

**ELDORADO COUNTY DEVELOPMENT SERVICES
STAFF REPORT**



Agenda of: February 22, 2007
Item No.: 10.a.
Staff: Shawna Purvines

REZONE

FILE NUMBER: Z06-0024

APPLICANT: James Losch

REQUEST: Zone change from Commercial-Design Review District (C-DC) to Limited Multifamily Residential-Community Design Review District (R2-DC).

LOCATION: The property is located on the west side of Carlson Way, 400 feet south of the intersection with Pleasant Valley Road, in the Diamond Springs area. (Exhibit A)

APN: 097-020-42

ACREAGE: 5.18 acres

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

ZONING: Commercial-Design Review District (C-DC) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Negative Declaration

SUMMARY RECOMMENDATION: Recommend approval

SUMMARY

The proposed rezone conforms to the General Plan land use designation. This rezone would allow the construction of high density residential dwellings, ranging in number of possible units from 25 to 120, on over five acres and could be compatible with the development patterns in the area. The impacts from additional high density residential development would be analyzed in a subsequent initial study.

STAFF ANALYSIS

Staff has reviewed the project for compliance with the County’s regulations and requirements. An analysis of the permit request and issues for Planning Commission consideration are provided in the following analysis:

Project Description

The applicant is requesting to rezone from Commercial–Design Review District (C-DC) to Limited Multifamily Residential–Community Design Review District (R2-DC) to make the property consistent with its land use designation to ultimately develop multi-family residential units. No development plans are being processed as part of this application.

Site Description:

The project site is essentially level and slopes down moderately from southwest to northeast toward Carlson Road. The site boundaries are delineated by existing single family residences on the east and west, undeveloped medium density residential on the south and developed commercial and residential on the north. The parcel contains dense oak woodland with mix conifer vegetation on the edges of the western and northern portions of the parcel. The property has street frontage along Carlson Road which intersects with Pleasant Valley Road.

Adjacent Land Uses:

The subject property is a 5.18 acre site and is surrounded by the following land uses:

| | Zoning | General Plan | Land Use/Improvements |
|--------------|---------------|---------------------|------------------------------|
| Site | C-DC | MFR | Undeveloped |
| North | C | C | Developed Commercial |
| South | R1A | MDR | Undeveloped |
| East | C | MFR | Single Family Home |
| West | R1 | MDR | Single Family Home |

General Plan:

The General Plan designates the subject site as Multifamily Residential (MFR). General Plan Policy 2.2.1.2 states this land use designation identifies those areas suitable for high-density, multifamily structures such as apartments, single-family attached dwelling units (i.e., air-space condominiums, townhouses), and multiplexes. Mobile home parks, as well as existing and proposed manufactured home parks shall also be permitted under this designation. Lands identified as MFR shall be in locations with the highest degree of access to transportation facilities, shopping and services, employment, recreation, and other public facilities. The minimum allowable density is five dwelling

units per acre, with a maximum density of 24 dwelling units per acre. The provision of single-family attached dwelling units in the MFR land use designation is subject to the use of planned development design concepts which may result in zipper-lot zero-lot line, cottage-type, or comparable developments. This designation is considered appropriate only within Community Regions and Rural Centers.

This parcel is located within the El Dorado/Diamond Springs Community Region. There would be no conflict with this policy.

Policy 2.2.5.3: 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 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;
2. Availability and capacity of public treated water system;
3. Availability and capacity of public waste water treatment system;

Discussion: Under Policy 2.2.5.6, where approval of this General Plan has created inconsistencies with existing zoning, lower intensity zoning, in accordance with Table 2-4, may remain in effect until such time as adequate infrastructure is available to accommodate a higher density/intensity land use. Additionally, General Plan Policies 5.1.2.1 and 5.1.2.2 require that prior to approval of any discretionary development a determination of the adequacy of the public services and utilities to be impacted shall be made, and the development shall not result in a reduction of services below minimum established standards.

