

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



**Agenda of:** February 12, 2009  
**Item No.:** 11  
**Staff:** Aaron Mount

**GENERAL PLAN AMENDMENT/REZONE**

**FILE NUMBER:** A08-0006/Z08-0015/Lomax Multifamily

**APPLICANT:** Stewart and Denise Lomax

**REQUEST:** The project consists of the following requests:

1. General Plan amendment amending the land use designation from High Density Residential (HDR) to Multifamily Residential (MFR).
2. Zone change from One-Half Acre Residential District (R20K) to Multifamily Residential-Design Community (RM-DC).

**LOCATION:** On the east side of Panther Lane, approximately 200 feet north of the intersection with Fowler Lane in the Diamond Springs area, Supervisorial District III. (Exhibit A)

**APN:** 054-431-15

**ACREAGE:** 0.5 acres

**GENERAL PLAN:** High Density Residential (HDR) (Exhibit B)

**ZONING:** One-Half Acre Residential District (R20K) (Exhibit C)

**ENVIRONMENTAL DOCUMENT:** Negative Declaration

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

1. Adopt the Negative Declaration based on the Initial Study prepared by staff; and
2. Approve General Plan amendment application A08-0006 and Rezone application Z08-0015 based on the findings in Attachment 1.

## **BACKGROUND**

The subject parcel had a land use designation of High Density Residential (HDR) in the Diamond Springs/El Dorado Area Plan, the 1996 General Plan, and currently has the same designation of HDR in the 2004 General Plan. The subject parcel was created by a parcel map approved on December 16, 1983 and recorded as Parcel Map 32-121 on April 17, 1984.

## **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 from High Density Residential (HDR) to Multifamily Residential (MFR) and a zone change from One-Half Acre Residential District (R20K) to Multifamily Residential-Design Community (RM-DC) to ultimately develop multi-family residential units. No development is proposed. Planning Services has proposed the addition of a Design Review overlay, and the applicant has agreed to the addition, to ensure that project specific development impacts are reviewed in a subsequent discretionary application and to ensure identification, maintenance, and enhancement of the unique identity of each existing community.

**Site Description:** The undeveloped parcel is at an average elevation of 1,800 feet above mean sea level in the Diamond Springs area. Vegetation is dominated by annual grasses, various shrubs, and one oak tree that may be partially on the adjacent parcel. An ephemeral drainage crosses the southern portion of the parcel from east to west. The parcel is accessed by Panther Lane, a privately maintained road, which connects to Fowler Lane, a county maintained road.

**Adjacent Land Uses:**

	Zoning	General Plan	Land Use/Improvements
<b>Site</b>	R20K	HDR	Undeveloped
<b>North</b>	R2	MFR	Multifamily development (apartments)
<b>South</b>	R20K	HDR	Single family residence
<b>East</b>	R20K	HDR	Single family residence
<b>West</b>	R2/R1	MFR	Undeveloped, Multifamily development (apartments)

Discussion: The subject and adjacent parcels are within the Diamond Springs Community Region. The large undeveloped parcel to the west has an approved Special Use Permit for a senior housing facility and parcels to the west and north contain developed multifamily housing.

**Land Use:** As previously discussed and shown in the Adjacent Land Use Table, the proposed General Plan amendment and rezone would be consistent with General Plan Policy 2.2.5.21. The project parcel is surrounded on two sides by multifamily residential uses that would be compatible with the proposed development.

**Affordable Housing:** The General Plan 2008 Housing Element has the goal to provide for housing that meets the needs of existing and future residents in all income categories. Policy HO-1.2 states *to ensure that projected housing needs can be accommodated, the County shall maintain an adequate supply of suitable sites that are properly located based on environmental constraints, community facilities, and adequate public services.* The project site is within the Diamond Spring Community Region and as discussed in the Initial Study and applicable sections in this staff report, the project has insignificant environmental constraints, adjacent public facilities, and adequate public services. The project site has the potential to add additional units to the County’s affordable housing stock. The potential density of the site is from three units to twelve units.

