

EL DORADO COUNTY DEVELOPMENT SERVICES STAFF REPORT



Agenda of: October 9, 2008
Item No.: 9.c
Staff: Shawna Purvines

FILE NUMBER: A 08-0001, OR 08-0001; **Mixed Use Development**

APPLICANT: County of El Dorado Board of Supervisors

- REQUEST:**
1. Amend Policies 2.1.1.3, 2.1.2.5 2.2.1.2 and Table 2-2 of Policy 2.2.1.3 of the Land Use Element of the General Plan, to include mixed-use development to occur horizontally as well as vertically, eliminate the requirement for projects to be predominantly commercial, and increase density to allow for up to 24 dwelling units per acre within Community Regions.
 2. Adopt an ordinance to:
 - a. Amend Chapter 17.32 to included Mixed-use Development as a use permitted in Commercial Districts (C), Professional Office Commercial Districts (CPO), and Planned Commercial Districts (CP) with a maximum residential density of 24 dwelling units per acres within Community Regions and a maximum residential density of 4 units per acre in Rural Centers.
 - b. Add chapter 17.14.220 of the Zoning Ordinance to include Mix-Use Development Standards applicable for Commercial Districts (C), Professional Office Commercial Districts (CPO), and Planned Commercial Districts (CP).

ENVIRONMENTAL DOCUMENT: Negative Declaration (SCH # 2001082030)

SUMMARY RECOMMENDATION: Recommend Approval

BACKGROUND:

On April 18, 2006, the Board of Supervisors adopted a Resolution of Intention (ROI) to amend the General Plan concerning Floor Area Ratio and Mixed-use Development. An amendment to the Floor Area Ratio was adopted on July 10, 2007. The Board directed staff to address Mixed-Use Development (MUD) separately from the proposed FAR amendment. On January 15, 2008, the Board of Supervisors further directed staff to proceed with an amendment to Policies 2.1.1.3, 2.1.2.5, 2.2.1.2 and Table 2-2 of Policy 2.2.1.3 of the Land Use Element of the General Plan to include mixed-use development to occur horizontally as well as vertically, eliminate the requirement for

projects to be predominantly commercial, and increase density to allow for up to 24 dwelling units per acre within Community Regions.

PROJECT LOCATION:

The General Plan Mixed-Use Development Amendment applies to all areas within unincorporated El Dorado County.

PROJECT DESCRIPTION:

Mixed-use allows for development that incorporates a range and variety of uses within a single development site, for example, retail, residential and business. The current General Plan allows for and encourages mixed-used development within the Land Use, Housing, Public Services & Utilities, and the Health, Safety and Noise elements. An amendment would allow projects to develop with mixed-uses vertically and/or horizontally, eliminate the requirement for the project to be predominantly commercial and increase the allowable residential units per acre from 10 units to 24 units in community regions, subject to compliance with other applicable County development standard (e.g. height, setbacks, floor area ratio, parking, landscaping, architecture, etc).



DISCUSSION:

As it is described in the Final EIR for the General Plan adopted in July 2004, the overarching objective of a General Plan is to guide a jurisdiction’s growth over a long-term planning horizon, in a manner consistent with the community’s vision of its long term physical form and development. During the General Plan public participation process, residents generally agreed that higher density together with compatible infill development was a preferred mechanism for reducing sprawl and mitigating impacts of contemporary development styles throughout the County. It was also recognized that promoting the development of business and industry and having well-balanced communities would afford the County’s residents the opportunity to work, shop, and recreate close to where they live and, in some instances, take advantage of non-automobile oriented transportation methods or minimize vehicle miles traveled.

The 2004 General Plan directs higher density residential development in to Community regions and Rural Centers as stated in Policy HO-1.5, and allows for mixed-use development on commercial parcels within Community Regions and Rural Centers that combine commercial and residential uses as long as the commercial activity is the primary and dominant use of the parcel. Maximum density for the residential component in mixed-use development on commercial lands within Community Regions is 10 units per acre, and 4 units per acre in Rural Centers. Limitation on the number of units per acre, particularly in the Community Regions has been one of the concerns identified by developers interested in mixed-use projects. Since it is anticipated that most of the residential development associated with mixed-use projects will be multi-family form, staff recommends the limit be increased to 24 units per acre, bringing it consistent with multi-family zoning.

