

**EL DORADO COUNTY DEVELOPMENT SERVICES
STAFF REPORT**



Agenda of: December 14, 2006
Item No.: 9.a.
Staff: Jonathan Fong

REZONE/PLANNED DEVELOPMENT

FILE NUMBER: Z06-0021/PD06-0017/Burnett Park LLC

APPLICANT: Burnett Park LLC

AGENT: Jim Losch

REQUEST: Request to rezone the project parcel from Limited Multifamily-Design Control-Airport Safety District (R2-DC-AA) to Multi-Family-Planned Development-Airport Safety District (R2-PD-AA) and a proposed development plan for a six unit multifamily residential development consisting of a four-plex and a duplex.

LOCATION: On the east side of Estepa Drive, 700 feet north of the intersection with Cambridge Road, in the Cameron Park area (Exhibit A).

APN: 082-531-20

ACREAGE: 0.59 acre

GENERAL PLAN: Multifamily Residential (MFR) (Exhibit B)

ZONING: Limited Multifamily Residential-Design Control-Airport Safety District (R2-DC-AA) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Negative Declaration

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND: Design Review DR05-0010S was originally approved on June 2, 2005. DR05-0010S was a request to construct four attached 2,595-square-foot rental units. An appeal of the

approved design review was submitted by Stephen and Karen Brown on June 22, 2005. The appeal was denied by the Planning Commission on June 28, 2005.

Grading Permit 169563 was issued on October 27, 2005, to grade the project site for the three pads necessary to construct the six residential units. Building Permit 166501 was issued on June 26, 2006, to construct the four-plex approved under Design Review DR05-0010S.

Design Review DR05-0010SR was submitted on December 14, 2005, to construct an additional two units on the project parcel. As discussed in the General Plan section below, because the project parcel is located within Safety Zone 3 of the Cameron Park Airport and the proposed density exceeds one dwelling unit per five acres, pursuant to General Plan Policy 2.2.5.13, the Planned Development Combining Zone District overlay is required.

Rezone Z06-0021 and Planned Development PD06-0017 were submitted on June 16, 2006, in order to allow the increased density in Safety Zone 3 of the Cameron Park Airport. The proposed development plan consisting of a Site Plan (Exhibit E), Landscaping Plan (Exhibit F), and Building Elevations (Exhibit G) is identical to the submitted plans for the design review revision. The rezone and development plan have been requested in order to comply with the General Plan.

STAFF ANALYSIS

Project Description: The applicant has requested a rezone from Limited Multifamily Residential-Design Control-Airport Safety District (R2-DC-AA) to Limited Multifamily Residential-Planned Development-Airport Safety District (R2-PD-AA) and a proposed Development Plan for a six-unit multifamily complex. The Development Plan proposes a four-plex unit which was previously approved under DR05-0010S and an additional duplex.

Access to the units is provided through an approximately 140 foot driveway serving all six units. Each unit will have an attached single car garage. Six additional striped parking stalls are located on-site including one handicap-accessible parking space.

Site Description: The property is located at an elevation of approximately 1,100 feet above mean sea level. The site is primarily covered with low-lying grasses, shrubs, and rocks. Access to the site is from Estepa Drive in the Cameron Park area of El Dorado County.

The parcel has been graded as allowed under Grading Permit 169563. Areas for the building pads, driveways, and parking stalls have been graded.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	R2	MFR	Multifamily residences
North	R2	MFR	Multifamily residences
South	R2	MFR	Multifamily residences
East	R2	MFR	Single family residences
West	R1	MFR	Vacant land

General Plan: The General Plan designates the subject site as Multifamily Residential (MFR). This designation permits high density, multifamily structures such as apartments, single-family attached dwelling units and multiplexes.

Discussion: The subject site is zoned Limited Multifamily Residential (R2). Referencing Table 2-4 in the General Plan *General Plan Land Use Designation and Zoning District Consistency Matrix*, R2 zoning is consistent within the MFR Land Use Designation.

Additionally, the following General Plan policies are relative to this project:

Policy 2.2.5.13: Requires that land uses adjacent to or surrounding airports shall be consistent with the applicable Comprehensive Land Use Plan. Within Safety Zone 3, the maximum density for residential development shall not exceed one dwelling unit per five acres without the Planned Development Combining Zone District.