**Access/Road Improvements:** The project parcel has the potential of two points of access. The Diamond Springs-El Dorado Fire Protection District reviewed the project and determined that one point of access from Panther Lane would be sufficient based on the future density proposed by the project applicant. The project parcel has the potential of a second point of access at the north end of the property onto Diamond Meadows Loop but may require proof of legal access.

**Water Supply and Fire Flow:** *General Plan Policy 5.2.1.3* requires that multifamily development projects shall be required to connect to a public water system when located within a Community Region. The EID would provide water to the project site. According to their letter dated April 21, 2008, the project would require approximately 9 EDUs (equivalent dwelling units) of water. At this time, there are approximately 2,426 EDUs available in the Western/Eastern Water Supply Region as of January 1, 2007. The system would connect to an existing 8-inch waterline located in Panther Lane directly adjacent to the project site which would provide the necessary fire flow.

**Wastewater Disposal:** *General Plan Policy 5.3.1.1* requires multifamily projects to connect to public wastewater facilities as a condition of approval. The EID has stated in their letter dated April 21, 2008 that there is a 6-inch sewer line located north of the property to be developed in Diamond Meadows Loop. This adjacent sewer line has adequate capacity at this time.

**Fire Protection:** Fire protection services would be provided for the proposed development as required under *General Plan Policy 5.7.1.1*. The Diamond Springs-El Dorado Fire Protection District would provide fire protection services to the project site. Based on comments by the Fire District, future development at the project site would require the buildings to contain fire sprinklers and placement or verification of a fire hydrant within 500 feet of the development. The Fire District is supportive of the project with inclusion of conditions that would be applied to future development.

### **General Plan:**

The General Plan designates the subject site as High Density Residential. This land use designation identifies those areas suitable for intensive single-family residential development at densities from one to five dwelling units per acre. Allowable residential structure types include single-family attached (i.e., air-space condominiums, townhouses) and detached dwellings and manufactured homes.

The requested General Plan Amendment would change the land use designation to Multifamily Residential (MFR). 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. 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. The project parcel is located within the El Dorado/Diamond Springs Community Region.

The amendment from HDR to MFR would increase the density from a current potential of two dwelling units, a primary and secondary residential unit, to a potential density of twelve units. The proposed project would not physically divide an established community as the undeveloped parcel is adjacent on two sides to the proposed MFR land use designation. Existing multifamily developments touch the project site on two sides and a third adjacent multifamily development has been approved but not constructed. Any future development would require a design review application which would include analysis of any potential impacts to adjacent single family residential development. The site is suitable for multifamily development and the initial study did not find any significant impacts that could be associated with development of the site.

Additionally, the following General Plan policies also apply to this project:

Consistent with *Policy 2.4.1.1* the Design Community zone district overlay is being proposed to ensure identification, maintenance, and enhancement of the unique identity of each existing community.

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

Discussion: 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 area is served by public water and sewer. A Facilities Improvement Letter from the El Dorado Irrigation District was submitted by the applicant. The letter states that existing adjacent water facilities would provide necessary potable water and fire flow for the maximum density allowed on the project site. Additionally, sewer facilities are adjacent to the project site and contain capacity at this time.

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. Schools in the area have experienced a decrease in enrollment and therefore there is existing capacity. Future residential development of the project area would not result in an increase in demand on existing services for the local elementary and high school district.

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

Discussion: The Diamond Springs-El Dorado Fire Protection District's main station is approximately 1/8 of a mile from the subject parcel.

6. Distance to nearest Community Region or Rural Center;

Discussion: The subject parcel is within the 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.* No grading is proposed with the amendment and 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 parcels would be required to connect to existing public water and sewer. Public water and sewer capability is discussed under criteria 1-3 above.

10. Critical flora and fauna habitat areas;
11. Important timber production areas;
12. Important agricultural areas;
13. Important mineral resource areas;

Discussion: As discussed in the Initial Study, the project parcel is not in any designated areas for these criteria.

14. Capacity of the transportation system serving the area;

Discussion: The project parcel is accessed from Panther Lane, which is a privately maintained road. Approximately 211 feet from the project parcel, Panther Lane connects with Fowler Lane which is a county maintained road. 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. As this is only an amendment and rezone at this point, and no more detailed project information is available, it is premature to attempt such an analysis. Impacts for residential use on the surrounding road system were analyzed in the 2004 General Plan Environmental Impact Report but future development may require additional traffic studies if projects exceed thresholds. Comments were received from the Department of Transportation detailing proposed conditions that would apply to future development. Therefore, the conversion to a multifamily designation would be consistent with Goal TC-X.