The existing zoning of Commercial is inconsistent with its Multifamily Residential land use designation, preventing any kind of development from moving forward without a rezone to R2. The Environmental Management Department has reviewed the project and recommended conditions relating to sewage disposal. Conditions will be applied to the subsequent design review application consistent with General Plan policies that require public sewer service for multifamily development in the community regions as required by General Plan Policy 5.3.1.1. A letter dated July 13, 2005, from El Dorado Irrigation District does stipulate that adequate infrastructure of public water and sewer systems exist to warrant a rezone and can serve future development of the site.

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

Discussion: Under Policy 5.8.1.1, school districts affected by a proposed development shall be relied on to assess any impacts on school facilities. Future residential development of the project may result in an increase in demand on the local elementary and high school district. At the time of this report no factual information was provided to indicate this project would have an impact. The project parcel will be developed as residential and is located within El Dorado Union High School and Gold Oak Union School Districts.

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

Discussion: Future residential development of the project would result in an increase in demand for fire protection services, however, no factual information was provided by the fire district stating that the minimum level of service would fall below the minimum response time of 8 minutes to 80 percent of the population, as designated by Policy 5.1.2.2 in Table 5-1 of the General Plan. A fire station is located less than one mile to the west on Pleasant Valley Road. The future reconfiguration of Carlson Road and at the intersection of Pleasant Valley Road will adhere to fire-safe standards. The Diamond Springs–El Dorado Fire Protection District intends to establish a community facilities district and has requested a condition be placed on future development that would require annexation into the district.

6. Distance to nearest Community Region or Rural Center;

Discussion: Project parcel is located within the Community Region of El Dorado/Diamond Springs

7. Erosion hazard;

Discussion: Under Policy 7.3.2.2, *projects requiring a grading permit shall have an erosion control program approved, where necessary.* Based on the Soil Survey of the El Dorado Area, CA, the project soil is classified as DgE, Diamond Springs very rocky very fine sandy loam, with steeply sloping topography of 3 to 50 percent, and DfC, Diamond Springs very fine sandy loam, with 9 to 15 percent slopes which is characterized by an erosion hazard that is slight, but high on bare slopes. No grading is being proposed with the rezone application. Future development must adhere to the County's grading and erosion control requirements.

8. Septic and leach field capability;

9. Groundwater capability to support wells;

Discussion: The project parcel will be required to connect to existing public water and sewer systems prior to development.

10. Critical flora and fauna habitat areas;

11. Important timber production areas;

12. Important agricultural areas;

13. Important mineral resource areas;

Discussion: Project parcel is not in any designated area for these criteria.

14. Capacity of the transportation system serving the area;

Discussion: The project parcel is accessed off Carlson Road, which is not a County maintained road. Further review of future development will include traffic circulation both on and off site, as well as other transportation related issues pertaining to type and size of proposed project.

Since this proposal is to bring the current zoning of Commercial into line with the General Plan's land use designation for the parcel of Multifamily Residential, the impacts for the multifamily use on

the surrounding road system were analyzed in the General Plan Environmental Impact Report. That analysis showed that this land use, along with all the others assumed to be in place by 2025, would require some improvements to the County's road system. Those improvements were identified in that document and in the subsequent Traffic Impact Mitigation (TIM) Fee Program analysis. Those needed improvements are included in the recently adopted TIM fee program.

General Plan policies, primarily those listed under Goal TC-X, require the developer and the County to review, and if necessary mitigate, the project's short term traffic impacts. That analysis is conducted when a proposal is submitted that better defines the traffic generation from the project, such as the number of dwelling units or square footage of new structure(s). As this is only a rezone at this point, and no more detailed project information is available, it is premature to attempt such an analysis. The site would require a design review should a development application be submitted. At this time, the Department of Transportation could complete the traffic analysis and provide final conditions necessary to mitigate traffic impacts.

