. No substantial environmental damage from project implementation is anticipated.

Conclusion: Staff has determined that the required findings within Section 16.44 of the Minor Land Division Ordinance may be made for the proposed tentative parcel map.

**Planned Development:** In conjunction with the tentative parcel map and zone change discussed above, the applicant has submitted a planned development application to convert the existing 30,240 square foot commercial building approved under SPR05-0001 to nine condominium units and a 64,721 common area parcel. In accordance with Section 17.04.030 of the County Code, a development plan cannot be approved unless the Planning Commission can make the following findings:

1. *That the planned development request is consistent with the General Plan;*

Discussion: As discussed in the General Plan section of this staff report, the proposed zone change and planned development are consistent with the applicable 1996 and 2004 General Plan policies.

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

Discussion: Staff has determined that the proposed planned development, as conditioned, is designed to provide a desirable environment within its own boundaries. The planned development project was reviewed in the following areas:

Building Design: Exterior building elevations (Exhibit G) were submitted illustrating the proposed design of the nine condominium units. Proposed building materials include aluminum metal framed store front windows and doors on the front building elevation and metal sectional roll-up doors on the rear building elevation. Preliminary project colors are “brick red” for the bottom six feet of the building with an “off-white” color for the remaining top portion of the structure. Red brick trim is included to accent the top edges of the building. All roof-mounted equipment units are to be screened with non-reflective materials.

A pedestrian walkway is provided along the exterior of the structure. The applicant has also agreed to provide bicycle/motorcycle parking at the site to facilitate multi-modal transportation options. As shown on the site plan, a trash enclosure and propane tank are to be located in the southern portion of the site.

Landscaping: Review of the preliminary landscape plan (Exhibit H) submitted with the application indicates it meets the requirements contained in Section 17.18.090. Staff previously reviewed and approved proposed site landscaping under SPR05-0001 and building permit #159384. Site landscaping will be installed consistent with the previously approved plans.

Exterior Lighting: As proposed, the project is to include building mounted exterior lighting only. All on-site exterior lighting must conform to the provisions of Section 17.14.170 of County Code.

Signage: The General Commercial (CG) Zone District allows the following sign sizes by right:

- One 50-foot tall (or less) freestanding pole or monument sign with 80 square feet of sign message area; or
- Two 50-foot tall (or less) free standing pole or monument signs each with 50 square feet of sign message area.
- Wall signs are limited to 20 percent of the total wall area on which the sign(s) are located and are limited to two such signs per building.

The applicant has submitted a sign request to allow the following signage:

- Wall mounted building signage limited to 20 percent of the total wall area on which the sign(s) are located and limited to two such signs per building.

The sign proposal is consistent with Section 17.32.180 of the General Commercial Zone District.

Parking: Section 17.18.060 of the Zoning Ordinance lists the parking requirements by use. Parking requirements for office uses are one parking space for each 250 square feet of gross floor area, and warehousing (general) requires one parking space plus one parking space for each 2,000 square feet of floor area. The proposed project consists of 12,600 square feet of office space and 23,792 square feet of warehousing (general) space. Pursuant to the standards discussed above, the project requires 63 parking spaces. As submitted, the site plan indicates a total of 71 on-site parking spaces, two of which are identified as van accessible handicapped parking spaces. Two loading spaces for the proposed use are also required pursuant to the Zoning Ordinance. As proposed, the project meets the minimum parking requirements for the proposed commercial/industrial use.

Access/Circulation: Use of the two existing driveways will provide sufficient project access to Enterprise Drive. In order to provide additional functional loading spaces, the applicant proposed to have the access driveway nearest the western property line be a one-way driveway with a portion of the driveway to be utilized as temporary loading space located directly behind the condominium units. Staff reviewed the request and determined that the proposal would provide more accessible loading space for project tenants while still providing adequate site access. The project will not result in inadequate emergency access to any of the proposed condominium units. The Diamond Springs – El Dorado Fire Protection District has reviewed the proposal and found the emergency access to be adequate, as conditioned. As proposed and conditioned, the project is consistent with the applicable parking lot design standards contained in Section 17.18.030 of the Zoning Ordinance.

3. *That any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography;*

Discussion: A planned development application is required to facilitate the conversion of the existing commercial structure to the proposed condominium units and common area. The request includes exceptions to the standard requirements of zone regulations concerning building setbacks and minimum lot sizes. Staff has determined that the requested zero-lot lines and reduced lot sizes to accommodate the condominium conversion proposal are justified by the project design.

4. *That the site is physically suited for the proposed uses;*

Discussion: As mentioned above, the 30,240 square foot commercial structure is an existing improvement located on a site that is physically suited for the proposed uses. The subject condominium conversion project will not significantly alter the physical appearance of the project site.

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

Discussion: EID has adequate water and sewer facilities to serve the proposed project. A propane tank will be constructed at the project site. Adequate solid waste collection facilities are also proposed. El Dorado County Department of Transportation reviewed the proposal and concluded that the anticipated transportation impacts associated with this project may be fully mitigated by payment of the required traffic impact fees.

