

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



Agenda of:	September 12, 2013
Item No.:	9
Staff:	Lillian MacLeod

GENERAL PLAN AMENDMENT/REZONE

FILE NUMBER: A13-0006/Z13-0003/Wood

APPLICANT: Eugenia Wood

REQUEST: Rezone existing mixed-use developed lot from Commercial (C) to Multi-family Residential (RM) and amend the General Plan land use designation from Commercial (C) to Multi-family Residential (MFR) to allow conversion of vacant office space to multi-family use.

LOCATION: On the north side of Pony Express Trail, approximately ¾ mile west of the intersection with Sly Park Road in the Pollock Pines area, Supervisorial District 5. (Exhibit A)

APN: 101-281-04

ACREAGE: 0.31 acres

GENERAL PLAN: Commercial (C) (Exhibit B)

ZONING: Commercial (C) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Negative Declaration prepared in compliance with Section 15070 of the CEQA Guidelines

RECOMMENDATION: Staff recommends that the Planning Commission forward a recommendation to the Board of Supervisors to take the following actions:

1. Adopt the Negative Declaration based on the Initial Study prepared by staff;
2. Approve General Plan Amendment A13-0006 based on the Findings in Attachment 1; and
3. Approve Rezone Z13-0003 based on the Findings in Attachment 1.

BACKGROUND

The existing 3,610 square foot building received final occupancy in 1980 as a mixed use development with three commercial units and one 700 square foot residential unit. Several permits for maintenance and updating were obtained over the years. A code enforcement file (#166492) was opened in 2005 due to the renting of office space as apartments. An application was submitted to rezone the property to allow the residential use, but withdrawn in 2006 due to the requirement for a septic system capability report. The code enforcement file was closed in 2008.

STAFF ANALYSIS

Project Description: The applicant is requesting to rezone the existing mixed-use developed 0.31 acre lot from the Commercial (C) to Multi-family Residential (RM) zone and to amend the General Plan land use designation from Commercial (C) to Multi-family Residential (MFR) in order to allow conversion of the office space to multi-family use.

Site Description: The parcel is located in the community region of Pollock Pines on a mixed-use portion of Sly Park Road consisting of both single- and multi-family residences, and supporting civic and service uses. The parcel is landscaped along the roadway frontage and native pine trees grow along the parcel boundaries. The topography is flat.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	C	C	One building containing one multi-family unit and three vacant commercial units.
North	R1	HDR	Single-family residences.
South	C	C	Public Library branch, single-family residence, and an unoccupied commercial building.
East	C	C	Veterinary clinic
West	C	C	Single-family residence.

General Plan:

Policy 2.2.1.2: Multifamily Residential (MFR)

Discussion: This designation identifies areas suitable for high-density, multifamily development as being in Community Regions and Rural Centers near access to transportation facilities; commercial retail, services, and employment; and recreation areas. The parcel has direct access off Pony Express Trail, the main roadway between the Community Regions of Camino and Pollock Pines. It is situated less than one mile west of the main commercial and employment center of Pollock Pines and direct access to U.S. Highway 50. Ranch marketing, wineries and

recreation areas are within short driving distance. The parcel is immediately surrounded by residential and compatible service and civic uses. As defined, it is consistent with development within the MFR land use designation.

Policy 2.2.5.2: General Plan and zoning boundary amendments and consistency with the General Plan

Discussion: The applicant is requesting a zone change for a mixed-use structure that currently has one residential occupant and three commercial units that have been vacant for several years, to allow those vacant units to be converted to residential units consistent with the single-family residential and supporting civic and service uses in the surrounding area. In order for the rezone to be consistent with the General Plan, a land use amendment is being requested to amend the commercial land use designation to multi-family residential (MFR).

Policy 2.2.5.3: Rezoning evaluation criteria.

Discussion: This policy requires the County to evaluate future rezoning based on: (1) the General Plan’s direction as to minimum parcel size or maximum allowable density; and (2) changes in conditions that would support a higher density or intensity zoning district. The following criteria are used to evaluate any rezoning that would either increase residential density or support a more intense use of the land. The minimum parcel size of 6,000 square feet under the proposed RM zone is adequately met by the 0.31 acre parcel. The conversion of commercial units to three one-bedroom apartment units is consistent with the MFR land use designation allowing of up to 24 dwelling units per acre in the Community Region under Policy 2.1.1.3. The specific criteria to be considered also include the following:

Criteria	Consistency
1. <i>Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands.</i>	Consistent: The project parcel is within the El Dorado Irrigation District (EID) boundary and is currently connected to a public water system that services each unit.
2. <i>Availability and capacity of public treated water system</i>	
3. <i>Availability and capacity of public waste water treatment system.</i>	Consistent: See Response 8.
4. <i>Distance to and capacity of the serving elementary and high school.</i>	Consistent: The parcel is less than 1/3 mile from the nearest elementary school and less than one mile from the middle school, acceptable distances considering the rural nature of the surrounding school district. The nearest public high school is in Placerville, which would require bussing, private transport, or carpools for all those attending from Pollock Pines. Due to the minor