The amendment will not only assist the county in meeting state



guidelines and requirements under the Housing Element Law and the 2008 adopted Housing Element, it will provide more flexibility for development on vacant commercial parcels. Development of these parcels would also assist in achieving infill objectives identified in the General Plan. The majority of the county's commercial parcels are small, (see analysis in Staff Report 11/08/07) and generally surrounded by other development. Developing these parcels solely commercial may not be the highest and best use of the land and developers have expressed concern that suitable projects under current policies would not meet market demand. Allowing for mixed-uses would allow these parcels to be developed in a different form, increasing the potential for each site and its surrounding neighborhoods.

This amendment would reduce the regulatory challenges of implementing mixed-use developments and minimize the difficulties developers may have in securing financing for projects that depart from conventional subdivisions, strip shopping centers, or big box retail. Encouraging mixed-used development by offering more flexibility within existing County policies and codes offers the opportunity to incorporate *Smart Growth* principles into the County's development practices, creating beneficial impacts to the local environment. *Smart Growth* principles include mixed-use development together with infill and compact development that provide more transit choices, and make available alternatives to low-density (sprawl) development.

The intent of the amendment and ordinance would be to allow mixed-use development in some commercial zones. Currently there are 1,113 vacant acres General Planned for commercial within the unincorporated area of the county. Approximately 11% of these acres have a zoning designation for commercial (C, CP, & CPO only) with no additional overlays or required reviews. Therefore, projects proposed in areas with no additional reviews may proceed simply by applying for a building permit. The rest of the sites would require some form of discretionary review; for example, 51% of the targeted commercial parcels would require a zoning amendment; more than 15% would require a Design Review; and almost 23% require a Planned Development review or are included in Approved Planned areas.



To ensure all proposed mixed-use projects comply with policies, conditions and development standards appropriate for the community and neighborhoods in which a project is proposed, staff recommends adopting a revision to Chapter 17.14 of the Zoning Ordinance. The Ordinance would require a Design Review that includes the requirement to meet development standards and an architectural review of the project to ensure compatibility. Currently a Design Review application is discretionary action and therefore an environmental review would be required for all projects. The Ordinance sets a 30% minimum commercial component for mixed-use projects. This minimum was found to be a common minimum in other jurisdictions, is compatible with current floor area ratio and maximum density requirements in commercial zones, and includes the potential for a 35% density bonus as allowed by California Government Code 65915.

By encouraging higher densities and mixed-use developments, the County offers opportunities to enhance existing commercial corridors



and residential neighborhoods while simultaneously bolstering tax revenues. Mixed-use development also provides for the opportunity to better utilize many of the County's vacant infill sites where much of the needed road and utilities and infrastructure are already in place. Encouraging mixed-use, particularly as a strategy to promote infill development, will support a more continuous and sustainable development pattern and offers a type of growth that is less vulnerable to the boom and bust cycles of traditional suburban development.

NEXT STEPS

On January 15, 2008, the Board directed staff to complete the above amendment, which will assist the County in meeting its project housing demands as part of the required Housing Element Update and is a first step to encouraging mixed-use development within urbanized areas of the County. The Board also directed staff to begin a more comprehensive analysis for utilizing mixed-use development as a tool to further achieve goals established within the General Plan, such as support for compact urban form and infill development in areas other than commercial. Staff recommends beginning this analysis by exploring options with developers, landowners of key parcels, and other interested entities that have had experience with mixed-used projects. Begin by asking where and what kind of mixed-use projects are likely to be feasible in the near and mid term, and in what urban form. Staff would then meet and hold workshops with key staff members, the Planning Commission, and your Board to determine what exactly are the desired outcomes and possible ways of achieving them, thereby creating a program that is supported and that will work locally.

Once outcomes are determined, staff recommends exploring options such as the creation of an overlay district for mixed-use, and/or establishing design guidelines, special use regulations and development standards for mixed-used within existing zone designations, including residential and research and development. An example may include revising standards for Multi Family Residential, where services such as small eateries, small retail stores, health services or youth centers would enhance the overall neighborhood, while assisting in meeting federal and state funding requirements for development support. One option may be the creation of an "Atlas" of different types of mixed-use development forms that would be utilized within specific communities and neighborhoods.

Staff would work with landowners and developers to determine what regulatory changes are needed. If determined to be needed as part of a final program, staff would work with the public to develop design guidelines to ensure projects are a good fit within the County's diverse communities and neighborhoods. Any final product must be an effective approach that landowners and developers can support and shall include the streamlining of the approval process to support and encourage this type of development particularly where infill goals may be met. This process would be concluded within the next 5 years so that the program may be incorporated in the 2013-2018 Housing Element update and its required Vacant Land Inventory.



