

**EL DORADO COUNTY DEVELOPMENT SERVICES
ZONING ADMINISTRATOR
STAFF REPORT**



Agenda of: October 15, 2008
Item No.: 4.a.
Staff: Mel Pabalinas

TENTATIVE PARCEL MAP TIME EXTENSION

APPLICATION

FILE NO.: P02-003E-2 (Saratoga Commercial Parcel Map)

APPLICANT: Serrano Associates, LLC

REQUEST: A second time extension for one (1) year to an approved Parcel Map in accordance with Section 16.74.030 of the El Dorado County Subdivision Ordinance.

LOCATION: On the north side of Saratoga Way, west of Arrowhead Drive in the El Dorado Hills area; Supervisorial District No.2 (Exhibit A)

APN: 120-690-04

ACREAGE: 13.12 acres

GENERAL PLAN: Commercial (Exhibit B)

ZONING: Split-Zoning: One-Family Residential (R1) and Planned Commercial (CP) with Design Control (-DC) overlay (Exhibit C)

ENVIRONMENTAL DOCUMENT: Categorically Exempt under Section 15315 of CEQA (Minor Land Division)

SUMMARY RECOMMENDATION: Conditionally Approve

BACKGROUND

The El Dorado County Zoning Administrator conditionally approved tentative Parcel Map P02-003 on October 13, 2003 (Exhibit D). The approved Parcel Map includes three (3) parcels (Parcels 1-3) for lease, sale or financing, a future Right-of-Way (Parcel A) for Saratoga Way realignment and widening, and a Remainder Parcel. Parcels 1 and 2 have an underlying zone

designation of Planned Commercial (CP) and measures 1.33 acres and 3.09 acres in size, respectively. Parcel 3, which has a split zoning of Single-Family Residential (R1) and Planned Commercial (CP), measures 4.06 acres. The Remainder Parcel retains the R1-zone. No development has been proposed on the subject property. The Parcel Map was approved with standard 3-year expiration due on October 15, 2006.

Given the delays associated with the El Dorado Hills Interchange project, the applicant was not able to record the Parcel Map or develop the parcels within the three year timeframe. Under application P02-003E, the first time extension of the map was timely filed on August 11, 2006 for a total of 2 years. The request was approved on June 20, 2007 with an expiration date of October 15, 2008.

Since its approval, the applicant was unable to develop or record the map. In anticipation of its expiration date, the applicant submitted a second time extension of the map on April 3, 2008.

STAFF ANALYSIS

Staff has reviewed the project for consistency with the County's regulations and requirements. An analysis of the proposal and issues for Zoning Administrator consideration are provided in the following sections.

Project Description

Pursuant to Section 16.74.030 of the El Dorado County Subdivision Ordinance, the applicant is requesting a Time Extension of the approved Parcel Map for one (1) year. The time request would allow the applicant to accomplish the original project conditions and record the map or develop the parcels. The County's ordinance allows up to five (5) one-year time extensions from the original expiration date of the approved map. If the current request is approved, the Parcel Map would have two (2) one-year time extensions remaining.

Exhibit D depicts the lot configuration of the original approved parcel map. In July 2006, the right-of-way parcel was acquired by the County through the condemnation process resulting in revised lot dimensions (except for the Remainder Parcel) as shown in the updated map Exhibit E. Nevertheless, the proposed parcels meet the required development standards (ie. lot size and width) in accordance with the underlying zone.

No development is proposed with this time extension. Any development of the site is subject to the recommended conditions of approval and review by the County and other affected agencies. Specifically, in order to rectify the split zoning issue, development proposal on the site would include a rezone application to facilitate consistency with the property's Commercial Land Use Designation. Development of the site would require service by the El Dorado Irrigation District (EID) for potable water, recycled water, and sewer.

Staff has reviewed the request and determined that the requested 1-year time extension can be supported.

Site Description

The property has a moderate rolling topography with little to no vegetation. Grasses and low lying shrubs are predominant on site. Willow, Cottonwood, and Interior Live Oak trees are within the drainage swale located along the western border of Parcel 3. The site is elevated approximately four to eight feet above the existing grade of Saratoga Way.