Discussion: The project parcel is located within Safety Zone 3 of the Cameron Park Airport. The Development Plan proposes six dwelling units located on a 0.59-acre site. The proposed density exceeds one dwelling unit per five acres.

A rezone application has been submitted in conjunction with the development plan. This would include the planned development overlay with the existing R2 zoning.

Policy 2.2.3.1 A: Major components of a planned development in residential projects shall include at least 30 percent commonly owned or public held open space. Open space shall not include space occupied by infrastructure. Planned developments shall cluster housing or lots to conform to the natural topography.

Discussion: The project site is 0.59 acre (approximately 26,000 square feet). Residential planned developments require at least 30 percent open space (approximately 7,800 square feet.) Reviewing the landscaping plans for the planned development, staff has calculated that the project provides for approximately 34 percent open space.

As shown on the landscaping plans, private landscaped areas have been designed for each of the residential units. These private areas are not calculable open space and have been excluded from the open space tabulation. A tabulation of the open space requirement is listed below:

Planned Development Required Open Space

Parcel Size	.59-acres (approx. 26,000 sq ft)
Required Open Space	.18-acres (approx. 7,800 sq ft)
Proposed Open Space	.20-acres (approx 8,800 sq ft)
Percent Open Space Proposed	34

The six residential units have been designed as one four-plex and one duplex. The project parcel is generally flat with steeper slopes at the rear and the front of the parcel. The development plan proposes to locate the units on the flatter areas of the parcel. The development plan will not require excessive modification to the existing topography.

Policy 2.2.5.3: Future rezoning shall be evaluated based on the General Plan’s direction as to minimum parcel size or maximum density and to assess whether changes in conditions would support a higher density. Specific Criteria to be considered include, but are not limited to, the following:

1. Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands;

Discussion: The project parcel is located within the El Dorado Irrigation District (EID) service area.

2. Availability and capacity of public treated water system;
3. Availability and capacity of public waste water treatment system;

Discussion: EID submitted a Facilities Improvement Letter (FIL) to the applicants dated January 28, 2005. An eight inch water line exists beneath Estepa Drive capable of providing water to the proposed six residential units. The water line is capable of sustaining the required 2,250 gallon per minute (gpm) fire flow for two hours as conditioned by the Cameron Park Fire Department. A six inch sewer pipe is located beneath Estepa Drive which can provide wastewater service to the proposed residential units.

4. Distance to and capacity of the serving elementary and high schools;

Discussion: The project site is located within three miles of existing elementary, secondary, and high school sites.

5. Response time from nearest fire station handling structure fires;

Discussion: The project site is located within the Cameron Park CSD Fire Protection District. The Fire District has determined that adequate fire protection services exist to service the project.

6. Distance to nearest Community Region or Rural Center;

Discussion: The project site is located within the Cameron Park Community Region.

7. Erosion hazard;

Discussion: Grading Permit 169563 was issued for the project on October 27, 2005. As discussed in the Geology/ Soils section of the Negative Declaration, all grading activities are subject to the provisions of the El Dorado County Grading, Erosion, and Sediment Control Ordinance which would reduce potential erosion hazards to a less than significant level.

8. Septic and leach field capability;
9. Groundwater capability to support wells;

Discussion: The residential development will be served by EID public water and sewer facilities.

10. Critical flora and fauna habitat areas;

Discussion: As discussed in the Biological Resources section of the Negative Declaration, impacts to critical flora and fauna in the project vicinity would be less than significant. As discussed in the Zoning Section below, Mitigation In-lieu fees are required prior to building permit issuance.

11. Important timber production areas;
12. Important agricultural areas;
13. Important mineral resource areas;

Discussion: The project parcel is not located in or near important timber production areas, agricultural areas, or important mineral resource areas.

14. Capacity of the transportation system serving the area;

Discussion: As discussed in the Transportation/ Traffic section of the Negative Declaration, impacts to the transportation system would be less than significant.

15. Existing land use pattern;

Discussion: The project parcel is surrounded by existing single-family and multifamily development. Staff has determined that the project multifamily residential project is consistent with the existing land use pattern within the project area.

16. Proximity to perennial water course;

Discussion: The project parcel is located in the vicinity of the Cameron Park Lake. However, construction of the multifamily residential project will not impact the lake.

