

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



Agenda of: April 8, 2010
Item No.: 13
Staff: Michael C. Baron

REZONE/PLANNED DEVELOPMENT/PARCEL MAP

FILE NUMBER: Z09-0002/PD09-0002/P09-0003/Golden Foothills Condominiums

APPLICANT: Bahram Morid

REQUEST: (1) Rezone a 3.79-acre parcel from Research & Development-Design Control (R&D-DC) zone district to Research & Development-Planned Development (R&D-PD) zone district; (2) Development Plan for 5 air space condominium units ranging in size from 5,490 square feet to 19,300 square feet from one existing 45,420 square foot professional office building and 2.75 acre common area; and (3) a Tentative Parcel Map creating 5 commercial condominiums and common area.

LOCATION: Located on the west side of Latrobe Road approximately 200 feet south of the intersection with Golden Foothills Parkway in the El Dorado Hills area, Supervisorial District II (Exhibit A).

APN: 117-060-46 (Exhibit D)

ACREAGE: 3.79 acres

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

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

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

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;
2. Approve Zone Change Z09-0002 subject to the findings in Attachment 2;
3. Approve Planned Development PD09-0002 adopting the Development Plan as the official Development Plan based on the findings in Attachment 2 and subject to the conditions in Attachment 1; and
4. Approve Parcel Map P09-0003 based on the findings in Attachment 2 and subject to the conditions in Attachment 1.

BACKGROUND: The project parcel was originally created by Parcel Map PM36-81 (P84-0081) on August 14, 1984. The existing building and site improvements were constructed by ministerial building permits with a Certificate of Occupancy issued on May 3, 1988. The existing buildings are currently vacant.

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 five commercial condominium units and one common area consisting of parking lot and landscaping.

Rezone: The Rezone would add the Planned Development (PD) overlay to the project parcel. The PD would allow flexibility in the Development Standards of the Research & Development (R&D) Zone District to allow the parcelization of the existing structure. Only professional office type uses would be allowed under the Development Plan. The Development Plan will memorialize all the current building elevations and landscaping.

Planned Development: The PD request is required for the proposed parcelization. The Development Plan would allow flexibility in the Development Standards of the Research & Development Zone District. The adopted Development Plan would only allow professional office type uses.

Tentative Parcel Map: The Parcel Map would create five commercial airspace condominium units within the existing building. One common lot would be created encompassing the landscaping and parking lot areas.

Site Description: The site has been previously developed and includes a 45,420 square foot building (Exhibit F) as well as parking, landscaping and lighting improvements consistent with the R& D Zone District development standards. Parking provides 135 spaces with an additional 24

potential spaces to be added along with additional circulation along the southern end of the property within previously disturbed areas.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	R&D	R&D	Office/45,000 sq. ft.
North	R&D	R&D	Vacant
South	R&D	R&D	Vacant
East	C/R&D	C/R&D	Commercial and Vacant
West	R&D	R&D	Office and Storage

Discussion: The Parcel is within the El Dorado Hills Business Park and adjacent to both vacant and developed parcels to the north and south with existing office to the west as well as a combination of vacant R&D and developed commercial zoned parcels to the east.

The project would create five individual airspace condominium parcels. No alteration of use or expansion of the building would occur as part of this application. The project would be consistent with the Research & Development zone district development standards and consistent with the surrounding uses in the area.

POLICY DISCUSSION:

General Plan: The project is located within the El Dorado Hills Community Region Planning Concept Area. General Plan **Policy 2.2.1.2** designates the project site as Research & Development (R&D) which is meant 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 considered appropriate for the business park/employment center concept. The proposed professional office type uses proposed under the development Plan would be consistent with the R&D Land Use Designation.

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 Research & Development requirements for the R&D land use designation which shall not exceed a 0.85 floor area ratio. The proposed Tentative Parcel Map would provide for a 0.37 FAR. Additional development is not proposed. The request would not intensify the intended use in the El Dorado Hills Business Park. Existing parking, facilities and access would adequately serve the proposed request to convert the existing building into five air space condominium units.

Policy 2.2.3.1 states *The Planned Development (-PD) Combining Zone District, to be implemented through the Zoning Ordinance, shall allow residential, commercial, and 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. A goal statement shall accompany each application specifically stating how the proposed project meets these criteria.*

The project is non-residential and is therefore guided by the R&D Zone District Development Standards. The subject property has been developed and all improvements have been completed. The proposed request for converting the existing commercial building into 5 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; and would not cause additional concern for public health, safety and welfare because no new development is proposed.

Discussion: It has been determined that the project is consistent with the General Plan. Findings of consistency with the General Plan are provided in Attachment 2.

Zoning/Planned Development: The project site is currently zoned Research & Development. The proposed Rezone would add the Planned Development Overlay to the underlying Research & Development Zone District. The project would not alter the existing professional office uses nor would the project expand the existing building.

Section 17.35.030 of the Zoning Ordinance established Development Standards for development within the R&D Zone District.