Adjacent Land Uses

	Zoning	General Plan	Land Use/Improvements
North	Single-Family Residential (R1)	High Density Residential (HDR)	Single-family residence
South	Transportation Corridor (TC)	Commercial (C)	Saratoga Way/ U.S. Highway 50
East	Limited Multifamily Residential (R2)/ Planned Commercial (CP)	Multifamily Residential (MFR)/ Commercial (C)	Attached Homes
West	Single-Family Residential (R1)	High Density Residential (HDR)	Vacant

General Plan

Land Use Element Policy 2.2.5.2 requires all discretionary projects to be consistent with the applicable General Plan Policies. The General Plan Land Use Map designates the subject site as Commercial. The proposed time extension would extend the life of the map necessary to record the map for sale or financing, or develop the parcels. The proposed parcels are located in an area that has an available infrastructure in place to support future development, subject to a Design Review permit application.

The western portion of Parcel 3 and the Remainder Parcel have a zoning designation of Single-Family Residential (R-1) which does not conform to the underlying Commercial General Plan Land Use Designation. Despite the inconsistency, no development is proposed with the Parcel Map and each lot meets the minimum parcel size required under each zoning district. Furthermore, to ensure conformance with the Commercial land use designation, a consistency rezone of the entire Parcel 3 and the Remainder Parcel to Planned Commercial (CP) would be required as part of future development permit application.

Zoning

Parcels 1 and 2 are zoned Planned Commercial (CP) with Design Control (-DC) overlay zone. Parcel 3 has a split zoning designation of One-Family Residential (R1) and Planned Commercial (CP) while the Remainder Parcel retains the R1 zoning. As detailed in Table 1, the proposed parcels meet the required minimum parcel standards under each zoning district.

Subdivision Ordinance

As detailed in Attachment 2, the proposed Parcel Map time extension is found to be consistent with Section 16.44.030 of the El Dorado County Subdivision Zoning Ordinance.

Other Issues

Conditions of Approval

The Parcel Map time extension is subject to the conditions of approval as shown in Attachment 1. The project was distributed for review resulting in comments from the Department of Transportation, El Dorado Hill Community Services District, and County Surveyor's Office in support of the project. The conditions comprise of original (numerical sequence in italics with strikethroughs) and revised conditions. The changes are shown in underline and strikethroughs.

Senate Bill 1185

Senate Bill 1185 was signed into law on July 15, 2008. This bill would extend expiration dates of all tentative maps approved as of July 15, 2008 and scheduled to expire before January 1, 2011 by an additional 12 months. In addition to the requested time extension, the expiration date of the map would be October 15, 2010.

ENVIRONMENTAL REVIEW

The Parcel Map time extension is deemed Categorical Exempt pursuant to Section 15315 (Class 15-Minor Land Divisions) of the California Environmental Quality Act (CEQA) Guidelines with regards to division of residential, commercial, or industrial lands within urbanized areas in conformance with the El Dorado County General Plan and Zoning Ordinance.

RECOMMENDATION

Staff recommends that the Zoning Administrator:

- 1) Certify the Categorical Exemption determination pursuant to Section 15315 of the California Environmental Quality Act (CEQA); and
- 2) Approve the Parcel Map Time Extension based on the Conditions of Approval in Attachment 1 and Findings in Attachment 2

SUPPORTING INFORMATION

Attachment 1.....Conditions of Approval
Attachment 2.....Findings
Attachment 3.....Applicant Time Extension Request

Exhibit A.....Vicinity Map
Exhibit B.....General Plan Land Use Map
Exhibit C.....Zoning Map
Exhibit D.....Original Approved Tentative Parcel Map
Exhibit E.....Updated Tentative Parcel Map (after
dedication of right-of-way)

ATTACHMENT 1

CONDITIONS OF APPROVAL

APPLICATION FILE NO. P02-003E-2
October 15, 2008

- 1) This time extension is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibits marked Exhibits A-E 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 request consists of:

A second time extension for one (1) year to an approved Parcel Map in accordance with Section 16.74.030 of the El Dorado County Subdivision Ordinance.

In consideration of the Senate Bill 1185 provisions, the map shall expire on October 15, 2010.