However, the issue of traffic generation from the site can be looked at in a generalized way. The current commercial zoning would generate approximately three trips in the PM peak hour for every 1,000 square feet of structure. Office or industrial space would generate approximately the same or less. On the other hand, multifamily residential generates about 0.65 trips in the PM peak hour per unit. Calculating the commercial rate on a per acre basis (using a Floor Area Ratio [FAR] of 0.25) shows approximately 33 PM peak hour trips per acre. This is equivalent to a unit per acre density for the proposed multi-family of approximately 51 units per acre. Raising the FAR as currently proposed as a General Plan amendment only increases the unit density figure. In a generalized analysis, the proposed multifamily zoning is likely to have a lower traffic impact than the existing commercial zoning.

15. Existing land use pattern;

Discussion: Policy 2.1.1.2 establishes *Community Regions to define those areas which are appropriate for the highest intensity of self-sustaining compact urban-type development...based on the municipal spheres of influence, availability of infrastructure, public services, major transportation corridors and travel patterns.* Rezoning the project parcel will maintain conformity to the existing land use pattern of residential development in an area planned for higher density residential. High density residential development has the ability to provide a buffer between the neighboring commercial development to the north and the single family residential developed on the east and west side of the site. All future development of the site requires a Design Review application that will assess any incompatibility, providing the opportunity to recommend conditions that could mitigate the impacts.

16. Proximity to perennial water course;
17. Important historical/archeological sites; and
18. Seismic hazards and present of active faults.
19. Consistency with existing Conditions, Covenants, and Restrictions.

Discussion: As discussed in the initial study, none of these resources or constraints exist on the site; therefore the rezone will have no impact.

Policy 7.4.4.4: For all new development projects, the County shall require the applicant to adhere to the tree canopy retention and replacement standards or contribute to the Integrated Natural Resources Management Plan.

Discussion: The proposed rezone will not conflict with the General Plan tree preservation policy as no grading or improvements will be required for the rezone of the property to conform to the General Plan land use designation. Upon initial review, approximately 10 to 39 percent of the property is covered by a tree canopy providing adequate space for future development as allowed by right while conforming to this policy. The project design will be further reviewed through a design review permit, subject to further CEQA analysis and General Plan consistency review.

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

Agency and Public Comments:

The following agencies provided comments on this application:

El Dorado County Air Quality Management District

The District's goal is to strive to achieve and maintain ambient air quality standards established by the U.S. Environmental Protection Agency and the California Air Resources Board and to minimize public exposure to toxic or hazardous air pollutants and air pollutants that create unpleasant odors. Comments included measures that may be used to reduce impacts on air quality from equipment exhaust emissions with subsequent development of the site.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project has a significant effect on the environment. Based on the Initial Study, staff finds that there is no substantial evidence that the project could 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 \$50.⁰⁰ 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

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

1. Adopt the Negative Declaration, based on the Initial Study prepared by staff; and

2. Approve Zone Change Z06-0024, based on the Findings in Attachment 1.

SUPPORT INFORMATION

Attachments to Staff Report:

| | |
|--------------------|---------------------------|
| Attachment 1 | Findings |
| Exhibit A | Vicinity Map |
| Exhibit B | General Plan Land Use Map |
| Exhibit C | Zoning Map |
| Exhibit D | Aerial Photo |
| Exhibit I | Initial Study |

ATTACHMENT 1
FINDINGS

FILE NUMBER Z06-0024

January 25, 2007

1.0 CEQA FINDING

- 1.1 The County has considered the negative declaration together with the comments received and considered during the public hearing 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 The proposed project could not have a significant effect on the environment.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA.
- 1.4 The project will not affect wetlands, water courses, 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.

2.0 LEGISLATIVE FINDINGS

- 2.1 The proposed use is consistent with the policies in the El Dorado County General Plan, as adopted on July 19, 2004, as discussed in the General Plan section of this staff report.
- 2.2 The rezone is found to comply with the requirements of Chapter 17.06, 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.
- 2.3 The site is physically suitable for multifamily development at a density of 5 to 20 dwelling units per acre.