17. Important historical/ archeological sites;

Discussion: As discussed in the Cultural Resources section of the Negative Declaration, impacts to important historical/ archeological sites would be less than significant.

18. Seismic hazards and present active faults.

Discussion: As discussed in the Geology/ Soils section of the Negative Declaration, impacts from seismic hazards and active faults would be less than significant.

19. Consistency with existing Conditions, Covenants, and Restrictions.

Discussion: As listed in Condition of Approval 18, the Cameron Park Community Services District (CSD) has required that CC&R's be recorded for the proposed residential development. The CSD must review and approve the CC&R's prior to recordation.

Policy 2.2.5.21: Development shall be designed in a manner that avoids incompatibility with adjoining land uses.

Discussion: As proposed, the six unit residential development will be compatible with the surrounding uses. As shown on the landscaping plan, adequate landscaping will be provided along all property lines. The proposed on-site parking meets the Off-Street Parking requirements as prescribed in Chapter 17.18 of the Zoning Ordinance.

Policy 5.2.1.3: Multifamily residential development projects shall connect to public water when located within Community Regions.

Policy 5.3.1.1: Multifamily residential development projects shall connect to public wastewater facilities when located within Community Regions.

Discussion: The project parcel is located within the Multifamily Residential (MFR) land use designation in the Cameron Park Community Region. EID public water will provide public water and sewer services to the project.

Policy TC-Xe "Worsen" is defined as any of the following number of project trips using a road facility at the time of issuance of a use and occupancy permit for the development project:

- A. A 2 percent increase in traffic during the a.m. peak hour, p.m. peak hour, or daily, or
- B. The addition of 100 or more daily trips, or
- C. The addition of 10 or more trips during the a.m. peak hour or the p.m. peak hour.

Discussion: The Department of Transportation has reviewed the proposed residential development and has determined that the addition of six multifamily residential units within the Cameron Park Community Region will not worsen the existing road facilities.

Policy 6.8.1.1 Development within Safety Zones of the Cameron Park Airport shall comply with provisions of the Comprehensive Land Use Plan.

Discussion: The project site is located within Safety Zone 3 of the Cameron Park Airport. As discussed in the Cameron Park Comprehensive Land Use Plan section below, the proposed six-unit multifamily residential development is a compatible use within Safety Zone 3 of the Cameron Park Airport.

Conclusion: As discussed above, staff finds that the project, as proposed/conditioned, conforms to the General Plan.

Zoning: The subject site is zoned Limited Multifamily Residential-Community Design Review-Airport Safety District (R2-DC-AA) which permits the proposed use subject to Design Review approval (Sections 17.28.090 through 17.28.121 of County Code). The project meets all the applicable development standards contained in Section 17.28.120.

The applicant is requesting the Planned Development (-PD) overlay in order to satisfy General Plan Policy 2.2.5.13. The (-PD) overlay will allow a density greater than one dwelling unit per five acres within Safety Zone 2 of the Placerville Airport.

Development Plan: The proposed multifamily residential development consists of six residential units on a 0.59-acre site. The six residential units will be constructed as a four-plex and a duplex. The development has been designed with single-car attached garages with four additional uncovered parking spaces located on site. The development shall be constructed as show on the submitted plans: Site Plan (Exhibit E), Landscaping Plan (Exhibit F, Elevations (Exhibit G).

Section 17.04.030 B. establishes the required findings the Planning Commission must make prior to approving or conditionally approving a Planned Development Zone:

1. That the PD zone request is consistent with the General Plan;

Discussion: The proposed zone change would rezone the property from Limited Multifamily Residential- Design Control- Airport Safety District (R2-DC-AA) to Limited Multifamily Residential-Design Control-Planned Development-Airport Safety District R2-DC-PD-AA). The proposed zone change is consistent with the General Plan land use map and policies. As discussed in the General Plan Section above, the proposed zone change is consistent with all applicable General Plan policies.

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

Discussion: As shown on the site plan and landscaping plan, the development has been designed with adequate residences and landscaping to provide a desirable environment on site.

3. That any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography;

Discussion: The development plan was previously submitted as a staff level design review and a design review revision (DR05-0010S/DR05-0010S R). The previous submittals did not require any exceptions to the requirements of the R2 Zone. The proposed development plan is identical to the Design Review site plans and will not require exceptions to the R2 zone development standards.

