

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



Agenda of: August 14, 2008
Item No.: 9
Staff: Aaron Mount

GENERAL PLAN AMANDMENT/REZONE

FILE NUMBER: AZ06-0003/ Pollock Pines School

APPLICANT: Thomas R. Van Noord, John Conforti, and James Wunschel

AGENT: Thomas R. Van Noord

REQUEST: The project consists of the following requests:

1. General Plan amendment amending the land use designation from Public Facilities (PF) to Commercial (C).
2. Zone change from Limited Multifamily-Design Sierra (R2-DS) to Commercial-Design Sierra (C-DS).

LOCATION: On the south side of Pony Express Trail, at the intersection with School Street in the Pollock Pines area, Supervisorial District II. (Exhibit A)

APN's: 101-291-03, -04, -05, -06

ACREAGE: 5.62 acres

GENERAL PLAN: Public Facilities (PF) (Exhibit B)

ZONING: Limited Multifamily-Design Sierra (R2-DS) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

RECOMMENDATION: Planning Services recommends the Planning Commission forward the following recommendation to the Board of Supervisors:

1. Adopt the Mitigated Negative Declaration and Mitigation Monitoring Program, based on the Initial Study prepared by staff; and
2. Approve General Plan amendment and Rezone application AZ06-0003 based on the findings in Attachment 2.

BACKGROUND: The General Plan designation Public Facilities was established for the site in the 1996 General Plan. The project site was designated multifamily residential in the Pollock Pines area plan adopted July 26, 1983. The Limited Multifamily zoning was also adopted by the Pollock Pines Area Plan and the 1996 General Plan. The use of the project site as a school is present on county records as early as 1935, as shown on Subdivision Map A-25. The project site ownership was transferred from the Pollock Pines School District to private ownership in 2001. Certificates of Compliance (COC) were approved by the County Surveyor legalizing the project parcels and were recorded on March 10, 2008. Through the COC process the project site was increased from five parcels to six (see Exhibit G).

STAFF ANALYSIS

Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the proposal and issues for Planning Commission consideration are provided in the following sections.

Project Description: General Plan amendment and zone change for a group of parcels containing a vacant school. The request would amend the General Plan land use designation from Public Facilities (PF) to Commercial (C) and the zone change would be from Limited Multifamily-Design Sierra (R2-DS) to Commercial-Design Sierra (C-DS). As it stands, the property could not be developed as the Public Facilities General Plan land use designation is applied to lands owned by public agencies, of which this project is not. Adaptive reuse of the school buildings includes an initial proposal for a community wellness center which would include medical and dental services and would be allowed by right and exempt from design review unless substantial modifications are proposed. Future proposals also include a homeless shelter which would require a further discretionary application. No development plan accompanies the current application requests.

Site Description: The project parcels, a total of 5.62 acres, are at an average elevation of 3,800 feet above mean sea level in the Pollock Pines Community Region. Improvements include an existing 16,000 square foot former school building and garage with associated parking. The remainder of the project area is undeveloped having been the recreation fields for the school and areas of undevelopable slope. The current main access to the project site is from School Street to the east and Cox Street to the west. Both access points connect to Pony Express Trail. The parcel adjoins U.S. Highway 50 on the south but is not visible due to tree cover and topography.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	R2	PF	Former School Site, School Buildings, Parking
North	R2/RT	MFR	Multifamily Residential, Single Family Residential
South	TC/CG/R1	C/MDR	US Highway 50, Commercial/Retail, Single Family Residence
East	C/R2	C/MFR	Commercial/Service Station, Multifamily Residential, Single Family Residential
West	R2	MFR	Multifamily Residential, Single Family Residential

Discussion: The subject and adjacent parcels are within the Pollock Pines Community Region. Existing adjacent commercial would be compatible with the proposed Commercial zoning and land use designation being requested.

General Plan:

The General Plan designates the subject site as Public Facility (PF). This land use category includes only publicly owned lands used for public facilities. As the project site is no longer publicly owned, any development or change in use would not be consistent with the PF land use designation. Due to this inconsistency the current owners would have very limited use of the land without a General Plan amendment to a land use designation allowing for other uses under private ownership. Additionally, the following General Plan policies apply to this project:

The subject 5.62-acre project site is located within the Pollock Pines Community Region boundary. **Policy 2.1.1.2** directs that Community Regions be areas *which are appropriate for the highest intensity of self-sustaining compact urban-type development or suburban type development within the County based on the municipal spheres of influence, availability of infrastructure, public services, major transportation corridors and travel patterns, the location of major topographic patterns and features...* Support utilities and infrastructure are currently available at the site and would need minimal upgrades to support most businesses that would be permitted in a Commercial land use designation.

Policy 2.2.5.3 directs the County to 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 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;
4. Distance to and capacity of the serving elementary and high school;

5. Response time from the nearest fire station handling structure fires;
6. Distance to nearest Community Region or Rural Center;
7. Erosion hazard;
8. Septic and leach field capability;
9. Groundwater capability to support wells;
10. Critical flora and fauna habitat areas;
11. Important timber production areas;
12. Important agricultural areas;
13. Important mineral resource areas;
14. Capacity of the transportation system serving the area;
15. Existing land use patterns;
16. Proximity to perennial water course;
17. Important historical/archeological sites;
18. Seismic hazards and present active faults; and
19. Consistency with existing Conditions, Covenants, and Restrictions.

