

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



Agenda of: October 5, 2016
Item No.: 4.a.
Staff: Jennifer Franich

PARCEL MAP TIME EXTENSION

FILE NO.: P02-0003-E-3/Saratoga Commercial Parcel Map

AGENT/OWNER: Kirk Bone, Serrano Associates, LLC

REQUEST: Request for three one-year time extensions to approved Parcel Map P02-0003 creating 4 commercial lots, resulting in a new expiration date of October 15, 2019.

LOCATION: On the north side of Saratoga Way, west of Arrowhead Drive in the El Dorado Hills area, Supervisorial District 1 (Exhibit A)

APN: 120-690-04 (Exhibit B)

ACREAGE: 13.12 acres

GENERAL PLAN: Commercial (C) (Exhibit C)

ZONING: Commercial Community (CC) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Previously adopted Mitigated Negative Declaration

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

1. Determine that pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15164, there is no substantial evidence requiring the preparation of a Subsequent Mitigated Negative Declaration or an Addendum to the existing Mitigated Negative Declaration, adopted by the Zoning Administrator on October 15, 2003, as described in the CEQA Findings; and

2. Approve P02-0003-E-3 extending the expiration of the approved tentative map for a total of three years to October 15, 2019 based on the Findings and subject to the Conditions of Approval as presented.

BACKGROUND

The El Dorado County Zoning Administrator conditionally approved tentative Parcel Map P02-0003 on October 15, 2003 (Exhibit E). 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, for which a Notice of Restriction shall be filed pursuant to Government Code 66424.6.

A change in zoning occurred with the Zoning Ordinance Update in January 2016, as reflected in the Zoning map (Exhibit D). Parcels 1 and 2 previously had an underlying zone designation of Planned Commercial (CP). Parcel 3 previously had a split zoning of Single-Family Residential (R1) and Planned Commercial (CP). In July 2006, the right-of-way parcel was acquired by the County through the condemnation process resulting in revised lot dimensions. According to the Conditions of Approval, any development of the site was to include a rezone application to facilitate consistency with the property's Commercial Land Use Designation.

Since approval, no final map has been submitted for the parcel map and no development has occurred. The map had an original expiration date of October 15, 2006. Under application P02-0003-E, the first time extension of the map was filed on August 11, 2006 for an expiration date of October 15, 2008. In anticipation of its expiration date, the applicant submitted a second application for time extension of the map on April 3, 2008, which extended the expiration date to October 15, 2009.

The October 15, 2009 date has been automatically extended to October 15, 2016 as a result of recent State legislations including Assembly Bills AB 1185, AB 333, AB 208 and AB 116 (Exhibit F). The applicant filed this time extension request February 4, 2016, prior to the expiration of the Parcel Map.

ANALYSIS

This time extension request is for three one-year time extensions, pursuant to the Subdivision Map Act Section 66452.6 and the County Subdivision Ordinance Section 120.74.030. If approved, the map would be extended to October 15, 2019.

The map remains consistent with the applicable policies under the current General Plan and the County Zoning Ordinance, and the County Subdivision Ordinance. All original conditions of approval and mitigation measures shall remain applicable, with the exception of Condition 3, which required that Parcel 3 and/or the Remainder Parcel site include a Rezone application prior to development. A rezone is no longer necessary, as a change in zoning occurred with the Zoning Ordinance Update in January 2016. As the zoning at the site is now Community Commercial (CC), which is consistent with the General Plan, this condition has been removed.

This application is consistent with the June 7, 2016 voter-approved ballot Measure E because: 1) A future development proposal on any lot will be required to prepare traffic study to evaluate the project's on- and off-site traffic impacts (Condition of Approval 15); 2) the Parcel Map itself will not cause traffic to reach LOS F during peak hours; and 3) Measure E applies to residential development projects of five or more units or parcels, and P02-0003-E is a time extension for a commercial development of three parcels and a Remainder. Based on a Traffic Report by Prism Engineering dated June 26, 2003, there was a Level of Service "F" condition at El Dorado Hills Boulevard at the westbound Highway 50 onramp, and other intersections and road segments are nearing LOS F. The completion of the El Dorado Hills Boulevard and Highway 50 Interchange improvements has improved the LOS to E or better. Pursuant to Condition of Approval 15, applicants for development of the site would be required perform a traffic analysis to verify compliance with LOS thresholds or be required to: 1) complete necessary road capacity improvements to prevent cumulative traffic impacts, 2) restrict occupancy of development until traffic deficiencies are rectified, 3) dedication of right-of-way, or 4) other measures to minimize degradation of the traffic flow.

Condition of Approval number 1 is recommended to be amended to identify the approval of the time extension and the new expiration date.

