



**ITEM IV-B: TENTATIVE SUBDIVISION MAP – 8413 WASHINGTON BL. – COASTAL KMS
COMMERCE CENTER CONDOMINIUM MAP – FILE # 2011PL-060 (SUB-000154)**

REQUEST

The applicant requests approval of a Tentative Subdivision Map to create 34 “for-sale” industrial and office condominiums within the two existing buildings of the Coastal KMS Commerce Center. The applicant also requests a waiver of the requirement to file a final map.

Applicant/Property Owner – Brett Baumgarten, KMSCP LP

SUMMARY RECOMMENDATION

The Planning & Housing Department recommends that the Planning Commission take the following actions:

- A. Adopt the three (3) findings of fact for the Tentative Subdivision Map;
- B. Approve the Tentative Subdivision Map subject to ten (10) conditions of approval; and
- C. Approve the applicant’s request to waive the requirement for a Final Map as provided for in the City’s Subdivision Ordinance.

SUMMARY OF OUTSTANDING ISSUES

There are no outstanding issues associated with this request. The applicant has reviewed and is in agreement with the recommended Conditions of Approval.

BACKGROUND

The project site is located at 8413 Washington Bl. within the North Industrial Planning Area (NIPA) of the City (see Figure 1, next page). The property is zoned General Industrial (M2) and has a land use designation of Industrial (IND) and is surrounded by industrial properties.

On February 8, 2007 the Planning Commission approved a Design Review Permit (DRP-000110) to construct nine (9) light industrial buildings totaling 160,200 square feet and thirteen (13) office buildings totaling 72,900 square feet. In addition, the Planning Commission approved a Tentative Subdivision Map to subdivide the property into twenty-three (23) parcels. Since the approval in 2007, three of the light industrial buildings have been constructed within the Coastal KMS Commerce Center. Before this approval the property was utilized as the Olean Tile building.

The current request includes a Tentative Subdivision Map to create 34 “for-sale” industrial and office condominiums within two existing buildings of the Coastal KMS Commerce Center. The applicant has also applied for a waiver of the Final Map per the City’s Subdivision Ordinance and the California Subdivision Map Act.

Figure 1: Aerial Photograph



FINDINGS & EVALUATION

Section 18.06.180 of the City of Roseville Subdivision Ordinance requires that three findings be made in order to approve or conditionally approve a Tentative Subdivision Map. The three findings are listed below in ***bold italics*** and are followed by an evaluation of the map in relation to each finding.

1. ***The size, design, character, grading, location, orientation, and configuration of lots, roads and all improvements for the tentative subdivision map are consistent with the density, uses, circulation and open space systems, applicable policies and standards of the General Plan and the Community Design Guidelines, and the design standards of Title 18 (Subdivision Ordinance) of the Roseville Municipal Code.***

The request is to subdivide the two buildings on lots 9 (18 units) & 10 (16 units) into 34 condominiums that can be sold to individual tenants. The proposed Subdivision Map will not affect the design of the approved development. The configuration of airspace units will not impact the density, use, circulation, or other applicable policies. Additionally, the Map Act and Subdivision Ordinance do not contain any maximum or minimum lot/condo sizes, just as there are no restrictions on the number or size of lease spaces that may be created.

Staff has included Condition #3 to ensure that a Business Owners Associations will be formed. The Business Owners Association will function much like a traditional Home Owners Association and will be the mechanism for ensuring that the conditions of approval for the approved project are adhered to and that all common areas (landscape areas, drive aisles, parking lot, building, etc.) are maintained properly.

2. ***The subdivision will result in lots which can be used or built upon. The subdivision will not create lots which are impractical for improvement or use due to: the steepness of terrain or location of watercourses in the area; the size or shape of the lots or inadequate building area; inadequate frontage or access; or, some other physical condition of the area.***

The Tentative Subdivision Map will create air-space lots within existing buildings and provide for individual industrial and office condominium units. During staff review of the Tentative Subdivision Map application, it was determined that the creation of 34 condominium units will not create any impractical or unusable units.

3. *The design and density of the subdivision will not violate the existing requirements prescribed by the Regional Water Quality Control Board for the discharge of waste into the sewage system, Pursuant to Division 7 of the Water Code.*

The water quality impacts associated with the project and the expected discharge of waste for this project are consistent with what has been anticipated by the General Plan and the Mitigated Negative Declaration that was adopted by the Planning Commission in 2007. In addition, the design of the sewer lines in the project area and treatment capacity at the City's sewage treatment plant has adequate conveyance and capacity to accommodate the existing and approved development. Approval of the Condominium Map will not increase the development intensity beyond that approved with the original Design Review Permit.

FINAL MAP WAIVER REQUEST

Section 18.06.330 of the City's Subdivision Ordinance (see Attachment 1) allows an applicant to request a final map waiver in certain, specific situations. The Subdivision Ordinance provides that if the land being subdivided consists of a lot or parcels shown on a recorded final map and the full street, water supply, sanitary sewer, electrical, natural gas, cable and telephone improvements have been constructed and easements have been completed, and monumentation is evident a map waiver maybe applied for. In this case, the Coastal KMS Tentative Map is being proposed within an existing commercial building complex. All of the utilities that serve the buildings have been installed and easements have been recorded. Given this fact Staff supports the request for the Final Map waiver.

In addition, Section 18.06.330 D and E require that a Certificate of Compliance be approved and recorded with Placer County prior to subdivision of the property. The Subdivision Ordinance also provides the approving agency, in this case the Planning Commission, the ability to place conditions on the project to ensure the development of the parcels are in conformance with City Codes and Ordinances. The Planning Department has added Condition #2 to require the applicant to receive approval of a Certificate of Compliance prior to the expiration of the Tentative Map.

