

**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 An application was submitted to rezone the property to allow the residential use, but withdrawn in 2006 due to the requirement for a septic system capability report.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

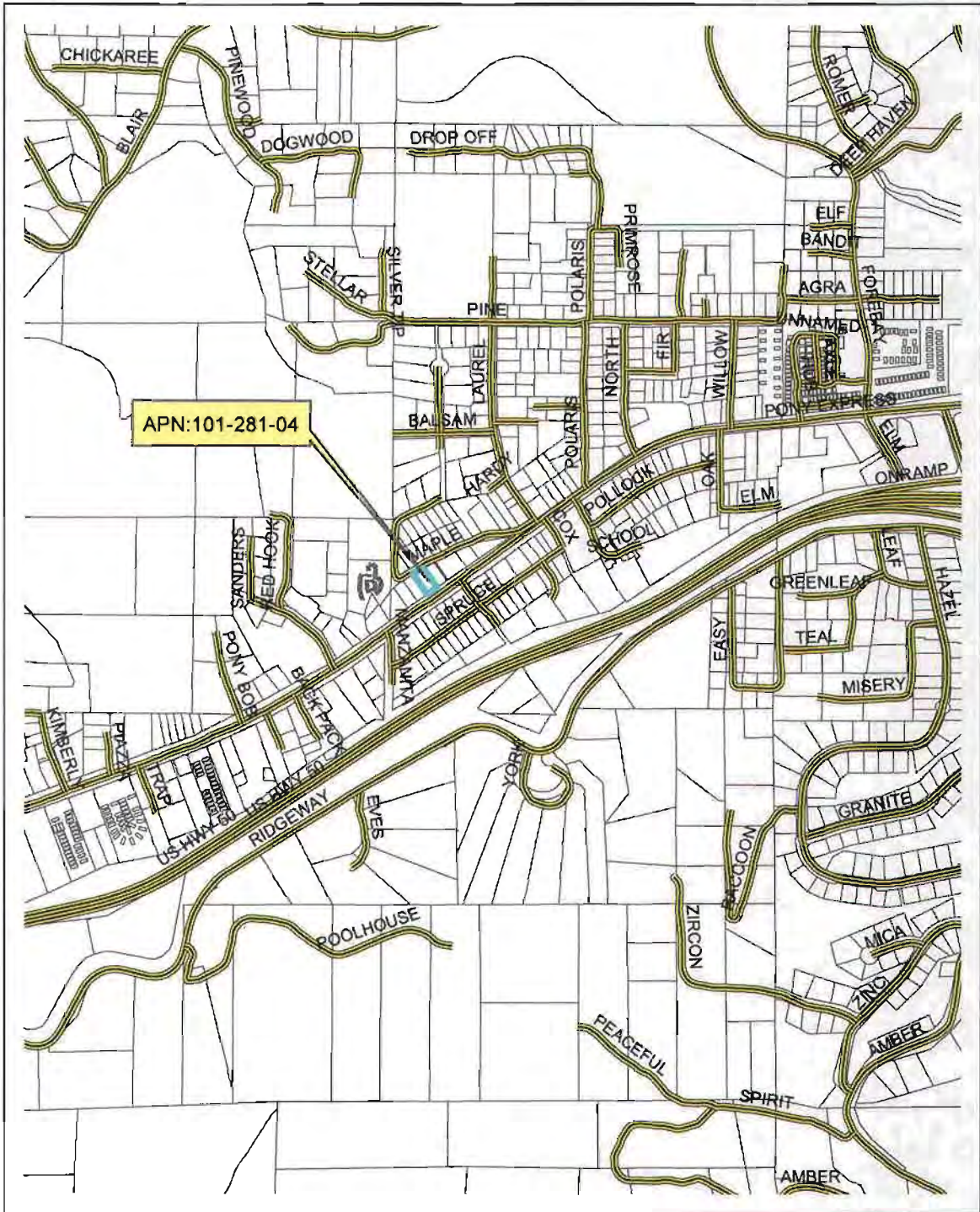
Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project has a significant effect on the environment. Based on the Initial Study staff has determined that there is no substantial evidence that the proposed project will have a significant effect 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



