

DEVELOPMENT SERVICES DEPARTMENT

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TO: Planning Commission

FROM: Peter N. Maurer, Principal Planner

DATE: March 7, 2009

RE: Interpretation of Policy 2.2.4.1

Background

On February 26, 2009 the Planning Commission held a workshop on the density bonus policy of the Land Use Element of the General Plan. After much discussion, the Commission directed staff to return with a formal interpretation of the policy. The direction received from the Commission was that for a planned development to receive the benefit of the density bonus, the project needed to meet three tests. These are that the open space and the design benefit the project and its future residents, it provides a benefit to and creates value to the surrounding property owners, and that it provides a benefit to the general public.

Discussion

The attached draft interpretation attempts to clarify these points, which will provide direction to applicants when they are designing a project, as well as guidance to staff and decision makers when reviewing the project. This interpretation retains the flexibility provided by the policy for the project proponent and his or her design team, but more clearly articulates the expectations of the County on what is expected, in order for the applicant to take advantage of the density bonus provisions.

Recommendation

Staff recommends that the Planning Commission adopt the attached interpretation of Policy 2.2.4.1.

GENERAL PLAN POLICY INTERPRETATION

Policy 2.2.4.1 Planned Developments shall be provided additional residential units (density bonus), in accordance with A through C, for the provision of otherwise developable lands set aside for public benefit including open space, wildlife habitat areas, parks (parkland provided in excess of that required by the Quimby Act), ball fields, or other uses determined to provide a bona fide public benefit. (See example below.)

- A. Maximum Density: The maximum density created utilizing the density bonus provisions shall not exceed the maximum density permitted by the General Plan land use designation as calculated for the entire project area except as provided for by Section B.
- B. In addition to the number of base units, one and one half (1.5) dwelling units may be provided for Planned Developments within a planning concept area for each unit of developable land dedicated to public benefit. In calculating the maximum density permitted by the General Plan land use designation, the County shall include acreage of undevelopable land, except as excluded in Policy 2.2.3.2.
- C. Public Benefit: Lands set aside for public benefit, as used herein, shall be those lands made available to the general public including but not limited to open space areas, parks, and wildlife habitat areas.

Interpretation: In order for a planned development to be considered to have a public benefit it must provide the following:

Benefit to the project: The project must be designed to enhance the physical environment by clustering development on that portion of the land that is most suited to development, avoiding areas of steep slopes, cultural resources, sensitive habitat such as oak woodlands, riparian corridors, or rare plant habitat, and other natural resources. The project must also provide suitable building sites and improve the potential enjoyment of the project for its future residents.

Benefit to the public: The project must provide useable parkland, passive open space, protected areas of important habitat or other provisions that can be demonstrated to benefit the general public. Public access to parks and open space is desirable, but not required, if the purpose of the open space is for purposes other than active or passive recreation. An example is the establishment of an open space area to protect sensitive natural or cultural resources.

Benefit to adjacent property owners: The project design must benefit and create value to the surrounding property owners by providing open space buffers or parcels of similar size on the perimeter of the project site.

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