

**EL DORADO COUNTY DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of: December 11, 2008
Item No.: 13
Staff: Jonathan Fong

REZONE/PLANNED DEVELOPMENT/PARCEL MAP

FILE NUMBER: Z08-0028/ PD08-0015/ P08-0026

APPLICANT: Bruce Wirtanen

- REQUEST:**
1. Rezone from Industrial- Design Control (I-DC) to Industrial-Planned Development (I-PD);
 2. Development Plan to allow the conversion of an existing structure into four (4) air space condominium units;
 3. Tentative Parcel Map creating four (4) parcels ranging in size from 2,048 square feet to 2,350 square feet and one (1),35,309 square foot common parcel (Exhibit E).

LOCATION: At the northwest corner of the intersection of Dividend Drive and Business Drive in the Shingle Springs Area, Supervisorial District II (Exhibit A).

APN: 109-420-18 (Exhibit D)

ACREAGE: 0.78-acres

GENERAL PLAN: Industrial (I) (Exhibit B)

ZONING: Industrial-Design Control (I-DC) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Categorically Exempt from CEQA pursuant to Section 15301(k) of the CEQA Guidelines

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND: The project request would allow the parcelization of an existing office/warehouse building within the Barnett Business Park. The building was approved under Design Review DR05-0002S approved on May 25, 2005. The Design Review as approved allowed 7,218 square feet of warehouse, 962 square feet of office space, and 318 square feet of electrical/restroom space.

Building Permit 170609 was finalized on May 12, 2006 which allowed an expansion of the approved office space from 962 square feet to 1,828 square feet. This was a reduction of the warehouse space from 7,218 square feet to 6,352 square feet. The expansion of the office space was approved due to adequate parking available on-site.

The Rezone, Planned Development and Parcel Map would allow a commercial condominium project to locate each of the four building suites on separate parcels. Approval of the Planned Development would supersede the approved Design Review. The conditions of the approved Design Review have been included in Attachment 1 of the Staff Report. Additional conditions applicable to the Planned Development and Parcel Map have been included with the approved Design Review conditions as underline items. Conditions of Approval of the Design Review that are no longer applicable have been included as ~~striketrough items~~.

STAFF ANALYSIS:

Project Description: The request is for a Rezone, Planned Development and Tentative Parcel Map. No development would occur as part of the project. The requested entitlements would be necessary to subdivide the existing building to create four commercial condominium units.

Rezone: The Rezone would add the Planned Development (PD) Zoning overlay to the project parcel. The PD would allow flexibility in the Development Standards of the Industrial (I) Zone District to allow the parcelization of the existing structure. The PD overlay would supersede the Design Control (DC) Zoning overlay amending the parcel zoning from I-DC to I-PD.

Planned Development: The PD request is required for the proposed parcelization. The PD would allow flexibility in the Development Standards of the I Zone District.

Tentative Parcel Map: The Parcel Map would create four parcels within the existing building. One common parcel would be created encompassing the landscaping and parking areas.

Site Description: The parcel is currently developed as shown on the site plan (Exhibit D). The site has been developed with a single-story approximately 8,500 square foot building and associated landscaping consistent with the approved Design Review. Parking located adjacent and east of the commercial structure provides 28 parking spaces which currently exceeds the requirements of the Zoning Ordinance.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	I-DC	I	Existing industrial building
North	I-DC	I	Undeveloped
South	I-DC	I	Undeveloped
East	I-DC	I	Existing industrial building
West	I-DC	I	Existing industrial building

The project would parcelize the existing building into four parcels. No alteration of use or expansion of the building would occur as part of this application. The project would be consistent with the original Design Review approval and consistent with the surrounding uses in the area.

POLICY DISCUSSION:

General Plan: The project site is designated as Industrial which permits the existing warehouse and office uses. The existing site improvements are consistent with applicable policies of the General Plan. The proposed parcelization of the existing building would be consistent with the General Plan.

Zoning/Planned Development: The project site is currently zoned Industrial-Design Control. The proposed Rezone would add the Planned Development Zoning overlay to the parcel zoning. The project would not alter the existing office/ warehouse use nor would the project expand the existing building.

Section 17.34.040 of the Zoning Ordinance established Development Standards for development within the Industrial Zone District.

A. Minimum lot area, ten thousand square feet;

The project would create four parcels including a common parcel. The proposed parcels would range in size from 2,048 square feet to 2,350 square feet in size. The parcels would be less than the minimum lot size established the I Zone District; however, the Planned Development application would allow for flexibility in this standard.