15. Existing land use pattern;

Discussion: The project site is bordered to the north and west and west by multifamily designated parcels. The site to the west is an undeveloped commercial site with land that is currently heavily wooded with pine. Single-family residences border the project site to the south and east. The amendment from high density residential to multifamily residential would be consistent with the land use pattern.

16. Proximity to perennial water course;

Discussion: The project site is approximately one mile from the closest perennial stream.

17. Important historical/archeological sites; and

Discussion: A cultural resources investigation of the project site did not identify any archaeological or historic features.

18. Seismic hazards and present of active faults.

Discussion: As shown in the Division of Mines and Geology's publication Fault Rupture Hazard Zones in California, there are no Alquist-Priolo Special Studies Zones mapped in El Dorado County. The impacts from fault ruptures, seismically induced ground shaking, or seismic ground failure, or liquefaction are considered to be less than significant. Any potential impact caused by locating buildings in the project area would be offset by the compliance with the Uniform Building Code earthquake standards.

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

Discussion: The project parcel does not have any existing CC&Rs. CC&Rs would be required for future development.

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

**Zoning:**

The project includes a Rezone request which would amend the Zoning district from R1 to RM-DC and is consistent with the request for a General Plan amendment from HDR to MFR. The subject parcel is consistent with the development standards for the proposed RM zone district. Specifically Ordinance section 17.28.160 specifies a minimum parcel size of 6,000 square feet. The subject parcel is approximately 0.5 acres (21,780 square feet) which greatly exceeds the minimum.

**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 has determined that there is no substantial evidence that the proposed project will 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.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,993.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee plus a \$50.<sup>00</sup> recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$1,993.00 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 .....	Findings
Exhibit A .....	Vicinity Map
Exhibit B .....	General Plan Land Use Map
Exhibit C .....	Zoning Map
Exhibit D .....	Site Plan
Exhibit E .....	Facility Improvement Letter from EID
Exhibit F .....	Initial Study

# **ATTACHMENT 1**

## **FINDINGS**

### **General Plan Amendment and Rezone A08-0006/Z08-0015/Lomax Planning Commission/February 12, 2009**

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 should be made:

#### **FINDINGS FOR APPROVAL**

##### **1.0 CEQA Findings**

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received and considered during the public review process. The 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 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 General Plan Findings**

- 2.1 The proposed General Plan Amendment from High Density Residential to Multifamily Residential is consistent with all other applicable policies of the General Plan including 2.2.1.2, 2.2.5.21, and HO-1.2 because of the location in a Community Region, the current availability of supporting utilities and infrastructure, proximity to emergency responders, existing land use pattern adjacent to the site, and the County's intent to maintain an adequate supply of sites to meet the need for the development of a variety of density types..
- 2.2 In accordance with State law and pursuant to General Plan Policy 2.2.5.3, the County has evaluated the subject rezoning request based on the General Plan's general direction as to minimum parcel size or maximum allowable density and to assess whether changes in conditions are present that would support a higher density or intensity zoning district. The 19 specific criteria found within General Plan Policy 2.2.5.3 have been analyzed with regards to the above-referenced zone change request. Based on this analysis and the conclusions reached in the staff report, the site is found to be suitable to support the proposed density.

##### **3.0 Zoning Findings**

- 3.1 A rezone to Multifamily Residential-Design Control will allow the property to be consistent with the proposed General Plan designation of Multifamily Residential.
- 3.2 The rezone will meet the intentions of Policy 2.2.5.2 because the establishment of a new zone designation of Multifamily Residential-Design Control (RM-DC) and the ensuing uses it allows is consistent with the allowed uses intended by the Multifamily Residential (MFR) 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 existing land use pattern.
- 3.4 The proposed project is consistent with the El Dorado County Zoning Ordinance designation of Multifamily Residential (RM) and the development standards within Section 17.28.160.