

## FROM THE PLANNING COMMISSION MINUTES OF OCTOBER 9, 2014

### AGENDA ITEMS

4. (14-1331) Hearing to consider a request to rezone from One-Acre Residential (R1A) to One-Acre Residential-Planned Development (R1A-PD) and Open Space-Planned Development (OS-PD); create 28 single-family lots and one interior private road lot, two lettered lots, and one "new connection" road lot; and Design Waivers for reduction in Lot R right-of-way, cul-de-sac right-of-way, roadway width, and cul-de-sac Lot R-1 [Rezone Z14-0002/Planned Development PD14-0001/Tentative Map TM14-1515/Wilson Estates]\* on property identified by Assessor's Parcel Numbers 126-070-22, 126-070-23, and 126-070-30, consisting of 28.18 acres, in the El Dorado Hills area, submitted by Lisa Vogelsang, Catherine Ryan, and Julie Ryan; and staff recommending the Planning Commission recommend the Board of Supervisors take the following actions:

- 1) Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
- 2) Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines, Section 15074(d), incorporating the Mitigation Measures in the Conditions of Approval as presented;
- 3) Approve Rezone Z14-0002 based on the Findings as presented;
- 4) Conditionally approve Planned Development PD14-0001, approving the Development Plan as the official Development Plan, based on the Findings and subject to the Conditions of Approval as presented;
- 5) Conditionally approve Tentative Map TM14-1515 based on the Findings and subject to the Conditions of Approval as presented; and
- 6) Approve the following Design Waivers to:
  - (a) Reduce Lot R right-of-way widths from 50 feet to 30 feet;
  - (b) Reduce cul-de-sac right-of-way radii from 60 to 50 feet;
  - (c) Reduce roadway width from 28-foot 101B width to a modified 101C 22-foot CF/CF asphalt paved with Type E AC Dike and three-foot shoulder as shown; and
  - (d) Reduce cul-de-sac Lot R-1 from 60 feet to 50 feet top back of mountable dike at 47 feet, 50 feet to hinge point; 3-foot shoulder designed to support a 40,000 lb. load. The new connector may be installed with an AC Dike in lieu of Type 2 Curb and Gutter with Transportation approval pursuant to note 10 on design plate 101B.(Supervisory District 1)

Tom Dougherty presented the item to the Commission with a recommendation for approval to the Board of Supervisors. He referenced the Staff Memo dated September 24, 2014 which recommended a revision to Condition #27. Mr. Dougherty indicated that staff had received 25 public comment emails on this project.

In response to Commissioner Stewart's inquiry if an individual lot owner could remove oak trees without approval, Mr. Dougherty spoke on the General Plan policy. County Counsel David Livingston added that part of the project included building envelopes to avoid the trees and that the County does not get into private regulations regarding preventing owners from removing oak

tree. Roger Trout indicated that Condition #20 (HOA and CC&Rs) could be amended to address Commissioner Stewart's concern.

In response to Commissioner Ridgeway's inquiry on zoning and land use, Mr. Trout spoke on the General Plan policies, zoning and what staff reviews when evaluating a project request.

Mr. Trout also responded to Commissioner Ridgeway's question on what protected property owners against large subdivisions and if this would open up a flood gate. He spoke on various County regulations in implementing the General Plan and the Planning Commission's role. He stated that this particular project is in a Community Region, so there would be no "opening of flood gates."

Dave Crosariol/CTA Engineering, applicant's agent, made the following comments:

- Doesn't have any issues with the Staff Report or the Findings and Conditions of Approval;
- No objection to adding a clause to HOA to protect the oak trees;
- Prevailing theme in the public comment letters is compatibility, which is subjective.
- Distributed a compatibility exhibit to the Commission and audience;
- The acoustical report indicated that the sound wall could be a solid wood fence, but the Fire Department was concerned on using that type of material and preferred a masonry wall;
- Distributed a wall exhibit to help visualize the proposed sound wall;
- Traffic is an over-riding concern for public and in order to address those concerns, changes to project were made to have access off of Green Valley Road; and
- Spoke on the access gate, which would be a right-out only.

Cheryl McDougal made the following comments:

- Found it interesting that the compatibility exhibit distributed by Mr. Crosariol didn't show the north side, which is where the public comments are coming from;
- People moved from the Bay Area and Southern California for the rural feel and they want to keep it rural;
- Discouraged by Roger Trout's comments at a recent meeting;
- Staff should be unbiased; and
- Disagreed that this project won't open up the flood gates because they will follow the money.

John Garcia made the following comments:

- Spoke on the history of the project regarding the rezone;
- Cramming 28 homes on 16 acres will not make it look like the surrounding neighborhoods;
- Compatibility exhibit shows a High Density Residential island, which is a violation;
- Disagreed that the project is compatible as it is throwing more compact housing, which will then bring in High Density Residential; and
- Community asked for 1 house/1 acre to make it compatible.