B. Maximum building coverage, sixty percent;

The existing 8,698 square foot building results in a coverage of 25%. The project would parcelize the existing building. No expansion of the building would be approved as part of this project. The development would be consistent with the building coverage requirements of the I Zone District.

C. Minimum lot width, sixty feet;

The project would result in individual lots for each of the proposed four lots. Each lot would have a lot width of 32 feet. The parcels would not be consistent with the minimum lot width of the I Zone District; however, the Planned Development application would allow for flexibility of this standard.

D. Minimum yards: front, ten feet; sides, five feet or zero feet and fireproof wall without opening; rear, ten feet;

The existing building currently meets the required setbacks of the I Zone District. The proposed four parcels would parcelize the existing building which would require a zero side setback along the sides of the parcels. The zero side setbacks would be allowed within the I Zone District.

E. Maximum building height, fifty feet. (Prior code §9414(c))

The project would parcelize the existing building. The existing building meets the height requirements of the I Zone District.

The project would require modifications to the minimum lot size, lot coverage, and lot width standards established for the I Zone District. The requested modifications would be acceptable due to the proposed condominium plan to create four parcels from the existing building. Planned Development Findings have been included in Attachment 2 of the Staff Report.

Planned Development: As discussed in the Zoning Section above, the Planned Development request would allow for flexibility in the Development Standards of the Industrial Zone District to allow the creation of individual parcels for each of the four (4) units within the existing building.

Landscaping: The site is currently landscaped with landscaping along all property boundaries as required by the Off-Street Parking Section of the Zoning Ordinance. No additional landscaping would be required as part of the Planned Development Application.

Parking/ Loading: The project site currently provides 28 parking spaces and loading areas along the rear of the building. The available parking and loading areas exceed the requirements of the Zoning Ordinance. No modification or reduction in the off-street parking would occur as part of this Planned Development application.

Office uses would require four (4) spaces per 1,000 square feet of space as required by the Zoning Ordinance. The 2,028 square feet of office space would require eight (8) parking spaces. Warehouse uses would require one (1) space per 2,000 square feet of space as required by the Zoning Ordinance. The 6,352 square feet of warehouse space would require three (3) spaces. The site would provide 28 parking spaces which exceeds the required 11 parking spaces.

Lighting: The site currently does not have outdoor lighting installed in the parking areas. Outdoor lighting is limited to wall-mounted lighting. No additional lighting would be proposed as part of this application.

Signage: Existing signage is limited to wall-mounted signage. No additional signage would be proposed as part of this application. Wall-mounted signage for future tenants may be administratively approved by the Development Services Director. Any additional monument signage would require a Revision to the Planned Development Application.

As discussed above with the approval of the Planned Development Application, the project would be consistent with the Zoning Ordinance.

Tentative Parcel Map: The proposed Tentative Map would create four (4) parcels ranging in size from 2,048 square feet to 2,350 square feet and one (1), 35,309 square foot common parcel. A table of the proposed lot sizes is included below:

Lot Number	Area (sf)
Lot 1 (Suite 101)	2,257.40
Lot 2 (Suite 102)	2,350.60
Lot 3 (Suite 103)	2,048.00
Lot 4 (Suite 104)	2,048.00
Lot 'A' Common Area	25,309.04

ENVIRONMENTAL REVIEW: This project has been found to be Categorically 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.”

Pursuant to Resolution No. 240-93, a \$50.00 processing fee is required by the County recorder to file the Notice of Exemption.

RECOMMENDATION:

Staff recommends that the Planning Commission forward a recommendation to the Board of Supervisors to:

1. Certify that the project is Categorically Exempt from CEQA pursuant to Section 15301(k) of the CEQA Guidelines; and
2. Approve Zone Change Z08-0028 subject to the Findings of Approval in Attachment 2;

3. Approved Planned Development PD08-0015 adopting the Development Plan as the official Development Plan, and Parcel Map P08-0026 based on the findings in Attachment 2 and 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 Map
Exhibit E	Tentative Parcel map
Exhibit F	Approved Site Plan Design Review DR05-0002S

ATTACHMENT 1

CONDITIONS OF APPROVAL

File Number Z08-0028/ PD0015/ P08-0026
December 11, 2008 Planning Commission Hearing

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.

40.15. 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.

ATTACHMENT 2 FINDINGS

Application: Z08-0028/ PD08-0015/ P08-0026
Wirtanen Commercial Condominiums
Planning Commission Hearing December 11, 2008

1.0 CEQA FINDINGS

This project has been found to be Categorically 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.