APN:101-281-04

File No. Z13-0003
Location Map

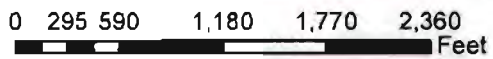


EXHIBIT A

POR. NE 1/4 SEC. 36., T.11N., R.12E., M.D.M.
POLLOCK PINES SUBDIVISION

Tax Area Code

101:28

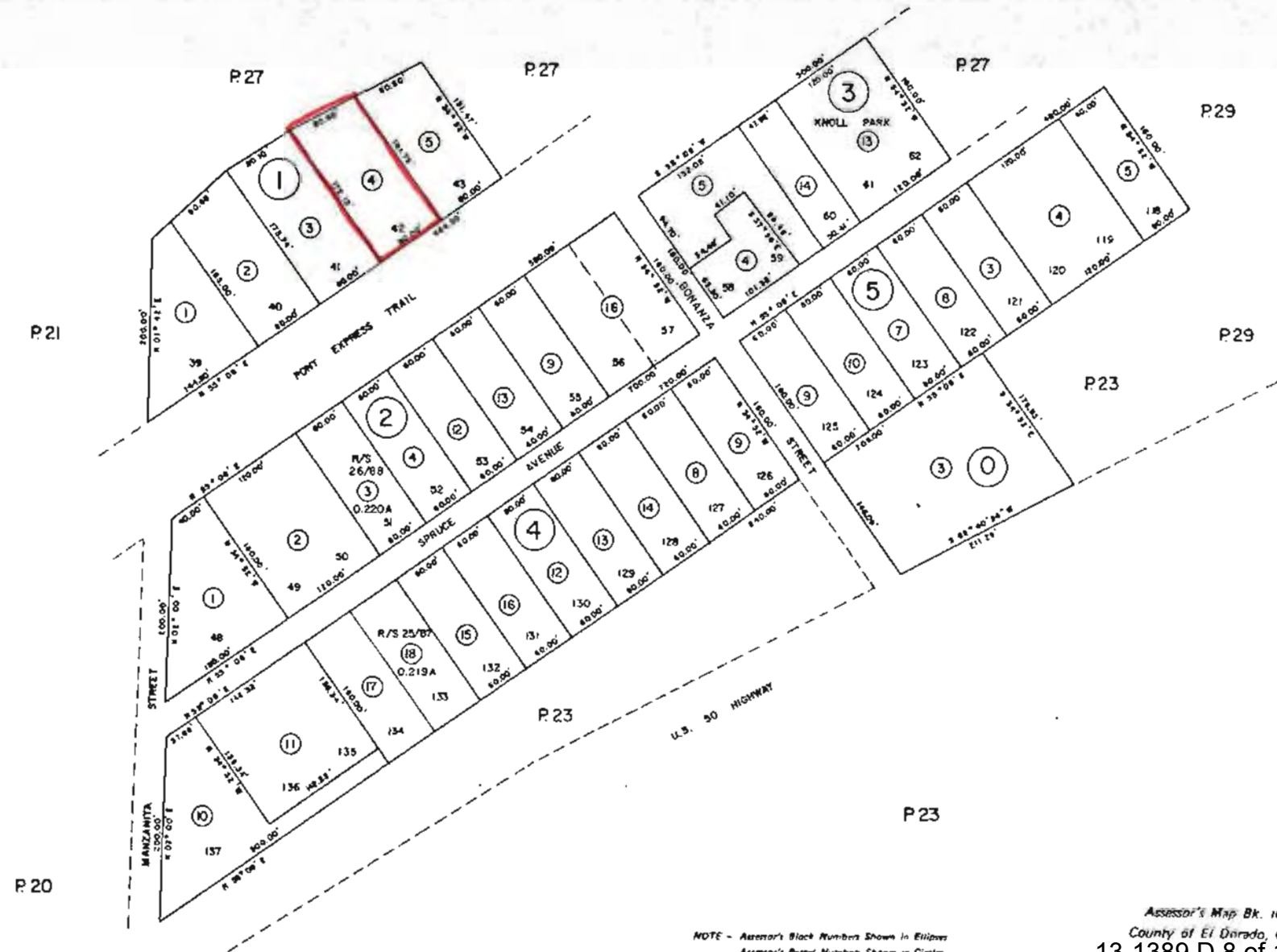
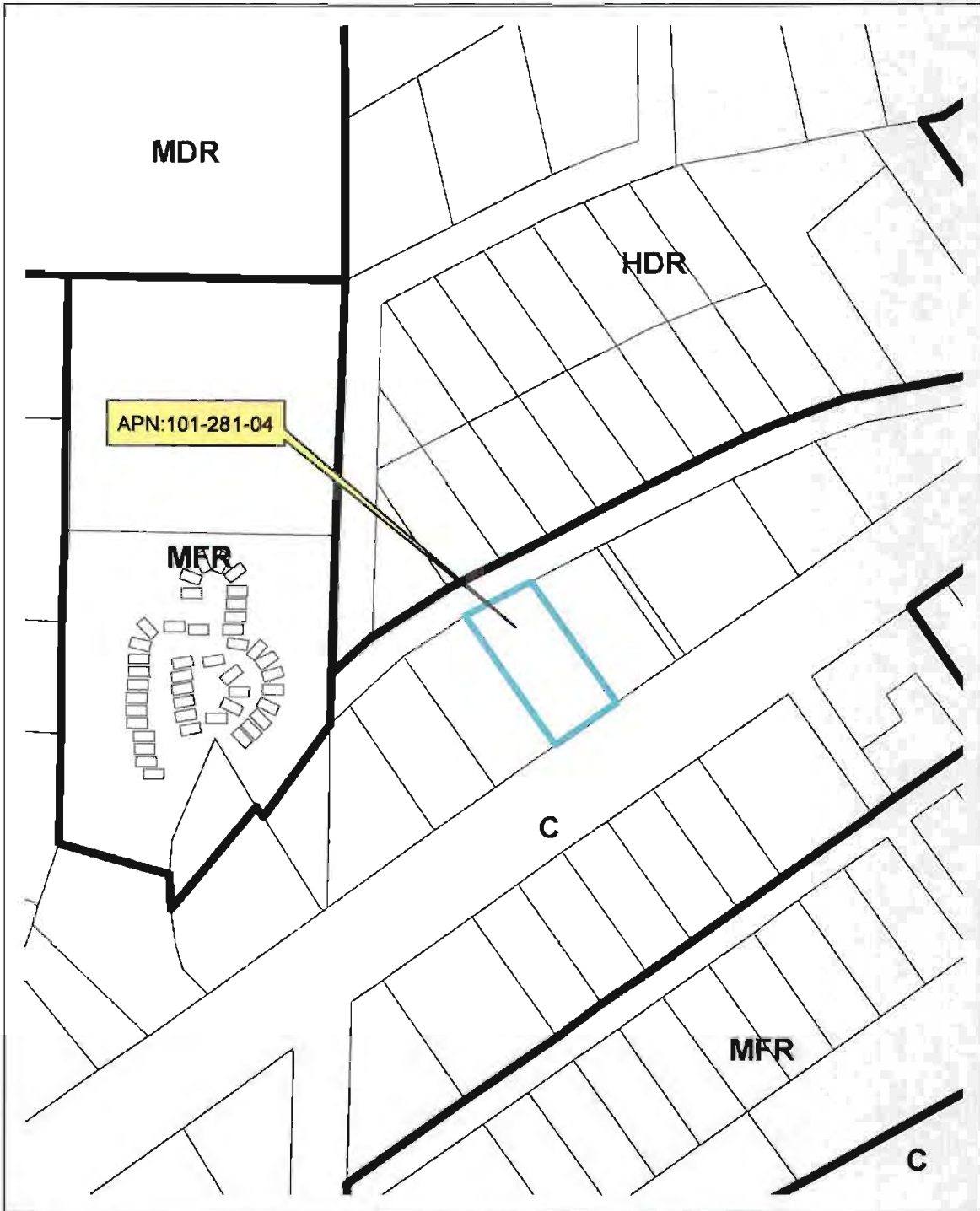