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

Discussion: The project site is located on Estepa Drive in the Cameron Park Community Region. The surrounding land uses are single-family residential and multifamily residential developments. The proposed development plan will construct a six unit multifamily residential unit. The propose uses are suited for the project area.

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

Discussion: EID has determined that adequate public water and sewer facilities services are available to serve the development.

6. That the proposed uses do not significantly detract from the natural land and scenic values of the site.

Discussion: The project site has been graded under a previously approved grading permit. As shown on the landscaping plan, the development will add natural scenic features to the project site.

Chapter 17.38 establishes development requirements for parcels located within the Airport Safety (AA) Zone District. The AA District establishes regulations to assure that development will not constitute hazards to air navigation; to minimize public exposure to airport-related hazards; and to assure the compatibility of permitted development with anticipated airport noise levels.

Section 17.38.040: New development shall be consistent with the applicable CLUP.

Discussion: As discussed in the Cameron Park Comprehensive Land Use Plan section below, the proposed multifamily residential project is a compatible land use within Safety Zone 3 of the Cameron Park Airport. As listed in Conditions of Approval 6, the proposed development shall submit an Avigation and Noise Easement (one may have been done with the first building permit on site).

Section 17.18.060 of the Zoning Ordinance lists the parking requirements by use. Parking requirements for single-family attached dwellings are two parking spaces for each unit. The submitted development plan proposes six residential units. The project would require a minimum of 12 parking spaces. As submitted, the site plan indicates a total of 12 on-site parking spaces, one of which is identified as handicapped accessible parking space. The proposed project meets the minimum parking requirements for the proposed residential use.

Conclusion: As discussed above, staff finds that the residential development as proposed and conditioned conforms to the County Zoning Ordinance.

Cameron Park Airport Comprehensive Land Use Plan:

The project site is located within Safety Zone 3 of the Cameron Park Airport. Figure 7 *Land Use Compatibility Guidelines for Safety* establishes that multifamily dwellings are a compatible use within Safety Zone 3.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project may have a significant effect on the environment. Based on the Initial Study, conditions have been added to the project to avoid or mitigate to a point of insignificance the potentially significant effects of the project. Staff has determined that there is no substantial evidence that the proposed project as conditioned will have a significant effect on the environment, and a Negative Declaration has been prepared.

This project is found to be de minimis (having no effect on fish and game resources). Pursuant to Resolution No. 240-93, a \$35.⁰⁰ processing fee is required by the County Recorder to file the Notice of Determination and Certificate of Fee Exemption with the State in accordance with State Legislation (California Fish and Game Code Section 711.4).

RECOMMENDATION

1. Adopt the Negative Declaration based on the Initial Study prepared by staff; and
2. Approve Z06-0021 and PD06-0017 subject to the Conditions of Approval in Attachment 1 and Findings in Attachment 2.

SUPPORT INFORMATION

ATTACHMENTS

- Attachment 1Conditions of Approval
- Attachment 2Findings of Approval

Exhibit A.....Vicinity Map/ A.P.N. page
Exhibit B.....General Plan Land Use Map
Exhibit C.....Zoning Map
Exhibit E.....Site Plan
Exhibit F.....Landscaping Plan
Exhibit G.....Building Elevations
Exhibit H.....Environmental Checklist and Discussion of Impacts
Exhibit I.....Air Quality Management District Comments

ATTACHMENT 1

CONDITIONS OF APPROVAL

Z06-0021/PD06-0017

CONDITIONS OF APPROVAL

Planning Services

1. The project, as approved, shall allow the following:

A rezone from Limited Multifamily Residential-Design Control-Airport Safety District (R2-DC-AA) to Limited Multifamily Residential-Planned Development-Airport Safety District (R2-PD-AA) and a proposed Development Plan for a six-unit multifamily complex. The development plan proposes a four-plex unit which was previously approved under DR05-0010S and an additional duplex.

