

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



Agenda of: September 8, 2011
Item No.: 9
Staff: Lillian MacLeod

REZONE

FILE NUMBER: Z11-0006/Barnett Business Park

APPLICANT: El Dorado County

PROPERTY OWNERS: Cameron Park Building Partners
Dale and Linda Gillihan

REQUEST: Rezone of three adjoining parcels in the Barnett Business Park from Professional Office Commercial-Design Community (CPO-DC) to General Commercial-Design Community (CG-DC).

LOCATION: On the north side of Trade Way, between the intersections with Business and Product Drives, in the Shingle Springs area, Supervisorial District 2. (Exhibit A)

APNs: 109-401-02, 109-401-03, and 109-401-04

ACREAGE: 5.55 acres total

GENERAL PLAN: Commercial (C) (Exhibit B)

ZONING: Professional Office Commercial-Design Community (CPO-DC) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Negative Declaration prepared in compliance with Section 15070(a) of the CEQA Guidelines.

RECOMMENDATION: Staff recommends that the Planning Commission forward a recommendation to the Board of Supervisors to take the following actions:

1. Adopt the Negative Declaration for Z11-0006 based on the Initial Study prepared by staff; and
2. Approve Z11-0006 based on the Findings in Attachment 1.

STAFF ANALYSIS

Background: The Board of Supervisors (“Board”) adopted the Barnett Ranch Area Plan and zoning on March 25, 1980 under Resolution 117-80, which included 190 acres of Industrial (I) and 88 acres of Professional Office Commercial (CPO) zoned land. The CPO zoned land was intended to buffer the existing residential uses east of the Area Plan boundary from the industrial uses to its west. As part of the adopted development policies, the CPO zoned land could be rezoned to another commercial zone providing the Design Community (–DC) combining zone was added at the same time.

On August 3, 1982 under Ordinance 3287, the Board approved the Master Plan for the Barnett Industrial Park to be created out of 247.5 acres in the Barnett Ranch Area Plan that comprised the (I) and CPO zoned land. As part of that process, the –DC combining zone was added to both zones and their areas were reduced in size to 83.5 acres of CPO–DC and 164 acres of I–DC zoned land.

The project parcels were created under parcel map P83-0001, approved on February 24, 1983. A Notice of Determination was filed in accordance with CEQA certifying a Mitigated Negative Declaration. Mitigation measures included school site dedication and fee payment if residential development occurred on the parcels and construction of adequate fire protection facilities at the fire station site donated along South Shingle Road.

On February 9, 1988 under Ordinance 3803, the Board approved the rezoning of 15 adjacent parcels to the north, south, and east of the project parcels from CPO–DC to General Commercial – Design Community (CG–DC). The rezone was analyzed under application Z87-0092. Staff recommended “the proposed rezoning would provide a much better transition from industrial uses to professional office commercial than currently exists. Since the CPO Zone allows multifamily development as well as commercial offices, the proposed transition from Industrial to General Commercial and then to Professional Office Commercial would provide a more desirable pattern of development. The current zoning within the Business Park could result in multifamily dwellings across the street from industrial uses.” Adequate fire protection facilities were already developed within the Business Park in accordance with Shingle Springs Fire District requirements at the time of approval. A Notice of Determination was filed in accordance with CEQA certifying a Negative Declaration.

Development and permit history on the project parcels are as follows:

On parcel 109-401-02, staff level design review DR90-0013-S was approved July 1, 1991 under a Negative Declaration allowing a commercial building shell and two office/warehouse structures containing a total of 17 storage units, with individual loading areas and roll-up doors. At the time of application, the zoning was erroneously indicated as being CG-DC instead of CPO-DC due to an error in the manual input of zoning data into the Assessor's Parcel Map (APN) books being used at the time for reference. The facility was never constructed and the design review has expired.

On parcel 109-401-03, four permits were issued: two building permits for commercial warehouse/office shells, one stockpile/grading permit, and one encroachment permit. The building permits were voided at the plan check stage while the latter two permits were finalized on June 7, 2004. No design review application was ever submitted for the proposed development. Up until recently, the site was being used to store vehicles belonging to the adjoining truss manufacturing business discussed below.