ENVIRONMENTAL REVIEW:

The purpose of this review is to evaluate whether the modifications to the policies would result in any new significant effects or require any new mitigation measures not identified in the 2004 General Plan EIR and subsequent Supplemental EIR's that have been prepared. Pursuant to Public Resources Code 21083.3 and State CEQA Guidelines Section 15177, the County has determined that the project is within the scope of the General Plan EIR adopted July 2004 and the Supplemental EIR adopted July 10, 2007 for the General Plan Floor Area Ratio amendment. Therefore, an initial study was prepared and only looked at issues specific and unique to the General Plan and Zoning Ordinance Mixed-Use Amendment and current setting conditions, and does not re-evaluate issues adequately addressed in the previous General Plan EIR or Supplemental EIR.

Estimated levels of development for 2025 in the General Plan were forecasted using projections based on future population estimates and assumptions as to how that growth would be allocated throughout the County based on various factors and development constraints. Upon request of the county, Bay Area Economics (BAE) evaluated the need for the county to revise its land use forecasts utilized in preparing the 2004 El Dorado County General Plan. Based on the comparisons of currently available population forecasts for the county, they concluded that the current information suggest that population growth within the county will not be significantly different in 2025 than was forecasted in the Land Use Forecast Report. Therefore, the amendment is not expected to change the market conditions affecting demand for different housing on a countywide basis in the 2025 planning cycle.

El Dorado County has programs requiring infrastructure and services to be available concurrently with the construction of new development. There are General Plan policies that require new discretionary development proposals to demonstrate adequate transportation improvements, infrastructure, and public services to be in place to serve the proposed development. In addition, the County reviews development projects for consistency with the General Plan checklist to ensure that these policies are implemented and enforced. Furthermore, the County's Traffic Impact Mitigation (TIM) Fee Program was designed to meet the concurrency requirements of the General Plan associated with roadway improvements and every five years, as part of the General Plan review and update, the County will monitor growth patterns to see if there are unforeseen changes.

Staff concluded that this project would not degrade the quality of the environment, reduce habitat, threaten plant or animal communities or eliminate important examples of California history or prehistory. Nor will the project cause substantial adverse impacts on people either directly or indirectly. There is no new information of substantial importance that identifies new or more intense significant impacts (CEQA Guidelines Section 15162). Therefore, staff has prepared a Negative Declaration for this amendment.

RECOMMENDATION

Staff recommends the Planning Commission forward a recommendation to the Board of Supervisors to:

1. Adopt the Negative Declaration based on the Initial Study prepared by staff; and
2. Approve Resolution amending General Plan (A08-0001) Policy 2.1.1.3, 2.1.2.5, 2.2.1.2, and 2.2.1.3 Table 2-2 Land Use Densities and Residential Population Ranges, as shown in Attachment 2, based on the findings contained in Attachment 1; and
3. Approve OR08-0001 amending Zoning Ordinance Chapter 17.32 to included Mixed-use Development as a permitted use in Commercial Districts (C), Professional Office Commercial Districts (CPO), and Planned Commercial Districts (CP) with a maximum residential density of 24 dwelling units per acres within Community Regions and a maximum residential density of up to 4 units per acre in Rural Centers as shown in Attachments 3 thru 5; and
4. Approve regulations for Mixed Use Development as set forth in 17.14 with the addition of section .220 shown in Attachment 6.

SUPPORT INFORMATION

Attachment 1	Findings
Attachment 2	Recommended amendment to General Plan
Attachment 3	Recommended amendment to Chapter 17.32 Commercial (C)
Attachment 4	Recommended amendment to Chapter 17.32 Planned Commercial (CP)
Attachment 5	Recommended amendment to Chapter 17.32 Professional Office and Commercial (CPO)
Attachment 6	Recommended amendment to add section .220 to Chapter 17.14
Attachment 7	Planning Commission Staff Report of November 08, 2007

ATTACHMENT 1
FINDINGS
FILE NUMBER A08-0001

1.0 CEQA FINDINGS

1.1 Pursuant to Public Resources Code 21083.3 and State CEQA Guidelines Section 15177, the County has determined that the project is within the scope of the General Plan EIR, adopted July 2004 and the Supplemental EIR adopted July 10, 2007. Therefore, the initial study that was prepared only looked at issues specific and unique to the General Plan and Zoning Ordinance Mixed-Use Amendment and current setting conditions, and did not re-evaluate issues adequately addressed in the previous General Plan EIR or Supplemental EIR completed for the Floor Area Ratio Amendment adopted on July 10, 2007.