A. Minimum lot area, ten thousand square feet;

The project would create five air space condominium parcels including a common area parcel. The proposed parcels would range in size from 5,490 square feet to 19,300 square feet in size. Four of the parcels would be less than the minimum lot size established the R&D Zone District; however, the Planned Development application would allow for flexibility in this standard for the airspace condominiums.

B. Maximum building coverage, sixty percent;

The existing 45,420 square foot building provides 27 percent coverage of the entire parcel. The project would create individual units within 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 R&D Zone District.

C. Minimum lot width, sixty feet;

The project would result in individual condominium (airspace units) within the building. Therefore, four of the proposed parcels would not be consistent with the 100 foot minimum lot width required by the R&D 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 R&D Zone District. The proposed parcel map would require a zero side setback along the common walls of the individual condominium units. The zero side setbacks would be allowed within the R&D Zone District.

E. Landscape buffers required for development and parking lots

The existing development currently meets the required landscape buffer standards required for development and parking lots for the R&D Zone District.

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

The existing building meets the height requirements of the R&D Zone District.

G. Signage

No additional signage has been proposed as part of the development application.

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

Landscaping: The site is currently landscaped with landscaping along all property boundaries as required by the R&D Zone District and Off Street Parking and Loading Requirements. No additional landscaping would be required as part of the Planned Development Application. The applicant has provided an as built landscape plan to be adopted with the Development Plan.

Parking/ Loading: The project site currently provides 135 existing parking spaces and 3 loading areas along the rear of the building. A minor modification to a previously disturbed area would occur as part of the development plan and would provide an additional 24 parking stalls and better circulation around the entire site. The applicant has requested a deviation from the loading zone requirements of Section 17.18.080 Parking and Loading requirements. The applicant is requesting 3 loading zones twenty feet wide by fifteen feet long rather than the required twelve feet wide by forty-five feet long.

Office uses would require four 4 spaces per 1,000 square feet of space as required by the Zoning Ordinance. If the entire development were proposed as office then the 45,420 square foot building

would require 182 parking spaces. The site would provide 159 parking spaces which would be below the parking required for office space by 23 spaces. It is not anticipated that each unit would consist of 100 percent office space. A shared parking and access agreement would be incorporated within the project Conditions, Covenants, and Restrictions (CC&R's) to allow access across the adjacent parcel and shared parking for each unit.

Any future uses would be evaluated during the tenant improvement/building permit process prior to issuance of a building permit to ensure that parking would be available for each proposed use and for all existing uses. The proposed uses would further be analyzed, and a tally shall be provided by the applicant of all existing and proposed parking and would be kept by Planning Services Permit Center staff to be sure the proposed use combinations would not result in a change that requires more parking than the 159 allowed spaces under the Development Plan approval (see Condition of Approval No. 3, Attachment 1). Should, at any time, the subsequent tenant improvements be for uses that create the need for more parking than what has been approved, that tenant improvement use that causes the need for additional parking would not be approved by Planning Services staff unless additional parking can be demonstrated for the project site.

Lighting: The site currently has outdoor lighting in the parking areas as well as some wall mounted lighting installed as part of the original building permit. No additional lighting would be proposed as part of this application.

Signage: No 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 approved Development Plan.

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

Tentative Parcel Map: The proposed Tentative Map would create five (5) airspace condominium units ranging in size from 5,490 square feet to 19,300 square feet and one (1), 119,790 square foot common area parcel. A table of the proposed lot sizes is included below:

Lot Number	Area (sf)
Lot 1	19,300
Lot 2	7,570
Lot 3	7,570
Lot 4	5,490
Lot 5	5,490
Common Lot 'A'	119,790

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.”

A \$50.00 processing fee is required by the County recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Location Map
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D	Assessor’s Map
Exhibit E	Development Plan
Exhibit F	Building Elevations A & B
Exhibit G	Master Landscape Plan
Exhibit H	Tentative Parcel Map

ATTACHMENT 1

CONDITIONS OF APPROVAL

Z09-0002/PD09-0002/P09-0003/Golden Foothills Condominiums
April 8, 2010 Planning Commission Hearing

Planning Services

1. This Zone Change, Parcel Map and Development Plan is based upon and limited compliance with the project description, the hearing exhibits marked Exhibits E, F, & G 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 Rezone request would eliminate the Design Control (DC) overlay and would add the Planned Development (PD) overlay to the 3.79-acre parcel.

Development Plan to create 5 air space condominium units ranging in size from 5,490 square feet to 19,300 square feet from one existing 45,420 square foot office/warehouse building. The Development Plan (Exhibits E, F, & G) would allow flexibility in the Development Standards of the Research & Development Zone District. The adopted Development Plan would only allow professional office type uses.