EXHIBIT B

NOTE - Assessor's Black Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles



File No. Z13-0003
General Plan Map

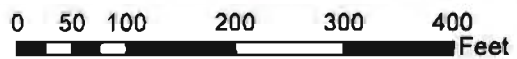
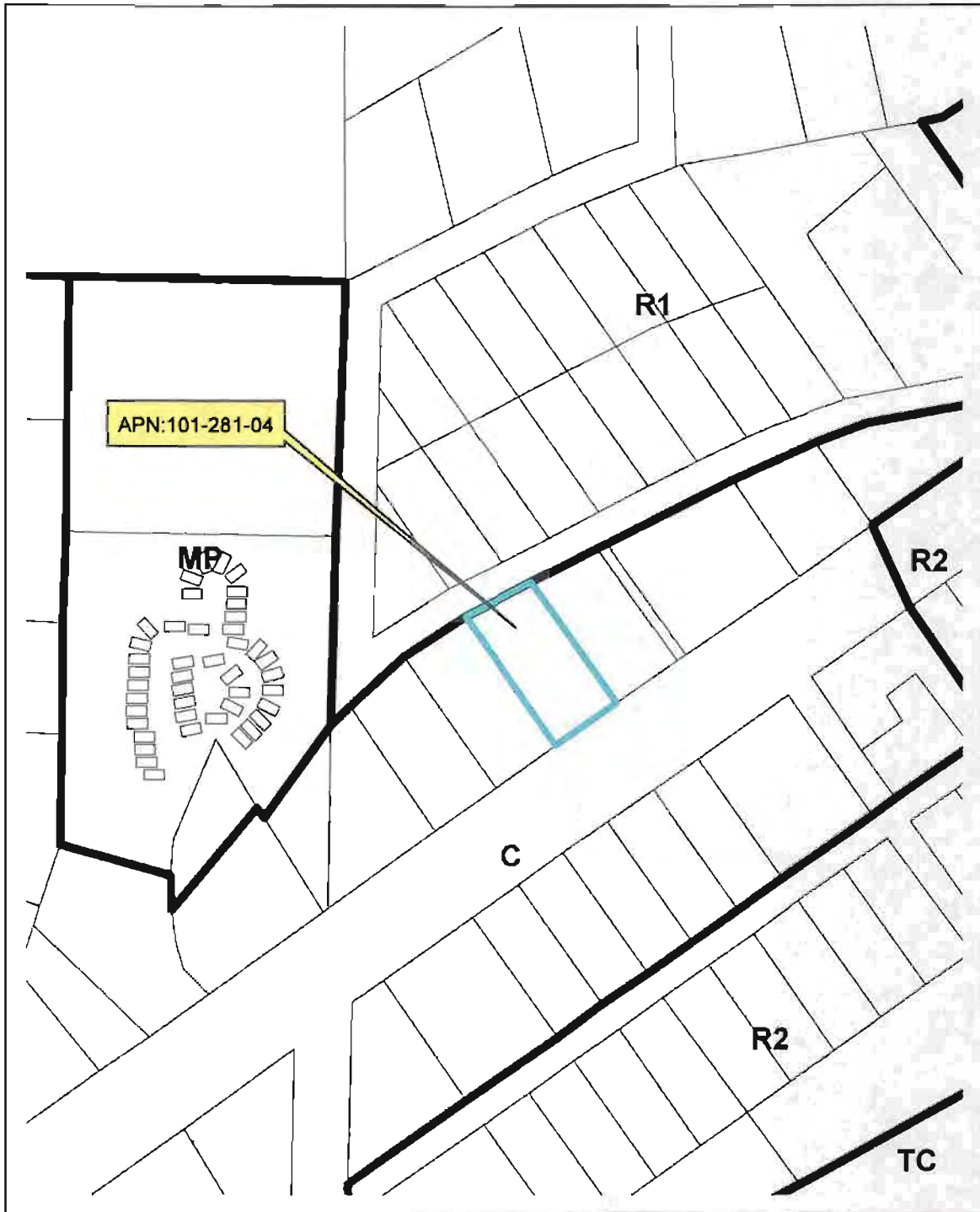