SUPPORT INFORMATION

Attachments to Staff Report:

Findings

Conditions of Approval

Exhibit A.....Location Map

Exhibit B.....Assessor's Parcel Map

Exhibit C.....Land Use Map

Exhibit D.....Zoning Map

Exhibit E.....Approved Tentative Subdivision Map

Exhibit F.....Saratoga Commercial Tentative Map
Timeline and Expiration

FINDINGS

P02-0003-E-3/Saratoga Commercial Parcel Map Zoning Administrator/October 5, 2016

1.0 CEQA FINDINGS

- 1.1 Pursuant to CEQA Section 15162(b), it has been determined that no subsequent mitigated negative declaration is required because there is no substantial evidence that the conditions described in Section 15162(a) have occurred, including: (1) substantial changes to the project which would require major revisions to the previous mitigated negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) substantial changes occurred with respect to the circumstances under which the project has been undertaken which would require major revisions of the previous mitigated negative declaration due to the involvement of new significant environmental effects; or (3) a substantial increase in the severity of previously identified significant effects; or new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time of the previous mitigated negative declaration was adopted, shows the project will (a) have one or more significant effects not discussed in the previous mitigated negative declaration.
- 1.2 Pursuant to CEQA Section 15164(b) it has been determined that there is no substantial evidence requiring an addendum to the adopted mitigated negative declaration because no minor technical changes or additions are necessary and none of the conditions described in Section 15162 calling for the preparation of a subsequent mitigated negative declaration have occurred.
- 1.3 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 Division - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 TENTATIVE SUBDIVISION MAP TIME EXTENSION FINDINGS

- 2.1 **The request for extension of the approved parcel map complies with County Subdivision Ordinance Section 120.74.030.A.**

Section 120.74.030.A allows the subdivider to request up to six one-year extensions from the expiration date of an approved or conditionally approved tentative map, as allowed by Government Code Sections 66452.6(e) and 66463.5, by timely written application to the Development Services Division of the Community Development Agency. The subdivider may request more than one time extension at a time, up to the maximum allowed by this subsection or a development agreement applicable to the map for which the extension request is filed, but in no event shall the total time extension requested exceed six years. Each application shall be filed before the

approved or conditionally approved tentative map expires and shall state the reasons for requesting the extension.

Rationale: The applicant submitted a request for three one-year time extensions and appropriate processing fees on January 7, 2016, prior to the expiration date of the tentative subdivision map of October 15, 2016. The three one-year time extensions request, in addition to the previously-approved three years, is the maximum number of requests allowed and complies with Section 120.74.030.B. No further discretionary time extensions would be available for this Parcel Map.

2.2 The request for extension of the approved parcel map complies with County Subdivision Ordinance Section 120.74.030.B.

Section 120.74.030.B. requires that the Development Services Division review the request and submit the application for the extension, together with a report, to the approving authority for approval, conditional approval, or denial. In approving, conditionally approving, or denying the request for extension, the approving authority shall make findings supporting its decision including findings with respect to the potential impact of any increases in applicable development fees which have occurred since the date of the approval or conditional approval of the tentative map (Sec. 120.74.030 (B)).

Rationale: The Development Services Division has reviewed the time extension request for Parcel Map P02-0003-E-3/Saratoga Commercial Parcel Map, along with all submitted materials. The applicant states that three additional years would allow time for surrounding development to occur. The property has been marketed for sale but has not received any interest from prospective retailers, and the property remains vacant with no improvements made. The Tentative Parcel Map approval includes Conditions of Approval that must be satisfied prior to recording the final Parcel Map, but which the applicant cannot satisfy without site-specific development plans. These include water lines, fire hydrants, meter award letters, where use type would dictate locations and capacity. Additionally, an additional three years may allow enough time for the connection between Iron Point Road and Saratoga Way, which would increase customer accessibility and improve attractiveness of the commercial site for retailers. No changes to the previously approved tentative map are proposed. Staff recommends approval based on the Findings provided in compliance with Section 120.74.030.B.

CONDITIONS OF APPROVAL

P02-0003-E-3/Saratoga Commercial Parcel Map Zoning Administrator/October 5, 2016

- 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:

Three one-year time extensions to the Tentative Subdivision Map approved by the Zoning Administrator on October 15, 2003, extending the map expiration date from October 15, 2016 to October 15, 2019~~A second time extension for one (1) year to an approved Parcel Map~~ in accordance with Section 120.74.030 of the El Dorado County Subdivision Ordinance.

In consideration of the Senate Bill 1185, AB 333, AB 208, and AB 116 provisions, the map shall expire on October 15, ~~2010~~ 2019.

The previously-approved parcels are described in the following table:

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

- 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) 3) 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) 4) 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) 5) 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) 6) 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) 7) 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) 8) 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)~~ 9) 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)~~ 10) 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)~~ 11) 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)~~ 12) 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)~~ 13) 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)~~ 14) 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)~~ 15) 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)~~ 16) 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)~~ 17) Any bonded improvements shall be completed within one-year filing of the Parcel Map.

~~19)~~ 18) 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)~~ 19) 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)~~ 20) 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)~~ 21) 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)~~ 22) 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)~~ 23) 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)~~ 24) All survey monuments must be set prior to filing the Parcel Map
- ~~26)~~ 25) 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)~~ 26) 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.