The approved parcels are described in the following table:

<u>Parcel</u>	<u>Approved</u> <i>(Quantity after ROW dedication in italics)</i>
<u>1</u>	<u>Lot Area: 1.33 acre (1.18 acres)</u> <u>Lot Width: 340 feet (294 feet)</u>
<u>2</u>	<u>Lot Area: 3.09 acres (2.98 acres)</u> <u>Lot Width: 450 feet (448 feet)</u>
<u>3^A</u>	<u>Lot Area^B: 4.06 acres (3.75 acres)</u> <u>Lot Width^B: 550 feet (543 feet)</u>
<u>Remainder Parcel</u>	<u>Lot Area: 5.12 acres</u> <u>Lot Width: 592 feet</u>

- 2) 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.

- 3) The Final Parcel Map shall include the following note: “Any development proposal submitted on Parcel 3 and/or the Remainder Parcel site shall include a Rezone application.”

Department of Transportation

- 4) ~~2~~ The applicant shall comply with all County requirements related to the Department of Transportation’s review, including but not limited to the submittal of a site improvement/ grading plan prepared by a professional civil engineer to the department for review and approval. The plan shall be in conformance with the County of El Dorado “*Design and Improvement Standards Manual*”, the *Grading, Erosion and Sediment Control Ordinance*”, the “*Drainage Manual*”, the “*Off-Street Parking and Loading Ordinance*” and the State of California Handicapped Accessibility Standards.
- 5) ~~3~~ The applicant shall be subject to a grading permit fee commensurate with the scope of the proposed project prior to the commencement of any work.
- 6) ~~4~~ The project shall be subject to the County Traffic Impact fee programs. The fees shall be due upon issuance of a building permit. If prior to the application for a building permit for any of the parcels, revised fees are established, such revised amounts shall be paid.
- 7) ~~5~~ At the time of grading permit application, the applicant shall provide a soil/geotechnical report to the Department of Transportation addressing at a minimum, grading practices, compaction, slope stability of existing and proposed cut and fills, erosion potential and pavement section based on TI and R values.
- 8) ~~6~~ The final Parcel Map shall show all utility, road and drainage easements per the recommendation of the utility purveyors and the County Engineer. Said easements shall be irrevocably offered to the County.
- 9) ~~7~~ Drainage maintenance shall be the responsibility of the parcel owners. All easements for drainage easements shall be offered to the County of El Dorado for rejection, and simultaneously offered to the parcel owners’ association with the filing of the parcel map.
- 10) ~~8~~ The project drainage plan shall coordinate future surface and subsurface drainage of all development with the proposed Saratoga Way drainage system to the satisfaction of the Department of Transportation.

11) ~~9.~~ The developer shall place the following note of the final parcel map:

“The parcels created by this map are created for sale and financing purposes only. No building permit or similar ministerial permit will be issued without the approvals required by Chapter 17.74 (Design Review Districts) of the County Code”.

12) ~~10.~~ A note shall be placed on the final Parcel Map that access to Saratoga Way, Finders Way and Arrowhead Drive is restricted and that access encroachment location(s) to said County roads will be determined through the approval of subsequent development applications for the parcels created by this map.

13) ~~11.~~ The developer shall record a mutual access easement on Parcels 1, 2 and 3 for the purpose of assuring internal circulation from parcel to parcel without the requirement to enter the public right-of-way to move from parcel to the other.

14) ~~12.~~ As provided by the El Dorado Hills Road Improvement fee program, the final Parcel Map shall reserve a strip of land approximately 30-feet in width for the construction and maintenance of a sound wall along the northerly property line of Parcel 1, 2 and 3, together with a construction and maintenance access easement from the adjacent public roadway, or an alternative arrangement, all to the satisfaction of the Department of Transportation. Similarly, the final parcel map shall reserve a strip of land approximately 15-feet in width and 110 feet long for the construction and maintenance of a sound wall along the northerly portion of the westerly side of the proposed right-of-way for Arrowhead Drive. Prior to the final Parcel Map, the applicant shall execute a document providing for the right of entry that will allow construction of the sound wall as necessary by the County of El Dorado in order to advance a public project.

15) ~~13.~~ As provided by the El Dorado Hills Road Improvement fee program, the developer shall reserve the right-of-way for road and all public purposes sufficient to accommodate Saratoga Way as a four-lane roadway, and a re-aligned Arrowhead Drive as a standard two-lane roadway, including curb gutter and sidewalk to the satisfaction of the Department of Transportation. Prior to filing the Parcel Map, the applicant shall execute a document providing for the right of entry that will allow construction of the road improvements as necessary by the County of El Dorado in order to advance a public project.

