

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



Agenda of: October 11, 2007
Item No.: 7.a.
Staff: Patricia A. Kelly

REZONE/PLANNED DEVELOPMENT/PARCEL MAP

FILE NUMBER: Z07-0015/PD07-0011/P07-0005

APPLICANT: Glenhaven Court I, LLC

- REQUEST:**
1. Rezone from Research and Development-Design Control (R&D-DC) to Research and Development-Planned Development (R&D-PD).
 2. Development plan to allow the conversion of an existing commercial structure into three (3) air space condominium units, with common area.
 3. Tentative parcel map creating four (4) lots.

LOCATION: On the South side of Glenhaven Court, approximately 200 feet east of the intersection with Hillsdale Circle, in the El Dorado Hills Business Park area of El Dorado Hills, Supervisorial District II (Exhibit A).

APN: 117-085-18

ACREAGE: 1.02 acre

GENERAL PLAN: Research & Development (R&D)

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

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

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND: The parcel was originally created as Lot 2 on the Parcel Map filed in Book 41 of Parcel Maps at page 7, August 24, 1989.

A Site Plan Review (SPR 06-0092) was approved on April 6, 2006 allowing the construction of a 13,050 square foot commercial structure and other site improvements consisting of parking, landscaping and lighting.

Grading Permit 173788 and Building Permit 172393 were issued August 15, 2006 to allow for grading and construction of the commercial structure and ancillary facilities approved under SPR 06-0092. All permitted improvements have been built on the project site.

STAFF ANALYSIS

Project Description: The request is for a Rezone, Planned Development and Tentative Parcel Map for a three (3) air space condominium unit conversion project. The existing 13,050 square foot commercial structure would be converted into three (3) air space condominium units as shown on the Tentative Parcel Map (Exhibit F). Units 2 and 3 would consist of 4,350 square feet of building space and Unit 1 would consist of 4,265.93 square feet of building space. The common area, as shown on the Tentative Parcel Map (Exhibit E) as Lot A would consist of an existing 84.07 square foot Electrical Room and 31,605.95 square feet of common area consisting of previously developed parking, landscaping and lighting improvements.

The rezone request would eliminate the Design Control (DC) zoning overlay and would add the Planned Development (PD) zoning overlay to the project site. The existing 13,050 square foot commercial structure would be converted into three (3) air space condominiums units.

Tentative Map: The Tentative Parcel Map would create individual lots for each air space condominium unit and one common area lot.

Site Description: The project site is graded flat with slopes on-site falling within the 0%-10% range at an approximate elevation of 520 feet. The parcel is currently developed as shown on the site plan (Exhibit D). Parking located adjacent and east of the commercial structure provides 18 parking spaces.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	R&D-DC	R&D	Research and Development/Existing building
North	R&D-DC	R&D	Research and Development/Existing building
South	R&D-DC	R&D	Research and Development/Existing building
East	R&D-DC	R&D	Research and Development/Existing building
West	R&D-DC	R&D	Research and Development/Existing building

POLICY DISCUSSION

General Plan: General Plan **Policy 2.2.1.2** designates the project site as Research and Development (R&D) land use which permits high technology, non-polluting manufacturing plants, research and development facilities, corporate/industrial offices, and support service facilities. The project is consistent with this policy as this designation is highly appropriate for the business employment center concept.

Policy 2.2.1.5 provides Floor Area Ratio (FAR) as shown in Table 2-3 pertaining to the building intensities in each land use designation. The subject property is subject to the FAR requirements for the El Dorado Hills Business Park and the R&D land use designation which shall not exceed a .50 ratio. The proposed Tentative Parcel Map would provide for a .29 FAR. Additional development is not proposed. The request would not intensify the intended use in the El Dorado Business Park. Existing parking, facilities and access would adequately serve the proposed request to convert the existing commercial structure into three air space condominium units.

Policy 2.2.3.1 states that the PD combining district to be implemented through the Zoning Ordinance, shall allow industrial land uses consistent with the density specified by the underlying zoning district with which it is combined. Primary emphasis shall be placed on furthering use and/or design that provide a public or common benefit, both on and off-site, by clustering intensive land uses to minimize impacts on various natural resources, avoid cultural resources where feasible, minimize public health concerns, minimize aesthetic concerns, and promote the public health, safety, and welfare. The subject property has been developed and all permitted development improvements have been completed. The proposal request for converting the existing commercial structure into three (3) air space condominiums and creating a common area would not impact the density specified for the R& D land use designation; would not impact natural or cultural resources; would not cause additional concern for public health, safety and welfare because no new development is proposed.