1.1.1 The policy amendment would not degrade the quality of the environment, reduce habitat, threaten plant or animal communities or eliminate important examples of California history or prehistory; and

1.1.2 The policy amendment would not have a significant impacts related to aesthetics, air quality, hazards/hazardous materials, hydrology/water quality, land use/planning, noise, population/housing, public services, traffic/transportation, or utilities/service systems beyond what was analyzed in the General Plan EIR and subsequent FAR Supplemental EIR; and

1.1.3 The policy amendment would not have environmental effects that would cause substantial adverse impacts on people either directly or indirectly.

1.2 The proposed amendment does not create any new or changed impacts from that analyzed in the 2004 General Plan EIR and Supplemental EIR (A06-0002); and in the County's judgment the County's General Plan EIR and the Negative Declaration is adequate for approval of this project.

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.

2.0 GENERAL PLAN AND ZONING ORDINANCE FINDINGS

2.1 The proposed amendments will provide greater opportunity for development of affordable housing, encourage infill development within Community Regions and Rural Centers, and assist in meeting State Housing Element Law requirements. Thereby meeting the provisions of General Plan policies HO-1.2, adequate supply of suitable sites that are properly located based on environmental constraints, community facilities, and adequate public services; HO-1.5, direct higher density residential development to Community Regions and Rural Centers; HO-1.8, encourage mixed-use projects where housing is provided in conjunction with compatible nonresidential uses; HO-1.16, minimize discretionary review for affordable housing; and 6.7.4.1, reduce automobile dependency by permitting mixed land use patterns.

- 2.2 All other policies relating to new development requiring adequate transportation improvements, infrastructure, public services, and protection of natural resource still apply.

ATTACHMENT 2

Proposed General Plan Policy Amendment

The text of the proposed amendments to Policies 2.1.1.3, 2.2.1.2 and Table 2-2 of Policy 2.2.1.3 of the Land Use Element of the General Plan (deletions in ~~striketrough~~, new text in underline):

The General Plan shall provide for the following:

Policy 2.1.1.3:

Mixed-use developments, which combine commercial, research, and development, and residential uses on a single parcel are permissible and encouraged within Community Regions ~~provided the commercial use is the primary and dominant use of the land~~. Within Community Regions, the mixed-uses may occur vertically and/or horizontally. In mixed-use projects, the maximum residential density shall be ~~40~~ 24 dwelling units per acre within Community Regions;

Policy 2.1.2.5

Mixed use developments which combine commercial and residential uses on a single parcel are permissible and encouraged within Rural Centers ~~provided the commercial use is the primary and dominant use of the land~~. Within Rural Centers, the mixed uses may occur either vertically or horizontally. The maximum residential density shall be four dwelling units per acre in Rural Centers in mixed use areas.

Policy 2.2.1.2:

Commercial (C): The purpose of this land use category is to provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. Mixed-use development of commercial lands within Community Regions and Rural Centers, which combine commercial and residential uses, shall be permitted ~~provided the commercial activity is the primary and dominant use of the parcel~~. The residential component of the project shall only be implemented following or concurrent with the commercial component. Except for Community Care Facilities described in Objective 4.1.2, developments in which residential usage is the sole or primary use shall be prohibited on commercially designated lands. Numerous zone districts shall be utilized to direct specific categories of commercial uses to the appropriate areas of the County. Except as provided in Policy 2.2.2.3, this designation is considered appropriate only within Community Regions and Rural Centers.

Policy 2.2.1.3

The General Plan shall provide for the following range of population densities in the respective land use designation based upon the permitted range of dwelling units per acre and number of persons per acre as shown in Table 2-2 below.

TABLE 2-2 LAND USE DENSITIES AND RESIDENTIAL POPULATION RANGES			
Land Use Designation	Units Per Acre	Persons Per Housing Unit¹	Persons Per Acre
Multifamily Residential	5 – 24	2.3	11.5 - 55.2
High-Density Residential	1 – 5	2.8	2.8 - 19.6
Medium-Density Residential	1 – 0.2	2.8	2.8
Low-Density Residential	0.20 - 0.1	2.8	0.56 - 0.28
Rural Residential	0.1 – 0.025	2.8	0.28 - 0.07
Agricultural Lands	0.05	2.8	0.14
Natural Resource	0.025 – 0.00625	2.8	0.07 - 0.0175
Commercial	10/4² <u>24/4²</u>	<u>2.3/2.8</u>	28-55.2/11.2
Research & Development	10/4 ²	2.8	28/11.2
Industrial	–	–	–
Open Space	–	–	–
Public Facilities	–	–	–
Tourist Recreational	–	–	–
Notes:			
¹ 1990 U.S. Census			
² Maximum of 10 24 units per acre in Community Regions; maximum of 4 units per acre in Rural Centers			