

Attachment 2 lists all of the policies relating to planned developments. Looking at the policies together, their purpose would appear to be to encourage good design and the most efficient use of a site by promoting planned developments, clustering development, and providing both public and private benefits. The General Plan attempts to encourage their use, but at the same time some policies actually act as a hindrance to their full utilization. Other provisions tend to direct growth away from the areas established to accommodate it. Staff recommends that the County address these issues at the same time that relief is provided for the small infill projects.

The committee attempted to establish a series of goals that any amendments to applicable policies would try to accomplish. These include the following:

- Provide relief for small, infill projects and condominium conversions;
- Direct growth to the Community Regions and Rural Centers;
- Create more sustainable, walkable communities;
- Provide flexibility to develop the best project based on specific site constraints and opportunities;
- Provide sufficient open space to serve the needs of the residents of the development projects under review; and
- Develop alternatives to open space in providing the public benefit required in Policy 2.2.3.1.

Each of these issues is discussed below.

Infill – One of the basic precepts of the General Plan is to direct growth to the Community Regions and Rural Centers, reserving the Rural Regions for agriculture and resource base land uses, along with dispersed residential development. To do this, in addition to providing the basic land use designations necessary to permit higher intensity land uses, the policies must work to promote and assist infill projects and the gradual expansion of public utilities, infrastructure and services within the designated areas for growth. All of the committee members agreed that we should be trying to have infill lots develop at their highest potential to promote walkable communities and affordable housing. The differences in opinions were that some felt that the requirements for open space be simply waived for projects under a specified size while others believed that open space is even more important in higher density areas, and that if it is not provided on-site, usable open space should be available or developed nearby.

Condo Conversions – The committee was in almost unanimous agreement that a condominium conversion of an existing apartment complex should be exempt from the 30% open space requirement. There is a concern that some applicants have pulled building permits for apartments to get a project under construction, then applied for a planned development/tentative map to turn them into townhouses or condominiums. If an exemption is provided, it should apply only to conversions consistent with Policy HO-3g, which provides that such a conversion could only occur after 10 years of occupancy as rental units.

Directing Growth – The committee generally agreed that developing in the Community Regions and Rural Centers is the most effective use of land in El Dorado County. One of the biggest challenges to this is that there is little incentive to maximize density in the community regions, and that the planned development process appears to penalize urban development, while encouraging additional density in the Rural Regions. Although a number of applicants have

taken advantage of the density bonus provisions of Policy 2.2.4.1, some members of the committee questioned the effectiveness of the policy in meeting greater goals and objectives of the General Plan.

Sustainability/Walkability – Several members of the committee felt very strongly that the County should be promoting walkable communities and more sustainable development, in light of increasing fuel costs and environmental concerns with more traditional, suburban type development. These members would like to see more emphasis on pedestrian oriented design and integration into the surrounding community.

Flexibility – The committee also agreed that there needs to be flexibility when imposing specific requirements on any planned development. Different projects in different locations will present different opportunities and challenges. In some cases open space for the purpose of natural resource protection may be the best public benefit that would accrue from the project. Other projects might provide recreational facilities, more affordable housing, or other benefits. The challenge is to prepare standards that provide the level of flexibility desired. The committee was unable to reach any consensus on how this would be done.

Open Space Needs – It was generally agreed that open space serving the new development needed to be provided either on-site or nearby the project site to meet the needs of the residents. However, the committee could not agree on what constitutes sufficient open space, nor what should be considered open space. Parks, ball fields, walking paths, and natural areas were all general acknowledged as suitable open space, but other suggestions such as landscaped areas and fenced back yards were not as generally accepted. While the commission has weighed in on this issue previously, further clarification may be helpful in refining these policies.

Alternative Public Benefits – While the issue of alternatives to open space to serve the public benefit requirement of Policy 2.2.3.1 was previously raised by staff, no clear agreement was reached by the committee whether this was a good idea, or what such alternatives may be. An obvious suggestion is affordable housing, but this raised the issue that residents of affordable, more compact development may need nearby open space even more than residents of larger lots or dwellings.

Board of Supervisors Direction – On October 7, 2008 the Board of Supervisors considered a resolution of intention to formally initiate the amendment to the policies. In general, the Board agreed with the need to provide greater flexibility with infill projects, and to look at how we could encourage better development through the use of the PD process. However, they wanted to limit the scope to policies 2.2.3.1 and 2.2.5.4, without reopening the density bonus policy (2.2.4.1). Specifically, the resolution directs staff to address changes to the percent of required open space, the threshold where a planned development is mandated, and to consider off-site open space. The resolution as adopted by the Board has not been finalized but will be provided prior to the Commission meeting.

It is clear that there are significant policy implications associated with the planned development and open space policies of the Land Use Element. Staff has tried to articulate some of the issues, but cannot proceed without further guidance from the Commission. General questions raised by the committee work that need to be responded to and on which to base revisions include the following:

- Should the policies be amended to provide more incentive for infill and higher densities in the Community Regions?
- Should County policy encourage more walkable communities as a part of new development review and approval?
- Are there alternatives to open space that could be utilized by an applicant to provide a public benefit? If so, what are these and how should they be quantified to apply to the PD process?

Staff Recommendation:

Planning staff recommends that the Commission consider the revisions described below. Specific amendment language has not yet been developed, but based on your direction, will be prepared, together with the appropriate CEQA document, and brought back for discussion in a subsequent public hearing.

- Amend Policy 2.2.3.1 to provide flexibility in creating the common or public benefit. The intent is to more clearly define what is meant by a common or public benefit, and provide a menu of options for the applicant.
- Provide an exemption from the open space requirement for small infill and condominium conversion projects (threshold to be determined.)
- Provide a means to meet requirements either on-site or off-site, to maximize use and funding for publicly operated facilities.
- Provide additional incentives for affordable housing, pedestrian-oriented development, and integration of new development into existing neighborhoods.
- Amend Policy 2.2.5.4 to allow for a project that is not a planned development to exceed the two dwelling unit per acre threshold in High Density Residential designated areas and adjust or eliminate the 50-lot threshold where a planned development is required.