Kelly Garcia/Green Valley Alliance made the following comments:

- Number of homes decreased but that is the only thing that changed;
- Board made this project subjective;
- Need to look at the totality, not in isolation;
- This is the last northeast quadrant that remains rural;
- In 1996, the Wilson family requested, and got, High Density Residential without an EIR due to nepotism;
- Staff has refused to design a R1A plan;
- Sterlingshire is not compatible;
- Access onto Malcolm-Dixon Road has been a deal breaker;
- Her parcel and Diamante Estates are not allowed to access Malcolm Dixon Road;
- There will be horse property directly across from a subdivision;
- Opposed to the rezone request;
- Cumulative effect of all projects in the area has not been considered.

Art Marinaccio made the following comments:

- Not involved with project, but was involved in the 1996 General Plan process and spoke on the history of it;
- There was no plan for this area due to the water issues;
- El Dorado Hills area plan was a 5-year plan; and
- Project is the lowest density that makes sense for the area.

Shan Nejatian made the following comments:

- Original developer for Alta Vista;
- Wished he would have been able to do a Planned Development;
- Quality of El Dorado Hills is due to the Planned Developments and PUDs;
- Can't understand the logic of R1A zoning;
- Alternative option would be a parcel map similar to Alta Vista; and
- There appears to be a lot of frustration which is why the public comments are not logical (i.e., 28 separate septic tanks).

Chair Mathews closed public comment.

Roger Trout read in to the record proposed language for Condition #20, section A, to address the protection and maintenance of oak trees.

In response to Commissioner Stewart's inquiry as to why 28 Planned Development lots instead of 28 one-acre lots, Mr. Crosariol made the following comments:

- Had quite a few options on how to return with 28 parcels, which was directed by the Board of Supervisors;
- Spoke on lost acreage due to the road dedications, which caused 28 lots at 0.9 acre;
- Had informed the Board of Supervisors that he would have to do a Planned Development;
- R1A portion was very important and with a Planned Development overlay, a 30% open space is required; and

- By creating this design, only 2 oak trees would be removed.

Commissioner Shinault made the following comments:

- Has reviewed this project twice and the first one was more dense;
- Should look at it as High Density Residential;
- Excellent design;
- Nice work on the west side;
- Most of the cluster is in the middle of the subdivision;
- Doesn't like the block fence because of all of the open space, so he would prefer no wall; and
- Vast improvement from the first submittal.

Commissioner Heflin made the following comments:

- Commended Mr. Crosariol on this patience and perseverance of the process;
- Acknowledged the applicant has conformed to every policy;
- Thanked them for not suing the County when the 1<sup>st</sup> request was denied.
- Agreed with Commissioner Shinault on the sound wall; and
- Good project and supports it.

Chair Mathews made the following comments:

- The challenge is to set personal feelings aside and apply the General Plan policies to the project;
- Decisions are based on the rules;
- Staff's primary role is to review a project request;
- Confirmed with his Board of Supervisor that he had stated that the project was to be 28 lots;
- Is a fan of Planned Developments;
- Voted for this project last time when it was 49 lots; and
- Has no problem with the project.

Commissioner Ridgeway made the following comments:

- Feels he is on the hot seat and still considers himself a resident; and
- Supports residential zoning and will vote against the project.

Commissioner Stewart made the following comments:

- Preference is to stay with zoning;
- His opinion is that R1A is too dense;
- Plenty of inventory for projected growth;
- This zone change would only provide 1-3 more lots so it is not that big of a change;
- There are significant improvements and benefits by having a Planned Development;
- Reduces traffic onto Malcolm-Dixon Road;
- Commended Mr. Crosariol on moving the access point;
- Prefers no sound wall;
- Less water will be used for landscaping;

- Open space will help the rural feel; and
- Will support the project.

There was no further discussion.

**Motion: Commissioner Mathews moved, seconded by Commissioner Shinault, and carried (4-1), to recommend the Board of Supervisors take the following actions: 1) Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff; 2) Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines, Section 15074(d), incorporating the Mitigation Measures in the Conditions of Approval; 3) Approve Rezone Z14-0002 based on the Findings as presented; 4) Conditionally approve Planned Development PD14-0001, approving the Development Plan as the official Development Plan, based on the Findings and subject to the Conditions of Approval; 5) Conditionally approve Tentative Map TM14-1515 based on the Findings and subject to the Conditions of Approval as modified: (a) Amend Condition #20 by adding “protection and maintenance of oak trees”; and (b) Amend Condition 27 as identified in Staff Memo dated 09/24/14; and 6) Approve the following Design Waivers to: (a) Reduce Lot R right-of-way widths from 50 feet to 30 feet; (b) Reduce cul-de-sac right-of-way radii from 60 to 50 feet; (c) Reduce roadway width from 28-foot 101B width to a modified 101C 22-foot CF/CF asphalt paved with Type E AC Dike and three-foot shoulder as shown; and (d) Reduce cul-de-sac Lot R-1 from 60 feet to 50 feet top back of mountable dike at 47 feet, 50 feet to hinge point; 3-foot shoulder designed to support a 40,000 lb. load. The new connector may be installed with an AC Dike in lieu of Type 2 Curb and Gutter with Transportation approval pursuant to note 10 on design plate 101B.**

**AYES: Stewart, Heflin, Shinault, Mathews**  
**NOES: Ridgeway**