The adjacent parcel to the south across School Street is designated for commercial uses by the General Plan. The other adjacent parcels have multifamily zoning and land use designations. The General Plan identifies the Multifamily Residential land use designation as lands located with the highest degree of access to transportation facilities, shopping and services, employment, recreation, and other public services. The subject parcel fronts County maintained roads on the north, east and, west and U.S. Highway 50 to the south. All utilities exist at the site. There is an existing approved septic system serving the 16,000 square-foot vacant school facility.

The Commercial-Design Sierra zone change, and change to a Commercial land use designation would not have a significant affect on the existing biological resources, no development plan accompanies the current application requests, and no trees are to be removed since no grading is proposed. The use of an existing structure would be exempt from design review and any new development permit, other than the tenant improvement plan to change the use of the existing structure, would require review by the Planning Commission with a Design Review application.

The El Dorado County Environmental Health Division, El Dorado County Department of Transportation, and the El Dorado County Fire Protection District had no concerns with the current proposal as long as a discretionary application would be required for future development. As the current structure was not developed within the jurisdiction of the County and is exempt from discretionary review for uses by right, mitigation measures have been identified in the Mitigated Negative Declaration that would ensure compliance with County regulations concerning lighting, fire safe regulations, and hazardous materials. The location in a Community Region, the current availability of supporting utilities and infrastructure, the distance to the nearest fire station, and the potential for other surrounding commercial opportunities is appropriate for limited commercial development.

Policy 2.4.1.1 directs that the design control combining zone districts shall be expanded for commercial and multifamily zoning districts to include identified Communities. The Subject site is within the Pollock Pines Community Region and the addition of the Design Sierra overlay is

consistent with all other commercial and multifamily zoned parcels within the community region. The addition of the Design Sierra zoning overlay will maintain and enhance the character of existing rural and urban communities, emphasizing both the natural setting and built design elements which contribute to the quality of life, economic health, and community pride of County residents

Policy 5.1.2.1 requires that there be *adequate public utilities and services including water supply, wastewater treatment and disposal, solid waste disposal capacity, storm drainage, fire and police protection, and ambulance service exist or are available to the subject discretionary project*. Staff has relied on information from the purveyors of said services and has determined that adequate utilities and services are available for the uses present today and future uses would be analyzed for the particular impacts through the Design Review process. The El Dorado County Environmental Health Division reviewed the existing septic system and found it adequate for the existing use.

General Plan Objective 10.1.5 and Policies 10.1.5.1, and 10.1.5.2 all seek to encourage and emphasize the importance of promoting and encouraging projects that have the potential to support, assist, and encourage the economic expansion and addition of businesses, and also enable and encourage existing companies, businesses, and/or industries to expand and economically thrive in El Dorado County. The proposed project would benefit and support the interests of the commercial business in the vicinity on lands not necessarily adequate for residential use.

The project has been reviewed in accordance with the El Dorado County 2004 General Plan policies, and it has been determined that the project is consistent with the General Plan. Findings of consistency with the General Plan are provided in Attachment 1.

Zoning:

The subject 5.62-acre project site is proposed to be rezoned to Commercial - Design Control. The applicant initially requested a zone change to General Commercial (CG), but it was determined that the site and adjacent uses were not compatible with light industrial uses allowed by right in the CG zone district. It was recommended by Planning staff that the application be revised to the Commercial zone district and the applicant agreed to the request. Section 17.32.200 requires a minimum parcel size of 5,000 square feet. The General Plan land use designation of Commercial and the Commercial Zone District are listed as compatible on the 2004 General Plan Table 2-4 Consistency Matrix.

Planning staff recommended adding the Design Control overlay zone in order to permit further review by the Planning Commissioners of any future development plan as required by Section 17.14.130 of the County Code for projects next to a highway to assure it is in keeping with the character of the neighborhood as well as the appearance within the viewscape of this portion of U. S. Highway 50 which is classified as a State Scenic Highway. The following exemptions are found in Section 17.74.040.E of the zoning ordinance related to design review districts:

The following structures shall be exempt from the review process required in this chapter, but must still comply with all other applicable provisions of the zoning ordinance:

1. *Wall signs;*
2. *Change in text on existing signs;*

3. *Internal changes within an existing structure where no external changes or alterations are proposed;*
4. *Minor additions to existing structures wherein the total floor area increase is ten percent (10%) or less;*
5. *Fencing six feet (6') or less in height;*
6. *Detached single family residences and accessory structures; and*
7. *Temporary uses as provided in Chapter 17.23. (Ord. 4228, 1992)*

The existing 16,000 square foot school structure is proposed to be adaptively reused as a health facility which would be allowed by right under the Commercial zone district (see Exhibits E and F) and exempt from design review if consistent with the above detailed exemptions. Buildings permits would be required for the change in use from a school to a health facility. If the current structures use continues as a private school there is a possibility that no building permits would be required.