	increase in residential use, the rezone will not require additional school capacity.
5. <i>Response time from nearest fire station handling structure fires.</i>	Consistent: The nearest fire hydrant is less than 150 feet and the nearest fire station is less than ½ mile from the parcel, so that the level of service minimum response time of eight minutes for 80 percent of the population, as designated in Table 5-1 (Minimum Levels of Service) will be maintained.
6. <i>Distance to nearest Community Region or Rural Center.</i>	Consistent: The site is located within the Community Region of Pollock Pines.
7. <i>Erosion hazard.</i>	Consistent: No grading is being proposed with the amendment applications as the building and infrastructure currently exists on site.
8. <i>Septic and leach field capability.</i>	Consistent: An existing septic system serves the site. A percolation test was performed on the system to determine its suitability for handling wastewater from the proposed three one-bedroom units. The report dated 3/19/2010 found the system to be capable of handling the change in use.
9. <i>Groundwater capability to support wells.</i>	Consistent: See Responses (1-2).
10. <i>Critical flora and fauna habitat areas.</i>	Consistent: The parcel is not in any designated resource area for these criteria. No further development other than tenant improvements and routine maintenance will be required to convert the units from commercial to residential.
11. <i>Important timber production areas.</i>	
12. <i>Important agricultural areas.</i>	
13. <i>Important mineral resource areas.</i>	
14. <i>Capacity of the transportation system serving the area.</i>	Consistent: The parcel is accessed directly off of a public and County-maintained road. Residential development will reduce traffic counts from any potential commercial uses.
15. <i>Existing land use pattern.</i>	Consistent: The rezone will maintain conformity to the existing and predominant land use pattern of residential and supporting civic and service uses within the surrounding area.
16. <i>Proximity to perennial watercourse.</i>	Consistent: No perennial water course exists in close proximity to the project parcel.
17. <i>Important historical/archeological sites.</i>	Consistent: No grading or construction other than internal tenant improvements and general maintenance will be required as a result of uses allowed under the General Plan and zone amendments.
18. <i>Seismic hazards and present of active faults.</i>	
19. <i>Consistency with existing</i>	Consistent: No Covenants, Conditions, and

<i>Covenants, Conditions, and Restrictions.</i>	Restrictions (CC&Rs) are recorded on the project parcel.
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The office units are approximately 900 square feet each which limits the type of commercial uses that can occur within them. As such, the units have been vacant for many years. The parcel is surrounded by residences and supporting service uses, such as a veterinary clinic and branch library. Other, more general-commercial type businesses located across Pony Express Trail remain vacant, indicating that the area is not desirable for this type of development. By amending the General Plan land use designation and rezoning the property to allow multi-family residential development, the use of the building will be more compatible with the predominant residential development in the surrounding area. In addition, the applicant wishes to upgrade and develop the units as affordable housing, filling a recognized need for the community.

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

Zoning:

Section 17.28.160: Multi-family Residential Zone District Development Standards

New development within this zone would require a minimum lot size of 6,000 square feet, maximum lot width of 60 feet, maximum building coverage of 50 percent, maximum height of 50 feet, and minimum density of 4,000 square feet for four dwelling units. The existing development and project parcel dimensions actually meet or exceed these development standards (Exhibit E), so that no nonconformity in use or development will be created as a result of the rezone.

Section 17.18.060: Schedule of off-street vehicle parking requirements

A minimum of seven parking spaces would be required to accommodate one three-bedroom and three one-bedroom apartment units. The existing parking lot consists of 13 paved spaces in compliance with this requirement.

Conclusion: As discussed above, staff finds that existing development on the parcel conforms to proposed zone standards and parking requirements under the Zoning Ordinance.

Agency and Public Comments:

These agencies had no specific concerns regarding the proposed amendments:

Community Development Agency – Transportation Division
Environmental Management Division: Health, Solid
Waste and Hazardous Materials

Surveyors Office
El Dorado County Fire Protection District

At the time of the preparation of this report, staff had not received any comments from the public. New issues may arise as a result of the public notice of the hearing which will be discussed at that time.

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 in compliance with Section 15070(a) of the CEQA Guidelines.

Pursuant to California Fish and Game Code Section 711.4(c)(2)(A), the project has been found by the California Department of Fish and Wildlife to have no effect on fish and wildlife. A fee waiver for the Fish and Game fee has been provided to the County by the Department.

SUPPORT INFORMATION

Attachments:

- Attachment 1Findings for Approval
- Exhibit A.....Location Map
- Exhibit B.....Assessor’s Parcel Map
- Exhibit C.....General Plan Map
- Exhibit D.....Zoning Map
- Exhibit E.....Site Plan
- Exhibit F.....Proposed Negative Declaration and Initial Study

ATTACHMENT 1

FINDINGS FOR APPROVAL

General Plan Amendment A13-0006/Rezone Z13-0003/Wood Planning Commission/September 12, 2013

1.0 CEQA FINDINGS

- 1.1 Staff has prepared an Initial Study 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 in compliance with Section 15070(a) of the CEQA Guidelines.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Community Development Agency – Development Services Division at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

- 2.1 The proposed amendment of the land use designation from Commercial to Multi-family Residential is consistent with the General Plan because said land use designation identifies locations within Community Regions “with the highest degree of access to transportation facilities, shopping and services, employment, recreation, and other public facilities” as those areas suitable for intensive single-family residential development. The parcel directly accesses the main roadway between the community regions of Camino and Pollock Pines. It is situated one mile west of the main commercial and employment center in Pollock Pines where direct access to U.S. Highway 50 is available. Recreational uses and areas are within short driving distance. Commercial development on the parcel has been vacant for some time, due in part to the limitations of the unit sizes and their location away from the main commercial hub. The parcel is in an area of residential and compatible service and civic uses and, as such, is consistent with development defined under the MFR land use designation.
- 2.2 The proposal is consistent with General Plan Policy 2.2.5.3 that requires evaluation of any rezoning that would either increase residential density or support a more intense use of the land.

3.0 ZONING FINDINGS

- 3.1 The proposed rezone is consistent with the El Dorado County Zoning Ordinance designation of Multi-family Residential because the proposed use is in compliance with Section 17.28.140 (Uses Permitted by Right) and 17.28.160 (Development Standards). In addition, the current development consists of on-site parking that is consistent with the parking requirements for multi-family development under Section 17.18.060 (Off-street Parking).