SUMMARY / CONCLUSION

Based on the evaluation above, staff believes that the Planning Commission can make the required findings and approve the Tentative Subdivision Map. In addition, as was mentioned above, the applicant has asked for a waiver of the City's Final Map process. Staff has routed this request to all affected departments and has not identified any issues with granting this request. The City's Public Works-Engineering Division will issue a Certificate of Compliance (COC) for the Condominium Map. The COC will satisfy the Placer County recording and California Department of Real Estate requirements for recording the map and offering the units for sale.

ENVIRONMENTAL DETERMINATION

This project is categorically exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15315 of the CEQA Guidelines pertaining to minor land divisions, and pursuant to Section 305 of the Roseville CEQA Implementing Procedures.

RECOMMENDATION

The Planning Department recommends that the Planning Commission take the following actions:

- A. Adopt the three findings of fact as stated in the staff report for the TENTATIVE SUBDIVISION MAP – 8413 WASHINGTON BL. – COASTAL KMS COMMERCE CENTER CONDOMINIUM MAP – FILE # 2011PL-060 (SUB-000154);
- B. Approve the TENTATIVE SUBDIVISION MAP – 8413 WASHINGTON BL. – COASTAL KMS COMMERCE CENTER CONDOMINIUM MAP – FILE # 2011PL-060 (SUB-000154) with ten (10) conditions of approval; and
- C. Approve the applicant's request to waive the requirement for a Final Map as provided for in the City's Subdivision Ordinance.

CONDITIONS OF APPROVAL FOR THE TENTATIVE SUBDIVISION MAP (SUB-000154):

1. The project is approved as shown in Exhibit A and as conditioned or modified below. (Planning & Housing)
2. This map shall be valid for a period of two (2) years from this date and shall expire on **September 22, 2013**. Prior to said expiration date, the applicant may apply for an extension of time, provided, however, that this approval shall be extended for no more than five years from **September 22, 2013**. Before the expiration of the Tentative Map the applicant shall receive approval of a Certificate of Compliance from the Public Works Director or his designee. (Planning & Housing, Engineering)
3. Separate declaration of Conditions, Covenants and Restrictions (CC&Rs) for each parcel or condominium shall be approved by the City Attorney prior to issuance of the Certificate of Compliance. The CC&Rs shall include the following items:
 - a) Creation of a Business Owners Association.
 - b) Business Owners Association shall be responsible for maintenance of all common areas including landscaping, parking areas, hallways, and drive aisles.
 - c) The common areas provide reciprocal access, parking, and utilities (including drainage) for the mutual benefit of all condominium units.
 - d) Provisions for title to common areas to be held by the Business Owners Association for and on behalf of all owners of each condominium unit. (Attorney)
4. The applicant shall establish a Business Owners Association/Condo Association, which shall be billed by the City for water consumption. At the request of the City additional information will be required of the Business Owners Association/Condo Association on an ongoing basis. The Business Owners Association/Condo Association will be required to submit a copy of their annual statement to the City every year. If the Business Owners Association/Condo Association is in arrears on the water bill three months in a row, the Business Owners Association/Condo Association must give the City access to their books for auditing purposes. If the Business Owners Association/Condo Association should become inactive, each individual condominium owner must sign in separately for water service. A notice to this effect shall be placed in the CC&R's for the condominium project. (Environmental Utilities)
5. The subdividing of this project shall not reduce the responsibilities of the owners of this project from maintaining all on-site fire systems including all common adjoining fire sprinkler-piping penetrations. If an owners association is formed, there shall be a clear language regarding maintenance and common easements agreement for service. A service company shall be obtained to maintain all on-site fire protection systems. (Fire)

6. The approval of a Tentative Map and/or tentative site plan does not constitute approval of the construction of any improvements. (Engineering)
7. In Accordance with Section 66427 of the Subdivision Map Act, the following shall be added to the face of the Map:
 - a) The title of the project shall clearly state “An Industrial/Office Condominium Project”;
 - b) The number of approved condominium units is clearly displayed;
 - c) A separate information sheet shall be added to the map that depicts each lot and business owners association, the footprint of each condominium building within each lot, and the number of units and unit number within each building; and
 - d) All common land within each phase of the project shall be owned and maintained by the separate Business Owners Association. The Business Owners Association shall operate and maintain all common land for the owners of the units. (Engineering)
8. Any facilities proposed for placement within public/electric utility easements shall be subject to review and approval by the Electric Department before any work commences in these areas. This includes, but is not limited to, landscaping, lighting, paving, signs, trees, walls, and structures of any type. (Electric)
9. Power for all suites shall be provided from an existing single metered electric service. Please contact Roseville Electric if any changes are to be made from the existing electric service infrastructure. Any relocation, rearrangement, or change to existing electric facilities due to this development shall be at the developer’s expense. (Electric)
10. The applicant shall pay City's actual costs for providing plan check, installation and inspection services. This may be a combination of staff costs and direct billing for contract professional services. (Environmental Utilities, Engineering)

ATTACHMENT

1. Subdivision Ordinance Chapter 18.06.330

EXHIBIT

- A. Tentative Subdivision Map (Condominium Map)

Note to Applicant and/or Developer: Please contact the Planning Department staff at (916) 774-5276 prior to the Commission meeting if you have any questions on any of the recommended conditions for your project. If you challenge the decision of the Commission in court, you may be limited to raising only those issues which you or someone else raised at the public hearing held for this project, or in written correspondence delivered to the Planning Director at, or prior to, the public hearing.