EXHIBIT C



File No. Z13-0003
Zoning Map

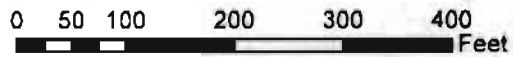
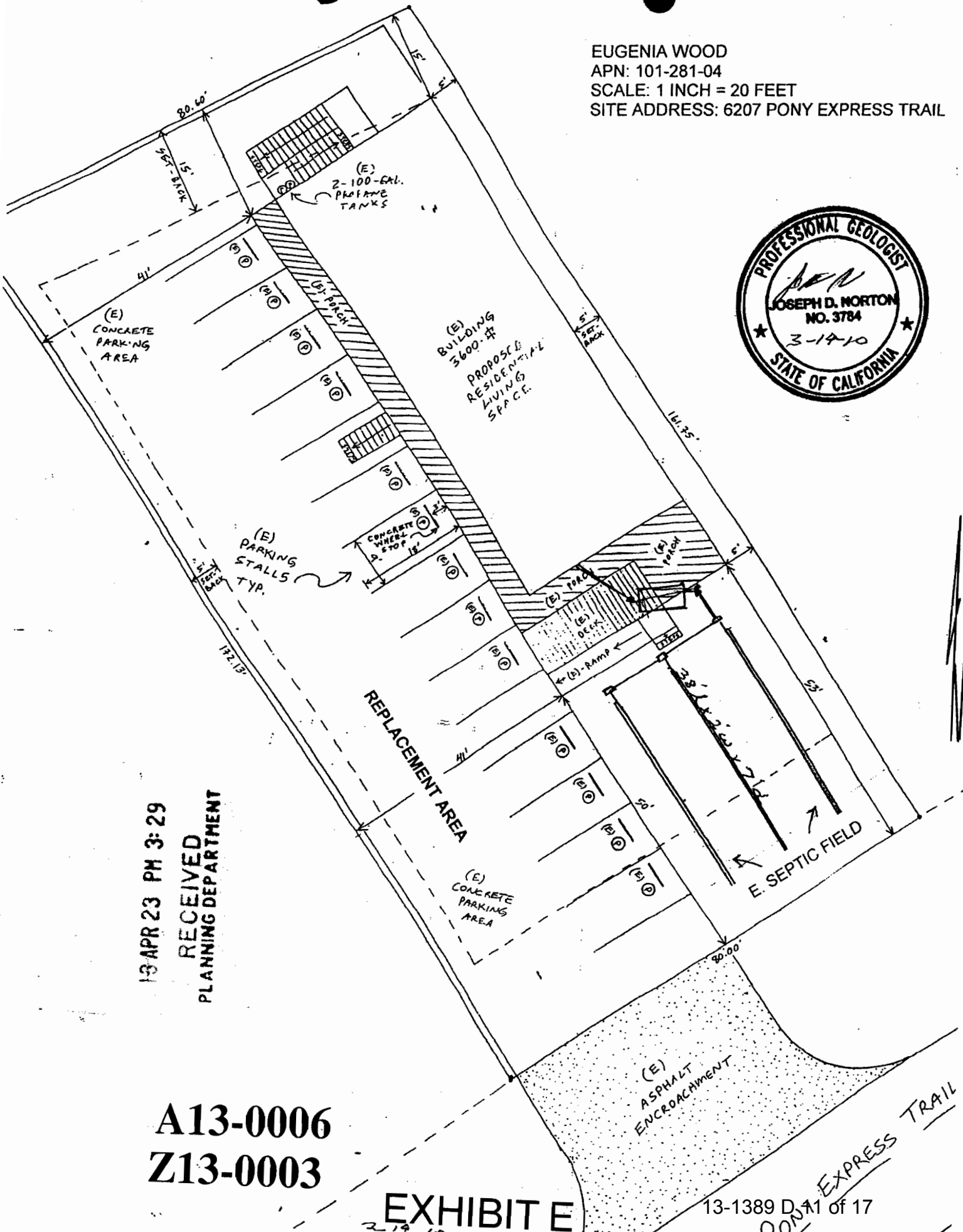


EXHIBIT D

EUGENIA WOOD
APN: 101-281-04
SCALE: 1 INCH = 20 FEET
SITE ADDRESS: 6207 PONY EXPRESS TRAIL



13 APR 23 PM 3:29
RECEIVED
PLANNING DEPARTMENT

A13-0006
Z13-0003

EXHIBIT E

13-1389 D.11 of 17

PONY EXPRESS TRAIL

NEGATIVE DECLARATION

FILE: A13-0006, Z13-0003

PROJECT NAME: Wood General Plan Amendment and Rezone

NAME OF APPLICANT: Eugenia Wood

ASSESSOR'S PARCEL NO.: 101-281-04

SECTION: 36 T: 11N R: 12E

LOCATION: On the north side of Pony Express Trail, ¼ mile west of the intersection with Sly Park Road in the Pollock Pines area, Supervisorial District 5.

