

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



Agenda of:	April 26, 2007
Item No.:	10.a.
Staff:	Aaron Mount

REZONE

FILE NUMBER: Z05-0014

APPLICANT: Deborah Prisk

REQUEST: Zone change from One-half Acre Residential (R20,000) to Limited Multifamily Residential-Planned Development (R2-PD).

LOCATION: On the southwest side of Lime Kiln Road, approximately 250 feet southeast of the intersection with China Garden Road in the Diamond Springs area, Supervisorial District III. (Exhibit A)

APN: 054-332-02

ACREAGE: 0.45 acre

GENERAL PLAN: Multi-family Residential (MFR) (Exhibit B)

ZONING: One-half Acre Residential (R20,000) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Negative Declaration

SUMMARY RECOMMENDATION: Recommend Approval

BACKGROUND: The subject parcel was designated Multi-family Residential (MFR) in the 1996 General Plan. S04-0026 was approved March 2, 2005, by the Zoning Administrator to expand the non-conforming residences situated on the subject parcel. Approval allowed the construction of a two-story 2,500 square foot duplex and 1,008 square feet single family residence. The subject site contains undeveloped areas sufficient for additional units.

STAFF ANALYSIS: Staff has reviewed the project for compliance with County regulations and requirements. An analysis of the permit request and issues for the Planning Commission and Board of Supervisors consideration are provided in the following sections.

Project Description: Zone change from One-half Acre Residential (R20,000) to Limited Multifamily Residential-Planned Development (R2-PD) to make the property consistent with the Multi-family Residential (MFR) General Plan land use designation to ultimately develop multifamily residential units. The parcel has a potential density of 10 dwelling units plus the potential for density bonus. No development plans have been proposed or are being processed as part of this application. The impacts from additional high density residential development would be analyzed in a subsequent initial study.

Site Description: The subject site is at an average elevation of 1700 feet above mean sea level in the town of Diamond Springs. Improvements include a single family residence. Two residential structures have been demolished and will be rebuilt under a special use permit to expand the nonconforming use. Vegetation consists of blue oaks and associated undergrowth and annual grasses. The subject parcel has street frontage along Lime Kiln Road which intersects with State Route 49.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	R20,000	MFR	Single family residence
North	R20,000	MFR	Undeveloped
South	R20,000	MFR	Transportation corridor/cemetery
East	C	C	Undeveloped
West	I/CPO	C	Undeveloped

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 directs 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 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;

Discussion: A letter dated October 6, 2006 from El Dorado Irrigation District states that a six-inch water line exists in Lime Kiln Road, and a six-inch water exists in the southeast portion of the parcel. Water meters are onsite for the existing and proposed non-conforming structures. General Plan Policy 5.2.1.3 requires any future development to connect to the existing public water systems.

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

Discussion: A letter dated October 6, 2006, from the El Dorado Irrigation District states that the parcel does not touch a District wastewater line, however a six-inch wastewater line exists in China Garden Road and a six-inch wastewater line exists in Main Street. A line extension would be required to obtain wastewater service to this parcel. General Plan Policy 5.3.1.1 requires that any future development shall be required to connect to public wastewater collection facilities as a condition of approval.

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

Discussion: The subject parcel is approximately two miles from the nearest elementary and high school. The potential of development density of 10 multifamily units would not have a significant impact on the capacity of the serving schools.

5. Response time from the 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 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. The subject parcel is approximately 1,500 feet from the nearest fire station and a fire hydrant is located on-site. The Diamond Springs/El Dorado Fire Protection District has reviewed the project and recommended conditions relating to development of the parcel. Conditions will be applied to the subsequent planned development application consistent with General Plan policies and the state fire safe regulations.

6. Distance to nearest Community Region or Rural Center;

Discussion: The subject parcel is within the El Dorado/Diamond Springs Community Region.

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 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: Future development on the subject site will require connection to public water and sewer.

10. "Critical flora and fauna habitat areas;

Discussion: No development plans have been proposed or are being processed as part of this application. Any impacts to critical flora and fauna habitat areas, especially oak tree canopy, will be examined when a development plan is submitted.

11. Important timber production areas;

12. Important agricultural areas;

13. Important mineral resource areas;

Discussion: The 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 Lime Kiln Road, which is 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 the proposed project.

Since this proposal is to bring the current zoning of R20,000 into line with the General Plan's land use designation of Multi-Family 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.

The Department of Transportation expressed concern over the site specific impact on Lime Kiln Road that would necessitate improvements. Planning Services recommended the applicant revise their request to add the planned development overlay in order to analyze these specific impacts at the

time a development plan is submitted. At that time, the Department of Transportation could complete the traffic analysis and provide final conditions necessary to mitigate traffic impacts.

15. Existing land use patterns;

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. All future development of the site requires a Planned Development 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;

18. Seismic hazards and present active faults; and

Discussion: As discussed in the initial study, none of these resources or constraints exist on the subject parcel or are adjacent; therefore the rezone will not have a significant impact.

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

Discussion: The subject parcel does not contain any CC&R's.

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

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.

NOTE: This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.). In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,850.⁰⁰ after approval, but prior to the County filing the Notice of Determination on the project. This fee, less \$50.⁰⁰ processing fee, is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

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 Z005-0014, 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 Photograph
Exhibit E	Environmental Checklist and Discussion of Impacts

FINDINGS

FILE NUMBER Z05-0014

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 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 LEGISLATIVE FINDINGS

- 2.1 The proposed zone change is consistent with the policies in the El Dorado County General Plan as discussed in the General Plan section of this staff report.
- 2.2 The zone change 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 multi-family development at a density of 5 to 24 dwelling units per acre.