Pursuant to Policy 3.2.1.3 of the 1996 General Plan, the strip of land along the existing Saratoga Way that would be necessary to widen Saratoga Way to four lanes along the existing alignment shall be offered for dedication by the developer to the County. The balance of the reserved area described in the above paragraph will be acquired by the County as part of the El Dorado Hills Boulevard Interchange project right-of-way acquisition.

Note that future discretionary applications for these parcels may be required to dedicate additional right-of-way to dedicate additional right-of way to accommodate a left turn lane in Saratoga Way for site access purposes.

16) ~~14.~~ Traffic studies will be required for any future development proposals concerning the parcels created by this parcel map. Said individual traffic studies shall include an analysis of both on- and off-site impacts from the proposed development of the parcels created by this parcel map. All applicants shall be required to mitigate any impacts identified in the traffic studies to the satisfaction of the Department of Transportation.

17) ~~15.~~ A “Notice to Property Owners” shall be recorded in the chain of title of each parcels created by this Parcel Map at the time the map is recorded. The Notice shall state:

Any applicant submitting a development proposal for this property will be required to prepare traffic study to evaluate the project’s traffic impacts on the surrounding road network. Based on a Traffic Report by Prism Engineering dated June 26, 2003, there is currently a Level of Service “F” (LOS F) condition at El Dorado Hills Boulevard at the westbound Highway 50 onramp, and other intersections, and road segments are nearing LOS F. Depending upon the LOS of the area roadways at the time of development and the level of traffic impacts caused by future development, development projects on this project may be conditioned in a manner consistent with Section 66001 of the State Planning Law to build infrastructure improvement requirements, restrict occupancy of development until traffic deficiencies are rectified, or take other measures to minimize degradation of the traffic flow in the project vicinity to the satisfaction of the Department of Transportation.

18) ~~16.~~ Any bonded improvements shall be completed within one-year filing of the Parcel Map.

19) ~~17.~~ An easement restricting vehicular access for Parcel 1 onto Arrowhead Drive shall be shown on the parcel map. This restriction may be modified if the future development applications demonstrate to the satisfaction of the Department of Transportation that a driveway encroachment can meet County standards.

20) ~~18.~~ Where the subdivider is required to make improvements on lands which neither the subdivider nor the County has sufficient title or interest to make such improvements, prior to filing of any parcel map, the subdivider shall submit the following to the Department of Transportation Director for approval:

- a. A legal description prepared civil engineer or land surveyor of the land necessary to be acquired to complete the off-site improvements;
- b. Improvement plans prepared by a civil engineer of the required off-site improvements; and
- c. An appraisal prepared by a professional appraiser of the cost of the land necessary to complete the off-site improvements.

Prior to filing of a Parcel Map, the subdivider shall enter into an agreement, pursuant to Government Code Section 66462.5 to complete the required off-site improvements, including the full costs of acquiring any real property interests

necessary to complete the required improvements. In addition to the agreement the subdivider shall provide a cash deposit, letter of credit, or other acceptable surety in an amount sufficient to pay such costs including legal costs subject to the approval of the County Counsel.

Fire Department

21) ~~19.~~ Fire hydrant(s) shall be installed for any development on the proposed parcels, in compliance with the provisions of the U.F.C Section 10.301(c), in a location acceptable to the El Dorado Hills Fire Department. A letter of compliance with the condition shall be submitted by the fire district to the Surveyor's Office at the time of filing the parcel map.

Planning Services

22) ~~20.~~ Domestic water shall be supplied by public entity with a minimum six-inch water line to the property being divided, and a water meter award letter or similar assurance from the water purveyor, guaranteeing water service upon demand to each of the parcels created, shall be submitted to the County Surveyor at the time of filing the Parcel Map.

23) ~~21.~~ A Notice of Restriction on the designated remainder parcel shall be filed with the map, pursuant to Government Code 66424.6. No building permits shall be issued until a Certificate of Compliance, Parcel Map, or Final Map is approved and filed with the County Recorder.