Additionally, a community care facility and homeless shelter, has been discussed for the project site but not within the existing structures. Although this is also a use allowed by right in the Commercial zone district, due to the proposed Design Sierra overlay the new structures would require a discretionary application subject to review and approval by the Planning Commission.

Staff finds that the necessary findings can be made to support the request for a General Plan land use designation amendment and zone change. The details of those findings are contained in Attachment 2.

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 the project could have a significant effect on aesthetics and hazards and hazardous materials. However, the project has been modified to incorporate the mitigation measures identified in the Initial Study which will reduce the impacts to a level considered to be less than significant. Therefore, a Mitigated Negative Declaration has been prepared

NOTE: In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,926.75 after approval, but prior to the County filing the Notice of Determination on the project. This fee, less a \$50.00 recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$1,876.75 is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the States fish and wildlife resources.

SUPPORT INFORMATION

Attachments:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Vicinity Map
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D	Site Plan
Exhibit E	Ordinance 17.32 Commercial Districts
Exhibit F	Ordinance 17.06.050 Definitions
Exhibit G	Assessors Map 101:29 with Surveyors Notes
Exhibit H	Project Site Airphoto
Exhibit I	Subdivision Map A-25
Exhibit J	Environmental Checklist and Discussion of Impacts

ATTACHMENT 1

Conditions of Approval

FILE NUMBER AZ06-0003

Conditions from the Mitigated Negative Declaration

The following mitigation measures are required as a means to reduce potential significant environmental effects to a less than significant level:

1. All outdoor lighting for subsequent development or remodeling shall conform to § 17.14.170, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Should installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of the Planning Department. A photometric plan of the existing and proposed onsite lighting showing conformance with applicable ordinances and the Illumination Engineering Society of North America's (IESNA) full cut-off designation shall be submitted with the first building permit, or occupancy if no building permits are required, for the project site and shall be approved prior to issuance of said permit or occupancy. **[MM Aesthetics-1]**.

Monitoring: Planning Services shall review and approve a lighting plan prior to issuance of building permits or occupancy if no building permits are required.

2. Prior to the issuance of any building permits or occupancy of the existing structure, the applicant shall conduct a Phase I Environmental Site Assessment (ESA). The Phase I must be conducted in accordance with ASTM standard E 1527-00. All information developed in the Phase I process must be submitted to the Hazardous Materials Division (HMD) for review. If upon review of the Phase I information, HMD determines the property is a potentially impacted site, the applicant must apply for a permit, submit a work plan and conduct a Phase II ESA and any required site remediation activities prior to developing the property. **[MM Hazards and Hazardous Materials-1]**

Monitoring: Planning shall verify compliance by receipt of a letter from Environmental Management stating compliance prior to issuance of building permits or occupancy if building permits are not required.

3. Prior to issuance of building permits, or occupancy if no building permits are required, for the existing structures, a letter of approval from the El Dorado County Fire Protection District shall be obtained. The letter shall state that the project site meets current fire safe regulations and County standards for access and water. Specifically the existing non-conforming access roads serving the project site shall meet at minimum Fire Safe Standards for width, surface, grade, radius, turnarounds, and turnouts. Additional hydrants may be required and hydrant placement shall meet EID standards and have El Dorado County Fire Protection District approval of locations. Should the project site be non-compliant with

current fire safe and county requirements, the applicant shall be responsible for construction, modification, and installation to the satisfaction of the Planning Department and the El Dorado County Fire protection District prior to reuse of the property. **[MM Hazards and Hazardous Materials-2]**

Monitoring: Planning shall verify compliance by receipt of a letter from the El Dorado County Fire Protection District stating compliance prior to issuance of building permits or occupancy if building permits are not required.

ATTACHMENT 2 **FINDINGS**

FILE NUMBER AZ06-0003

1.0 CEQA Findings

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The County finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 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.
- 1.4 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 General Plan Findings

- 2.1 The land use amendment from Public Facilities to Commercial is consistent with Objective 2.1.1 and Policy 2.1.1.2 in that the property could be developed to be self-sustaining and to meet the commercial needs of the surrounding area. Amending the land use designation to Commercial is found to be in the public interest.

3.0 Zoning Findings

- 3.1 A rezone to Commercial will allow the property to be consistent with the proposed General Plan designation. The proposed use of a health facility is consistent with Policies 2.1.1.2 and 2.2.1.2.
- 3.2 The rezone will meet the intentions of Policy 2.2.5.2 because the establishment of a new zone designation of Commercial-Design Sierra (CG-DS) and the ensuing uses it allows is consistent with the allowed uses intended by the Commercial (C) land use designation.
- 3.3 The rezone would meet the intentions of Policy 2.2.5.3 because the location in a Community Region, the current availability of supporting utilities and infrastructure, proximity to

emergency responders, and the potential for surrounding commercial opportunities demonstrate that the site is appropriate for commercial development.

- 3.4 The proposed project and the existing structure, infrastructure, and uses are consistent with the El Dorado County Zoning Ordinance designation of Commercial (G) and Sections 17.32.020 to 17.32.040.