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

Discussion: The commercial/industrial use will not significantly detract from the natural land and scenic values of the site. As an in-fill commercial project, the design fits within the context of the surrounding uses. The proposed condominium conversion has been determined to be Categorically Exempt from CEQA pursuant to Section 15301(a) of the CEQA Guidelines.

Conclusion: Staff concludes that the required findings may be made to conditionally approve the proposed planned development application.

**Agency and Public Comments:** The following agencies provided comments on the proposed project:

El Dorado County Surveyor's Office: As proposed and conditioned, the Surveyor's Office has no objections to the proposal.

El Dorado County Department of Transportation (DOT): DOT reviewed the proposed project concerning grading, drainage, and traffic impacts and determined that the anticipated transportation impacts associated with this project may be fully mitigated by payment of the required traffic impact fees.

El Dorado County Air Quality Management District: It is the District's understanding that no construction work, such as grading, is to occur at this time. Therefore, the District has determined the project would have an insignificant impact on the air quality.

Diamond Springs – El Dorado Fire Protection District: The Diamond Springs – El Dorado Fire Protection District reviewed the proposal and submitted conditions regarding adherence to building and fire codes as well as the installation of a sprinkler system, fire alarm system, and knock box. As conditioned, the Fire District expressed no concerns about the proposed project.

At the time of the preparation of this report, staff had not received any comments or objections from the public. However, comments and/or objections may be raised as a result of project noticing and Planning Commission hearing.

### **ENVIRONMENTAL REVIEW**

This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15301(a) of the CEQA Guidelines which exempts projects such as "Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances" from further environmental review. Pursuant to Resolution No. 240-93, a \$35.<sup>00</sup> processing fee is required by the County Recorder to file the Notice of Exemption.

### **RECOMMENDATION**

Staff recommends the Planning Commission forward a recommendation that the Board of Supervisors take the following actions:

1. Certify that the project is Categorically Exempt pursuant to Section 15301(a) of the CEQA Guidelines; and
2. Approve Zone Change Z05-0002, Planned Development PD05-0003, and Tentative Parcel Map P05-0006, based on the findings in Attachment 2, subject to the conditions in Attachment 1.

## **SUPPORT INFORMATION**

### **Attachments to Staff Report:**

Attachment 1 .....	Conditions of Approval
Attachment 2 .....	Findings
Exhibit A .....	Vicinity Map
Exhibit B .....	General Plan Land Use Map
Exhibit C .....	Zoning Map
Exhibit D .....	Assessor's Parcel Map Page
Exhibit E .....	Tentative Parcel Map
Exhibit F .....	Site Plan
Exhibit G .....	Exterior Building Elevations
Exhibit H .....	Preliminary Landscape Plan
Exhibit I .....	Floor Area Ratio Analysis

**ATTACHMENT 1**  
**CONDITIONS OF APPROVAL**

**FILE NUMBER Z05-0002, PD05-0003 and P05-0006**

**September 22, 2005**

**El Dorado County Planning Services**

1. This permit approval is based upon and limited to compliance with the project description, dated September 22, 2005, 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:

A zone change, planned development, and tentative parcel map to create nine condominium units from an existing 30,240 square foot commercial structure. The tentative parcel map is to create ten parcels ranging in size from 3,150 square feet to a 64,721 square foot common area. The zone change will change the zoning from General Commercial (CG) to General Commercial – Planned Development (CG-PD) to facilitate the creation of the planned development.

**PROJECT SPECIFIC CONDITIONS**

2. All site improvements shall conform to Exhibits E, F, G, H, and I which are in the project file in Planning Services.
3. The project, as approved, shall be operated and maintained consistent with the site plan (Exhibit F).
4. The applicant is responsible for providing 63 off-street parking spaces, including two handicapped accessible parking spaces, as well as two commercial/industrial loading spaces pursuant to 17.18.060 of the Zoning Ordinance at all times while the project is in operation. All on-site parking shall meet the parking lot design standards contained in Section 17.18.030 of the County Code.
5. A revised site plan shall be submitted at the time of building permit submittal indicating the location of the bicycle/motorcycle parking facilities as well as the appropriate directional striping, signage and marking for the one-way access driveway and loading space behind the condominium units nearest the western property line.

6. Prior to final building occupancy, site landscaping shall be installed consistent with the submitted landscape plan, Exhibit H.
7. All exterior lighting shall comply with 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. As proposed, the project includes wall-mounted building lighting only.
8. Project signage shall include wall mounted building signage limited to 20 percent of the total wall area on which the sign(s) are located and limited to two such signs per building. Additional proposed signage must be reviewed for consistency with the planned development by Planning Services and may require a planned development revision application.
9. Prior to final building occupancy, project CC & R's shall be recorded for the subject site that provide for the maintenance of the private and common roadway, parking and drainage facilities.