2. Building design and colors, building placement, and parking lot improvements shall be completed in conformance with the plans submitted and in conformance with the conditions of approval herein (Exhibits E, F and G). Minor variations are allowed, however, any major changes in the design of buildings, location of buildings, access ways, and parking shall require Planning Services review and approval.
3. No lighting is proposed at the time of application. All future outdoor lighting shall require Planning Services approval of a minor revision to this design review application. All 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.
4. No signage is proposed at the time of application. All future signage shall require Planning Services approval of a minor revision to this design review application. All signage shall conform to Chapter 17.16 and Chapter 17.28 of the County Code.
5. Landscaping is required to meet Zoning Code Chapter 17.18.090, and General Plan Policies 7.4.5.2 and 7.4.4.4. before a final building permit can be issued. The final revised Landscape Plan shall meet the 50 percent requirement for native plants. A Water Conservation Landscape form shall be filled out and approved by Planning Services before the final permit can be issued. Applicant shall install and maintain landscaping in accordance with the approved final landscaping plan in perpetuity or unless otherwise modified through any future permit.
6. Prior to building permit issuance an Avigation and Noise Easement must be completed and recorded.

7. Parking shall be provided as shown on the approved site plan, Exhibit E. The parking requirements contained in Section 17.18.070 and in Section 17.18.080 shall be met.
8. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after appropriate measures are taken or the site is determined not to be of significance.
9. Grading and construction activities on the site shall be limited to daylight hours from 8:00 a.m. to 7:00 p.m. Monday through Friday, and 9:00 a.m. to 5:00 p.m. Saturday. No construction or grading activities shall take place on Sundays or on Holidays

Department of Transportation

10. The applicant shall provide a drainage report at the time of grading permit application identifying appropriate storm water quality management practices to the satisfaction of the Department of Transportation.
11. The applicant shall be subject to encroachment permit, Standard Plan 103C for multi unit residential on a local road. The improvement plans for this work shall be submitted with the application for on-site grading/improvement plans, and construction shall be complete prior to occupancy of the project.
12. The applicant shall construct the widening of the roadway fronting the project, to a half width of 20 feet with vertical curb and gutter and a six foot wide concrete sidewalk along the project frontage on Estepa Drive. The plans and encroachment permit for this work shall be approved by the County prior to commencement of the onsite grading. This work must be substantially complete, as determined by the Department of Transportation prior to occupancy of the site.

Cameron Park Community Services District (CPCSD)

13. Park impact fees and fire development fees shall be paid to the Cameron Park Community Services District (CPCSD) prior to the issuing of a building permit and occupancy of the buildings.
14. Prior to the issuing of a building permit, the applicant shall submit plans to the CPCSD Architectural Review for review and approval.
15. CC& R's must be recorded and adhered to prior to final building permit approval.

El Dorado County Environmental Health Division

16. Prior to approval of any building permits, the applicant shall provide an adequate number of solid waste enclosures to meet the needs of the project Pursuant to the El Dorado County Solid Waste Management Ordinance, Chapter 8.42. The applicant shall demonstrate compliance with this ordinance by showing the location and size of approved solid waste enclosures and containers on the site plans. The applicant should contact Waste Management, the solid waste franchisee, for direction regarding the aforementioned enclosure needs for this project.

El Dorado County Air Quality Management District

17. The project shall address air quality issues as discussed in District comments. These comments are attached as Exhibit I.

ATTACHMENT 2 FINDINGS

FILE NUMBER Z06-0021/PD06-0017

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

FINDINGS FOR APPROVAL

1.0 CEQA FINDING

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received during the public review process. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 The project will not affect wetland, watercourses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game. Therefore, the project has a de minimis impact on the environment and a Certificate of Fee Exemption (DFG 753.5-5/91) is applicable.
- 1.4 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, 95667.

2.0 ADMINISTRATIVE FINDINGS

- 2.1 The proposed rezone and development plan conform to the General Plan because the proposed multifamily development is consistent within the multifamily (MFR) land use designation. The rezone will create the Planned Development overlay which is required by the General Plan.
- 2.2 The proposed rezone and development plan conform to the County Zoning Ordinance which permits the proposed development within the Limited Multifamily Residential (R2) zoning district.

3.0 PLANNED DEVELOPMENT FINDINGS

- 3.1 The proposed development is so designed to provide a desirable environment within its own boundaries because adequate parking and landscaping has been provided on site.

- 3.2 No exceptions to the R2 zone district development standards have been proposed.
- 3.3 The site is physically suited for the proposed use. Existing topography will not require excessive alteration and no trees currently exist on site.
- 3.4. Adequate services are available for the proposed use.
- 3.5 The proposed uses do not significantly detract from the natural land and scenic values of the site because the site has already been graded and developed under previous approvals.