The Parcel Map would create five parcels and one common parcel. The parcel lot sizes shall correspond to the table below:

Lot Number	Area (sf)
Lot 1	19,300
Lot 2	7,570
Lot 3	7,570
Lot 4	5,490
Lot 5	5,490
Common Lot 'A'	119,790

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, & 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 Development Plan.
3. Prior to issuance of a tenant improvement/building permit, the applicant shall provide a parking tally of all existing and proposed parking which shall be kept by Planning Services to ensure the proposed use combinations will not result in a change that requires more parking than the 182 allowed spaces under the approved Development Plan.
4. Any re-allocation of floor area from professional office to other more intensive uses shall require a re-calculation by Planning Services which may require additional on-site parking or a revision of the Development Plan.
5. 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.
6. 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.
7. Landscaping is required to meet Zoning Code Chapter 17.18.090. All landscaping shall be maintained for the life of the project.
8. A \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption.
9. 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.
10. Wall-mounted signage may be administratively approved by the Development Services Director meeting the standards of the R&D Zone District. Any free-standing signage shall be subject to a Revision to the Development Plan.
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.

El Dorado Hills Fire Department

13. The applicant shall pay a \$500.00 annexation fee to the El Dorado Hills County Water District (El Dorado Hills Fire Department) for each additional parcel created in accordance with the recorded agreement between the El Dorado Hills Business Park property owners and the El Dorado Hills Fire Department, prior to filing the Parcel Map
14. An agreement shall be formed by the condominium owners to jointly maintain all fire hydrant, fire sprinkler, and fire alarm systems within the occupied buildings, prior to filing the Parcel Map.
15. This development shall be prohibited from installing any type of traffic calming devices that utilize a raised bump of a lower dip section of roadway.
16. The speed bumps that are currently installed shall be removed prior to filing the Parcel Map.
17. Each building shall be addressed in accordance with fire department requirements, which includes posting 16 in tall addresses on the building as well as address posting onto Golden Foothills Parkway, prior to filing the Parcel Map.
18. A KNOX Box shall be installed on each building to contain the master key to open all exterior doors, prior to filing the Parcel Map.
19. All existing fire hydrants, post indicator valves and fire department connections shall be painted safety white with a blue reflective marker installed adjacent to the each fire hydrant, prior to filing the Parcel Map.
20. The potential southern egress shall provide a 56 foot outside and a 40 foot inside turning radius with a minimum width of the access consisting of a 20 foot paved all weather surface.

El Dorado County Department of Transportation:

21. Reciprocal Access Agreement: The applicant shall provide a reciprocal access agreement that guarantees access for all parcels involved in this Parcel Map to use the contiguous parking lots for access between Golden Foothill Parkway and Hawk's Flight Court, prior to filing the Parcel map.
22. 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

23. All survey monuments must be set prior to filing the Parcel Map.
24. 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 Parcel Map by that agency have been met.

ATTACHMENT 2 **FINDINGS**

Z09-0002/PD09-0002/P09-0003/Golden Foothills Condominiums
April 8, 2010 Planning Commission Hearing

1.0 CEQA FINDINGS

This project has been found to be Categorical 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 Research & Development (R&D). The proposal to create five (5) air space condominiums and common area on a site that has been previously approved and constructed under ministerial building permits in the mid 1980's. The subject property has been developed to adequately serve the proposed request to convert the existing building 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 Research & Development (R&D) Zone District and Planned Development (PD) overlay district which would allow the flexibility with the creation of air space condominium units and common area on parcels less than 10,000 square feet.

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. No new development has been proposed as part of the current request.

4.0 PLANNED DEVELOPMENT FINDINGS

4.1 That the Planned Development request is consistent with the General Plan;

The proposed request to rezone the property from Research and Development-Design Control (R&D-DC) to Research & Development-Planned Development (R&D-PD) is

consistent with the land use designation. The proposed Development Plan is consistent with applicable General Plan policies.

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

The proposed project would subdivide the existing structure and does not propose new development other than negligible site improvements for additional parking and circulation on previously disturbed soils. 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.

4.3 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, parking standards, loading zones, 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 existing site improvements would accommodate individual ownership and only negligible site improvements are proposed for additional parking and circulation within previously disturbed areas. Smaller loading zones would accommodate additional parking.

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

The project site is an existing building located in the El Dorado Hills Business Park which is within the R&D Zone District designed for high technology non-polluting manufacturing plants, and related facilities in a campus-like setting. Conversion of an existing structure to air space condominium units and common area is physically suited for the potential uses.

4.5 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.

4.6 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. Only negligible onsite improvements are proposed as part of this application for additional parking and circulation within previously disturbed areas.

5.0 TENTATIVE PARCEL MAP FINDINGS

5.1 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.

5.2 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 Research & Development Zone District (R&D) Development Standards. The PD would allow for flexibility in the Development Standards of the Research & Development Zone District, including the minimum lot size, building coverage, and lot width.

5.3 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 structure and existing exterior site improvements and would not allow additional improvements to the site.

5.4 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 8,698 square foot building including 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. The proposed subdividing of the property does not propose any new development and site improvements other than a negligible amount of grading for additional parking and circulation within previously disturbed areas. This project is consistent with the finding based on issuance of the categorical exemption.

5.5 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 45,420 square foot building including parking, landscaping and lighting site improvements. The proposed subdivision is not likely to cause serious public health hazards. Only a negligible amount of improvements are proposed for additional parking and circulation within previously disturbed areas.