Zoning/Planned Development: The subject property is zoned Research and Development-Design Control (R&D-DC). The existing development on the subject property has been built consistent with

the development standards of the R&D district. The proposed request is to re-zone the subject property to Research and Development-Planned Development (R&D-PD). The Planned Development re-zone is required because the parcels being created are less than two acres in size. Within the R&D District, **Section 17.35.030(A) (2) (d)** of the Zoning Code requires any parcel proposed to be created which is less than two acres in size may only be approved when processed with a Planned Development (PD) application wherein issues of grading, drainage, access and other issues which may affect the neighborhood are addressed. New development is not proposed on the subject property. The Planned Development (PD) permit request would allow for the flexibility to create air space condominium units for parcels being created less than two acres in size consistent with Section 17.35.030 (A) (2) (d) of the Zoning Code.

The Zoning Ordinance requires that the Planning Commission to make findings prior to approval of a Planned Development zoning change. Staff is recommending that the Planning Commission make the required findings as described in Attachment 1.

Tentative Parcel Map: Section 16.44.030 of the Subdivision Ordinance requires the Planning Commission to make findings prior to approval of a Tentative Parcel Map. Staff is recommending that the Planning Commission make the required findings as described in Attachment 1.

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 Z07-0015, Planned Development PD07-0011 adopting the development plan as the official development plan, and Parcel Map P07-0005 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

ATTACHMENT 1

CONDITIONS OF APPROVAL

File Number Z07-0015/PD07-0011/P07-0005
October 11, 2007 Planning Commission Hearing

Planning Services

1. This Parcel Map is based upon and limited compliance with the project description, the Planning Commission hearing exhibit marked Exhibit F (Tentative Parcel Map) 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 description is as follows

The request is for a Rezone, Planned Development and Tentative Parcel Map for a three (3) air space condominium unit conversion project. The existing 13,050 square foot commercial structure would be converted into three (3) air space condominium units as shown on the Tentative Parcel Map (Exhibit F). Units 2 and 3 would consist of 4,350 square feet of building space and Unit 1 would consist of 4,265.93 square feet of building space. The common area, as shown on the Tentative Parcel Map (Exhibit E) as Lot A would consist of an existing 84.07 square foot Electrical Room and 31,605.95 square feet of common area consisting of previously developed parking, landscaping and lighting improvements.

The rezone request would eliminate the Design Control (DC) zoning overlay and would add the Planned Development (PD) zoning overlay to the project site. The existing 13,050 square foot commercial structure would be converted into three (3) air space condominiums units.

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. The applicant shall be subject to all noticing requirements under the Subdivision Map Act. Prior to final map recordation proof of legal noticing to all tenants shall be submitted to Planning Services demonstrating compliance.
3. Prior to recordation of the final map all Development Services fees shall be paid.
4. 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 will cooperate fully in the defense.

Surveyor's Office

5. All survey monuments must be set prior to filing the Parcel Map.
6. 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.
7. 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

File Number Z07-0015/PD07-0011/P07-0005
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1.0 CEQA

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 Administrative

2.1 The project is consistent with the General Plan

The General Plan Land Use map designates the subject property as Research and Development (R&D). The proposal to create three (3) air space condominiums and common area on a site that has been previously approved for development. The subject property has been developed to adequately serve the proposed request to convert the existing commercial structure and site improvements into three condominium air space units and common area.

3.0 Zoning

3.1 The project is consistent with the Zoning Ordinance

The project is consistent with the Research and Development (R&D) zoning 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 Subdivision Ordinance

A. 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.

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 Research and Development (R&D) development standards. Specifically, the parcels meet all standards, including the minimum lot size, building coverage, lot width, minimum setbacks and buffers, parking and landscaping standards.

C. 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.

D. 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 13,050 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.

E. 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 13,050 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.

4.1 Planned Development

1. That the Planned Development request is consistent with the General Plan;

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

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

The proposed project would parcelize the existing commercial 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.

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 commercial 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. Staff has determined that the request to reduce the lot size 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.

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

The project site is an existing commercial structure located in the El Dorado Hills Business Park which is within the R&D zone district designed for research and development type facilities and corporate/industrial offices. Conversion of an existing commercial structure to air space condominium units and common area is physically suited for the proposed use.

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

All improvements and services exist on site.

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.