#### **Department of Transportation (DOT)**

10. Prior to the recordation of a final map to establish the condominium units for any portion of this project, the applicant shall submit, to the satisfaction of DOT, a "Request to Annex into the Community Facilities District No. 2002-01 (Missouri Flat Area)," and shall also deposit sufficient funds to finance the costs of the annexation process, as determined by DOT.

#### **County Surveyor's Office**

11. All survey monuments must be set prior to filing the parcel map.
12. Prior to filing the parcel map, a letter to the County Surveyor shall be required from all agencies that have conditions placed on the map. The letter shall state that all conditions placed on the map by that agency have been met.

#### **Diamond Springs – El Dorado Fire Protection District**

13. The applicant shall submit sprinkler system plans for each unit to the Diamond Springs – El Dorado Fire Protection District for review and approval prior to building permit issuance.
14. A knock box shall be installed pursuant to Fire District requirements prior to final building occupancy.
15. A fire alarm system shall be installed pursuant to CFC 1006.1.1 prior to final building occupancy.

## **ATTACHMENT 2** **FINDINGS**

### **FILE NUMBER Z05-0002, PD05-0003 and P05-0006**

#### **1.0 CEQA FINDING**

- 1.1 The Planning Commission has determined that the proposed project will have no significant impact on the environment and is exempt from CEQA pursuant to 15301(a) 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 Planning Department at 2850 Fairlane Court, Placerville, CA.

#### **2.0 ADMINISTRATIVE FINDINGS**

##### **2.1 Zone Change**

- 2.1.1 In accordance with State law and pursuant to General Plan Policy 2.2.5.3, the County has evaluated the subject rezoning request based on the General Plan's general direction as to minimum parcel size or maximum allowable density and to assess whether changes in conditions are present that would support a higher density or intensity zoning district. The 19 specific criteria found within General Plan Policy 2.2.5.3 have been analyzed with regards to the above-referenced zone change request. Based on this analysis and the conclusions reached in the staff report, the Planning Commission recommends approval of the zone change request to the Board of Supervisors.

##### **2.2 Tentative Parcel Map**

- 2.2.1 As proposed, the tentative map, including design and improvements, is consistent with the 1996 and 2004 General Plan policies and land use map.
- 2.2.2 The proposed tentative map does conform with the applicable standards and requirements of the County's zoning regulations and the Minor Land Division Ordinance.
- 2.2.3 The site is physically suitable for the proposed commercial condominium conversion development.
- 2.2.4 The proposed tentative map is not likely to cause substantial environmental damage and has been found to be Categorical Exempt from CEQA pursuant to Section 15301(a) of the CEQA Guidelines.

## **2.3 Planned Development**

- 2.3.1 The Planned Development is consistent with the 1996 and 2004 General Plan.
- 2.3.2 The proposed development is designed to provide a desirable environment within its own boundaries, as shown on the project site plan.
- 2.3.3 The Zoning Ordinance exceptions regarding zero-lot lines and minimum lot sizes are justified based on the project design.
- 2.3.4 The site is physically suited for the proposed commercial/industrial use.
- 2.3.5 As determined by the El Dorado Irrigation District and El Dorado County Department of Transportation, adequate services are available to the subject site including water supply, sewage disposal, roads and utilities.
- 2.3.6 The proposed use does not significantly detract from the natural land and scenic values of the site.

## **3.0 SUPERIOR COURT WRIT OF MANDATE FINDINGS**

- 3.1 On February 5, 1999, Judge Cecily Bond of the Sacramento Superior Court acted to invalidate the Environmental Impact Report adopted for the 1996 General Plan. This invalidation restricted the County from acting on any discretionary project pending issuance of a Writ from the Court. On July 19, 1999, Judge Bond issued the Final Writ of Mandate.

Paragraph 5, sub-paragraph 3 within the Final Writ establishes that “*The Court permits the County to issue any approvals, permits, or entitlements whether or not discretionary, for non-residential development*”; provided that such approvals, permits or entitlements comply with sub-paragraph (8) below...” Sub-paragraph 8 within the Writ establishes that the “*County cannot approve or undertake any such project unless it finds, on substantial evidence, that:*

- a. The approval or project will not significantly impair the County’s ability to adopt and implement a new General Plan after complying with CEQA.**

The project was reviewed and determined to be Categorical Exempt from CEQA pursuant to Section 15301(a) of the CEQA Guidelines. Additionally, none of the issues identified in the February 5, 1999, Court ruling will be affected by this project. The County adopted the 2004 General Plan on July 19, 2004 which designates the subject parcel as Commercial. As proposed, the project is consistent with the commercial land use designation in the 2004 General Plan.

**b. The approval or project complies with all other requirements of law.**

The project will comply in all instances with the provisions of County Code.

**c. The project is consistent with the text and maps of the General Plan as of February 5, 1999, and there is no evidence that the development of the site would affect issues identified in the General Plan lawsuit that could impact the County's ability to adopt a new General Plan.**

The project site is identified as being Commercial on both the Public Review Draft and 1996 and 2004 General Plan Land Use Maps. The Commercial General Plan land use designation establishes areas for commercial uses. The project will not affect the use of the property for commercial uses.