

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



Agenda of:	September 27, 2007
Item No.:	7.b.
Staff:	Michael C. Baron

SPECIAL USE PERMIT

FILE NUMBER: S06-0022

APPLICANT: Ribeiro Development, Inc.

REQUEST: Special use permit requesting to use an existing 9,248 square foot building with existing parking and landscaping as a mini storage facility within the El Dorado Hills Business Park.

LOCATION: On the east side of Golden Foothill Parkway, 300 feet south of the intersection with Suncastr Lane, in the El Dorado Hills area, Supervisorial District II. (Exhibit A)

APN: 117-060-41

ACREAGE: 4.63 acres

GENERAL PLAN: Research and Development (R&D) (Exhibit B)

ZONING: Research and Development-Design Control (R&D-DC) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Categorically Exempt from CEQA pursuant to Section 15301

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND: The property owner built five commercial/warehouse buildings for individual tenants and a 57 unit storage building that was originally proposed as storage for the tenants in the other buildings (Permit #174654). Since the storage units were not meant to be rented to outside parties they could be built under a ministerial building permit. The applicant has since requested the special use permit to rent the storage units to outside tenants. The applicant has also submitted a

Rezone, Planned Development and parcel map application (Z07-0021/PD07-0015/P07-0019) for the same development.

STAFF ANALYSIS

Site Description: There are currently five single story office/warehouse buildings, each containing individual rental units and a 9,248 square foot vacant storage facility with 57 units that were originally intended to be used as storage for tenants of the rental units (Building E Exhibit D). No additional changes to the buildings have been proposed with this application. The 4.6 acre site is flat with no excessive slopes or oak tree canopy. All improvements are completed and individual office space units are being improved.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	R&D/DC	R&D	Existing Commercial Buildings/Mini Storage
North	R&D/DC	R&D	Vacant
South	R&D/DC	R&D	Existing Office
East	R&D/DC	R&D	Vacant
West	R&D/DC/ PD	R&D	Existing Office

General Plan: The General Plan designates the subject site as Research and Development (R&D). **Policy 2.2.1.2** states that the purpose of the Research and Development land use designation is to provide areas for the location of high technology, non-polluting manufacturing plants, research and development facilities, corporate/industrial offices, and support service facilities in a rural or campus-like setting which ensures a high quality, aesthetic environment. This designation is highly appropriate for the business park/employment center concept. Lands designated as R&D can be located in Community Regions and in Rural Centers. There are no specific General Plan Policies to regulate a mini storage facility within the Research and Development District however, the project would be considered consistent with any applicable General Plan policies because the project has been built in compliance with County regulations, addressing aesthetics, environmental issues and health and safety concerns.

Zoning: The proposed use is permitted by special use permit in the Research and Development Zone District, pursuant to Section 17.35.025. The project is exempt from the design review process as noted in 17.74.040(C) which states that structures and sites within the Research and Development Zone District are exempt from the architectural styling for new construction permitted in the Sierra design and the community design districts. In order to approve the use, the approving authority must find that the use is consistent with the General Plan and would not be detrimental to the public health, safety and welfare nor injurious to the neighborhood. No

comments were received from public agencies. Staff finds that the project would not be detrimental to the public health, safety and welfare and not injurious to the neighborhood.

Agency and Public Comments:

At the time of the preparation of this report, staff had received comments from the El Dorado Hills Business Park Owners Association, as a result of the project distribution. The Owners Association expressed concern that the original project was never submitted for review and approval through the building permit process. While the County does not enforce CC&R's, as a courtesy to the El Dorado Hills Business Park Owners Association, projects have been distributed to them for their review in the past. In this case, it is unclear whether or not the project was distributed to the Owners Association for their review during the building permit process. As a result, The El Dorado Business Park Owners Association did not support the project until their board of directors reviewed and approved the proposed mini storage facility. The Department of Transportation provided staff with a letter stating that they had no issues with the project. No conditions have been submitted by other departments.

ENVIRONMENTAL REVIEW

This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15301 of the CEQA Guidelines stating that the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private structures, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Pursuant to Resolution No. 240-93, a \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption.

RECOMMENDATION

1. Certify that the project is Categorical Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines; and
2. Approve the special use permit S06-0022 subject to the conditions in Attachment 1, based on the findings in Attachment 2.

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	Development Site Plan
Exhibit E.....	Mini Storage Floor Plan
Exhibit F	Mini Storage Elevation
Exhibit G	Landscape Plan
Exhibit H	Assessor's Map

ATTACHMENT 1

CONDITIONS OF APPROVAL

File Number S06-0022
Planning Commission Hearing/September 27, 2007

El Dorado County Planning Services

1. This Special Use Permit approval is based upon and limited to compliance with Planning Commission Exhibit D, dated September 27, 2007, 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, as approved, consists of the following:

Special Use Permit requesting to use an existing 9,248 square foot building with parking and landscaping as a public mini storage facility within the El Dorado Hills Business Park (Exhibit D).

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

2. Prior to obtaining final occupancy for the Special use Permit, all Development Services fees shall be paid.
3. 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, 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 applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

ATTACHMENT 2

FINDINGS

File Number S06-0022
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1.0 CEQA Finding

- 1.1 This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15301 of the CEQA Guidelines stating that the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private structures, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. No improvements have been proposed for this project.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of Planning Services at 2850 Fairlane Court., Placerville, Ca 95667.

2.0 Special Use Permit Findings

- 2.1 *The issuance of the permit is consistent with the General Plan.*

This project meets the intent of General Plan **Policy 2.2.1.2** because the commercial enterprise supports the intent of the uses allowed within the Research and Development General Plan Land Use Designation.

- 2.2 *The proposed use would not be detrimental to the public health, safety, and welfare, or injurious to the neighborhood.*

Use of the building as a public mini storage facility will not be detrimental to the neighborhood as there are similar storage facilities within the development and the nearest residence is several thousand feet away. Mini storage facilities do not historically create objectionable traffic, noise, dust or odor. While mini storage would not create new jobs within the business park, it would serve as a benefit to other business as within the area for storage use.

- 2.3 *The proposed use is specifically permitted by special use permit pursuant to this Title.*

The proposed mini storage facility is located within the Research & Development (R&D) Zone District, which allows mini storage facilities through the issuance of a special use permit pursuant to Section 17.35.025 of the El Dorado County Zoning Ordinance.