County Surveyor

24) ~~22.~~ Prior to filing of a Parcel Map, if the subject property is subject to liens for assessment or bonds, pursuant to the provisions of Government Code Section 66493, the owner or subdivider shall do one of the following: a) Pay the assessment or bond in full; b) File the security with the Clerk of the Board of Supervisors the necessary certificate indicating that provisions have been made for the segregation of bond assessment responsibility, pursuant to Government Code Section 66493 (d).

25) ~~23.~~ All survey monuments must be set prior to filing the Parcel Map

26) ~~24.~~ Situs addressing for the project shall be coordinated with the El Dorado Hills Fire Department and the County Surveyor's Office prior to filing the Parcel Map.

27) ~~25.~~ 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 P02-003E-2 by that agency have been satisfied." The letter is to be sent to the County Surveyor and copied to the Consultant and the applicant.

ATTACHMENT 2

FINDINGS

FINDINGS FOR APPROVAL

1.0 CEQA FINDING

- 1.1 The Parcel Map time extension is deemed Categorical Exempt pursuant to Section 15315 (Minor Land Divisions) of the California Environmental Quality Act (CEQA) Guidelines involving division of residential, commercial, or industrial lands within urbanized areas in conformance with the El Dorado County General Plan and Zoning Ordinance.

2.0 ADMINISTRATIVE FINDINGS

2.1 General Plan

The General Plan Land Use Map designates the subject site as Commercial. The proposed parcels are located in an area that has an available infrastructure in place to support future development, subject to a Design Review permit application.

The western portion of Parcel 3 and the Remainder Parcel has a zoning of Single-Family Residential (R-1) which does not conform to the Commercial designation under the General Plan Land Use Map. Despite the inconsistency, no development is proposed with the tentative map and each lot meets the minimum parcel size required under each zoning district. Furthermore, as part of any future development permit application on Parcel 3, a rezoning consistency to Planned Commercial (CP) would be required.

2.2 Zoning Code

Parcels 1 and 2 are zoned Planned Commercial (CP) with Design Control (-DC) overlay zone. Parcel 3 has a split zoning designation of One-Family Residential (R1) and Planned Commercial (CP) while the Remainder Parcel retains the R1 zoning. The proposed parcels meet the required minimum parcel standards under each zoning district.

2.3 Subdivision Ordinance

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

The proposed time extension to an approved parcel map would create parcels anticipating future commercial development consistent with the El Dorado County General Plan.

B. 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 commercial lot standards. Specifically, the parcels meet the minimum lot size, width, configuration, and would have direct access off Saratoga Way.

C. That the site is physically suitable for the type of development;

The site is physically suitable for future development. The site contains mild rolling terrain with a natural drainage towards the wooded swale area in the middle of the parcel. Future commercial development of the site shall be further reviewed for proper design, layout, and improvements in conformance with the applicable County and agency standards.

D. That the site is physically suitable for the proposed density of development;

The proposed parcels exceed the minimum development standards and would physically accommodate future commercial development. Development of the site shall be reviewed and verified for proper design, layout, setbacks, and improvements in conformance with the applicable County and agency standards.

E. That the design of the division or the proposed improvements are likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat;

The Parcel Map has been designed to avoid environmental impacts. Future development and improvement of the site would be subject to permits and environmental review by the County and affected agencies.

F. That the design of the division or the type of improvements is likely to cause serious public health hazards;

The parcel map would create four lots in conformance with the County standards. Future development and improvement of the site would be subject to permits and review by the County and affected agencies to ensure orderly and safe development.

G. That the design of the division or the improvements is not suitable to allow for compliance of the requirements of section 4291 of the Public Resources Code;

The design of the parcel map conforms to the requirements of Section 4291 of the Public Resources Code involving prevention of brush fire on site. Future development the site would be reviewed for conformance for on-site fire suppression and emergency access and circulation by the El Dorado Hills Fire Department.

H. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property

within the proposed subdivision. In this connection the approving authority may approve a map if it finds that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. (Ord. 3805 §15, 1988: prior code §9702)

Necessary utility easements are depicted on the Parcel Map and shall be further verified by the County Surveyor's Office at the time of filing of Parcel Map. Additional easements would be required during review of future discretionary development permit, as deemed necessary.