On parcel 109-401-04, staff level design review DR98-0005-S was approved June 26, 1998 under the "general rule" exemption of CEQA Section 15061.b (3) allowing a truss manufacturing facility to be constructed. The facility consisted of a 10,000 square foot manufacturing building, a 1,680 square foot office building, and a 1,200 square foot shop/storage building. At the time of application, the zoning was erroneously indicated as being CG-DC instead of CPO-DC. No information in the file indicates the basis for this error. The facilities were constructed and final building permits were issued on June 25, 1999. The facility has been in operation continuously until early this year.

Project Description: The application is being requested by the County in order to rezone parcels 109-401-02, -03, and -04 from Professional Office Commercial-Design Community (CPO-DC) to General Commercial-Design Community (CG-DC). No development is being proposed as part of this application.

Site Description: The project parcels are located in the middle of the northern portion of the Barnett Business Park, 500 feet south of both entrances off Durock Road, a County-maintained road. The parcels lie at approximately the 1,420 foot elevation. Slope gradients in this area are ten percent or less.

Existing development on parcel 109-401-04 sits slightly below street grade at its southwestern corner, but the remaining lot has been graded level with Trade Way. The office building is an attractive structure, with stucco coating and contemporary design. Landscaping that surrounds the office and buffers the access areas along the Business Drive and Trade Way frontages appears to be viable and maintained. The manufacturing and shop/storage buildings are of metal-sided construction and in good shape. Several construction-related vehicles and smaller metal buildings and carports are located on the parcel.

The adjoining parcel, 109-401-03, has been graded to street level with a driveway access along Trade Way and a chain link fence surrounding the property. The parcel is undeveloped but is

currently being used to store commercial/industrial vehicles and construction materials, including several sea-land containers, concrete highway barriers, and piles of large boulders, tree detritus, decomposed asphalt, and dirt.

The next adjoining parcel, 109-401-02, is undeveloped and densely covered with oak woodland and understory vegetation of oak seedlings, blackberry brambles, and grasses. The parcel slopes moderately downward in a northerly direction with a dry channel crossing through the west half of the parcel, consistent with the recorded 15 foot drainage easement, and connecting to the east-west intermittent streambed located on the adjoining parcel to its north. Curb, gutter, and corner streetlight at the Trade Way and Product Drive intersection are the only infrastructural improvements on the parcel.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements (as viewed west to east)
Site	CPO-DC	C	109-401-04: Truss Manufacturing facility 109-401-03: Vehicle and material open storage 109-401-02: Undeveloped
North	CG-DC	C	Undeveloped lot; unoccupied general commercial building
South	CG-DC	C	General commercial tenant shells; undeveloped lot; unoccupied general commercial building; warehouse; auto repair shop
East	CG-DC	C	Undeveloped
West	I-DC	I	Undeveloped

General Plan:

The General Plan designates the subject site as Commercial. The purpose of this land use designation is *to provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. . . . Numerous zone districts shall be utilized to direct specific categories of commercial uses to the appropriate areas of the County. Except as provided in Policy 2.2.2.3, this designation is considered appropriate only within Community Regions and Rural Centers.* The project parcel is located within the Community Region of Shingle Springs. The County is requesting the rezone to make the parcels compliant with the general commercial uses allowed by the previous discretionary approvals.

Additionally, the following General Plan policies also apply to this project:

Policy 2.2.5.3 requires that the County shall evaluate future rezoning: (1) To be based on the General Plan’s general direction as to minimum parcel size or maximum allowable density; and (2) To assess whether changes in conditions that would support a higher density or intensity zoning

district. The following criteria are used to evaluate any rezoning that would either increase residential density or support a more intense use of the land. Since this is a rezone from CPO to CG, there are no increased impacts associated with additional population density. The minimum parcel size of 10,000 square feet under the proposed CG zone reduces the development density somewhat from the 6,000 square foot minimum for CPO. The –DC combining zone would remain on the parcels to insure discretionary review of any proposed development project. The specific criteria to be considered include; but are not limited to, the following:

Criteria	Consistency
1. <i>Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands.</i>	Consistent: The project parcels are within the El Dorado Irrigation District (EID) boundaries and are either currently connected to public water and wastewater systems or are within close proximity to such systems from both Business Drive and Trade Way locations. Prior to any building permits being issued on the project parcels, a Facility Improvement or Meter Award Letter from EID will be required demonstrating adequate water and sewer capacity for the scope of proposed development.
2. <i>Availability and capacity of public treated water system</i>	
3. <i>Availability and capacity of public waste water treatment system.</i>	
4. <i>Distance to and capacity of the serving elementary and high school.</i>	Consistent: The CG zone does not allow residential uses, so the rezone will not require additional school capacity.
5. <i>Response time from nearest fire station handling structure fires.</i>	Consistent: The nearest fire station is less than one mile from the project parcels, so that the level of service would not fall below the minimum response time of eight minutes for 80 percent of the population, as designated in Table 5-1 (Minimum Levels of Service).
6. <i>Distance to nearest Community Region or Rural Center.</i>	Consistent: The site is located within the Community Region of Shingle Springs.
7. <i>Erosion hazard.</i>	Consistent: General Plan Policy 7.3.2.2 states that projects requiring a grading permit shall have an erosion control program approved, where necessary, in compliance with Chapter 15.14 (Grading, Erosion, and Sediment Control Ordinance). No grading is being proposed with the rezone application.
8. <i>Septic and leach field capability.</i>	Consistent: See Response (1-3).
9. <i>Groundwater capability to support wells.</i>	
10. <i>Critical flora and fauna habitat areas.</i>	Consistent: Project parcels are not in any designated resource area for these criteria. No development is being proposed at this time, however, it should be noted that a dense oak woodland canopy exists on parcel 109-401-02, and as such, under the Oak Woodland Canopy Ordinance
11. <i>Important timber production areas.</i>	
12. <i>Important agricultural areas.</i>	

<p>13. <i>Important mineral resource areas.</i></p>	<p>(17.73) is required to be retained as a percentage of the whole. Any commercial development that occurs will be subject to the oak woodland canopy coverage requirements that will be applied under the design review process.</p>
<p>14. <i>Capacity of the transportation system serving the area.</i></p>	<p>Consistent: Project parcels are accessed directly off of a public and County-maintained road. Prior to the discretionary design review of any development being proposed on the parcels, a <i>Request for Initial DOT Project Review</i> must be included in the application in order for the Department of Transportation to determine if the development will trigger LOS thresholds of significance established under General Plan Policy TC-Xe.</p>
<p>15. <i>Existing land use pattern.</i></p>	<p>Consistent: The rezone will maintain conformity to the existing land use pattern of commercial and industrial uses within the Barnett Business Park and will provide a better transition from higher intensity industrial uses to lower intensity commercial uses.</p>
<p>16. <i>Proximity to perennial watercourse.</i></p>	<p>Consistent: No perennial water course exists in close proximity to the project parcels.</p>
<p>17. <i>Important historical/archeological sites.</i></p>	<p>Consistent: An archaeological study was developed as part of the EIR for the Barnett Ranch Area Plan that identified four significant sites that were registered with the State Office of Historical Preservation. Said sites are not located on the project parcels. Seismic hazards were also analyzed in the EIR that delineated five inactive faults located in the mid and southern portion of the Area Plan. The project parcels are not located near these faults; however, the County requires all new structures to be built in accordance with Seismic Zone 3 criteria, as set forth in the California Building Code (CBC), reducing impacts from seismic hazards to less than significant.</p>
<p>18. <i>Seismic hazards and present of active faults.</i></p>	
<p>19. <i>Consistency with existing Covenants, Conditions, and Restrictions.</i></p>	<p>Consistent: No Conditions, Covenants, and Restrictions (CC&Rs) are recorded on the project parcels.</p>

Conclusion: As discussed above, staff finds that the proposed rezone from CPO–DC to CG–DC conforms to the General Plan in that the parcels are located within the Community Region of Shingle Springs and any intensified commercial uses that may result from the rezone are compatible with the Commercial land use designation, the uses previously approved under discretionary review, and the surrounding general commercial and industrial zoned areas in the Barnett Business Park.

Zoning: The CPO zone allows by right medical, dental, and general professional offices; health facilities; and community care facilities, along with supporting accessory uses, such as drug and prescription sales, coffee shops, and newsstands, providing they are located within the same building

as the office(s). Mixed use development is allowed with residential densities of up to 16 dwelling units per acre for a potential total of 89 dwelling units on the project parcels. The minimum parcel size for this zone is 6,000 square feet.

Within the proposed CG zone, a wide variety of commercial uses and intensities are allowed by right, such as “sales, storage, distribution, and light manufacturing businesses of the type which do not ordinarily cause more than a minimal amount of noise, odor, smoke, dust or other factors tending to disturb the peaceful enjoyment of adjacent residential or agricultural land use zones; and further, to provide a close relationship between warehousing, distribution, and retail sales.” Residential use, including that as part of a mixed-use development, is prohibited. The minimum parcel size for this zone is larger than CPO at 10,000 square feet.

The –DC combining zone requires discretionary review and approval, either at staff level or by public hearing, prior to building or grading permit issuance for new, modified, or expanded development on those parcels so zoned.

Discussion: The project parcels are in an area surrounded by existing general commercial development, as well as potential general commercial and industrial development on adjacent undeveloped parcels. They are not adjacent to any residential or agricultural zones. The parcels measure on average 1.85 acres each. Two of the three project parcels have received prior discretionary design review approval for general commercial development. The subsequent construction and operation of one of the approved permits as a truss manufacturing facility has not had an adverse impact on the surrounding area, even though it is of higher intensity than the other existing uses on Trade Way and Product Drive. Prior to permit issuance for any modification of the existing development or for new development applications, approval of a discretionary design review will be required to ensure compatibility with the surrounding general commercial and industrial zoned areas in the Barnett Business Park.

In order to approve the project, the approving authority must find that the project is consistent with the General Plan and would not be detrimental to the public health, safety, and welfare nor injurious to the neighborhood. Based on the discussion above, staff finds that the project is consistent with development in the Barnett Business Park and will not be detrimental to the public health, safety, and welfare and will not be injurious to the neighborhood.

Agency and Public Comments:

These agencies had no specific concerns regarding the proposed project:

Air Quality Management District
Department of Transportation
El Dorado County Fire Protection District
Environmental Management: Solid Waste and Hazmat

At the time of the preparation of this report, staff had not received any comments from the public. New issues may arise as a result of the public notice of the hearing which will be discussed at that time.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study to determine if the project has a significant effect on the environment. Based on the Initial Study staff has determined that there is no substantial evidence that the proposed project will have a significant effect on the environment, and a Negative Declaration has been prepared in compliance with Section 15070(a) of the CEQA Guidelines.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1Findings
Exhibit ALocation Map
Exhibit BGeneral Plan Land Use Map
Exhibit CZoning Map
Exhibit DAssessor’s Parcel Map
Exhibit ENegative Declaration and Initial Study

ATTACHMENT 1

FINDINGS

Rezone Z11-0006/Barnett Business Park Planning Commission/September 8, 2011

1.0 CEQA FINDINGS

- 1.1 Staff has prepared an Initial Study to determine if the project has a significant effect on the environment. Based on the Initial Study staff has determined that there is no substantial evidence that the proposed project will have a significant effect on the environment, and a Negative Declaration has been prepared in compliance with Section 15070(a) of the CEQA Guidelines.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department – Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the Commercial land use designation of General Plan Policy 2.2.1.2 because the Commercial land use designation includes retail, services, and light industrial manufacturing as compatible uses.
- 2.2 The proposal is consistent with General Plan Policy 2.2.5.3 that requires evaluation of any rezoning that would either increase residential density or support a more intense use of the land.

3.0 ZONING FINDINGS

- 3.1 The proposed rezone is consistent with the El Dorado County Zoning Ordinance designation of General Commercial because the existing, previously approved uses are in compliance with Section 17.32.180 (General Commercial Districts: Permitted Uses), as well as with the surrounding General Commercial and Industrial zones.
- 3.2 The rezone is found to comply with the requirements of Chapter 17.10, and the proposed project is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood, based on the conclusions contained in the staff report and the analysis of potential impacts in the Initial Study.