- GENERAL PLAN AMENDMENT:** FROM: Commercial (C) TO: Multi-family Residential (MFR)
- REZONING:** FROM: Commercial (C) TO: Multi-family Residential (RM)
- TENTATIVE PARCEL MAP** **SUBDIVISION TO SPLIT** ACRES INTO LOTS
SUBDIVISION (NAME):
- SPECIAL USE PERMIT TO ALLOW:**
- OTHER:**

REASONS THE PROJECT WILL NOT HAVE A SIGNIFICANT ENVIRONMENTAL IMPACT:

- NO SIGNIFICANT ENVIRONMENTAL CONCERNS WERE IDENTIFIED DURING THE INITIAL STUDY.**
- MITIGATION HAS BEEN IDENTIFIED WHICH WOULD REDUCE POTENTIALLY SIGNIFICANT IMPACTS.**
- OTHER:**

In accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), State Guidelines, and El Dorado County Guidelines for the Implementation of CEQA, the County Environmental Agent analyzed the project and determined that the project will not have a significant impact on the environment. Based on this finding, the Planning Department hereby prepares this NEGATIVE DECLARATION. A period of thirty (30) days from the date of filing this negative declaration will be provided to enable public review of the project specifications and this document prior to action on the project by COUNTY OF EL DORADO. A copy of the project specifications is on file at the County of El Dorado Planning Services, 2850 Fairlane Court, Placerville, CA 95667.

This Negative Declaration was adopted by the (hearing body) on (date).

Executive Secretary

EXHIBIT F

13-1389 D 12 of 17



**COUNTY OF EL DORADO
COMMUNITY DEVELOPMENT AGENCY
DEVELOPMENT SERVICES
2850 FAIRLANE COURT
PLACERVILLE, CA 95667**

**INITIAL STUDY
ENVIRONMENTAL CHECKLIST FORM**

Project Title: A13-0006, Z 13-0003: Wood General Plan Amendment and Rezone

Lead Agency Name and Address: County of El Dorado, 2850 Fairlane Court, Placerville, CA 95667

Contact Person: Lillian MacLeod, Project Planner

Phone Number: (530) 621-5355

Property Owner/Applicant's Name and Address: Eugenia Wood, 317 Raymond St., Santa Cruz CA 95060

Project Applicant's Name and Address: County of El Dorado, 360 Fair Lane, Placerville, CA 95667

Project Location: On the north side of Pony Express Trail approximately ¼ mile west of the intersection with Sly Park Road in the Pollock Pines Community Region, Supervisorial District 5.

Assessor's Parcel Number(s): 101-281-04

Zoning: Commercial (C)

Section: 36 T: 11N R: 2E

General Plan Designation: Commercial (C)

Description of Project: Rezone existing mixed-use developed 0.31 acre lot from the Commercial to Multi-family Residential (RM) zone and amend the General Plan land use designation from Commercial (C) to Multi-family Residential (MFR) to allow only multi-family use.

Surrounding Land Uses and Setting:

	<u>Zoning</u>	<u>General Plan</u>	<u>Land Use</u> (e.g., Single Family Residences, Grazing, Park, School)
Site:	C	C	One multi-family unit and three vacant commercial units
North:	R1	HDR	Single-family Residences
East:	C	C	Veterinary Clinic
South:	C	C	Public Library Branch, Single-family Residence, and Unoccupied commercial building;
West:	C	C	Single-family Residence

Briefly Describe the environmental setting: The parcel is located on a mixed-use portion of Sly Park Road consisting of both single and multi-family residences, and civic and service uses. The parcel is landscaped along with the native pine trees growing in the area. Topography is flat.

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.): N/A

EXISTING DEVELOPMENT

The existing 3,600 square foot wood-sided building sits at street grade on parcel 101-281-04. Improvements consist of a three-unit office building on a raised foundation. Currently, all office units are vacant. A second story above the northernmost end of the building contains one currently occupied residential apartment unit. Landscaping is contained within a fenced area adjacent to Sly Park Road. Parking spaces are located on the west side of the building providing direct access to the unit entrances. From the road, the building appears to be a small, multi-unit apartment complex rather than a commercial development.

ENVIRONMENTAL IMPACT ANALYSIS

The proposed project is to amend the zoning of the subject parcel from commercial (C) to multi-family residential (RM), to allow the vacant commercial units to be converted to affordable housing units. For consistency, the project will require a General Plan Amendment to amend the commercial land use designation to multi-family residential (MFR). No new development is being proposed on the parcel except for subsequent internal tenant improvements and external repairs and maintenance. These activities will not require any grading that would impact biological resources and air quality plans or standards, including greenhouse gases; impact or degrade cultural resources; or increase odors or pollution concentrations to any discernible level.

Noise from resulting construction activities will be subject to General Plan Policy 6.5.1.11, so that impacts from these factors as a result of maintenance, tenant improvements, and residential uses allowed under the rezone will be less than significant. Airborne particulate impacts from residential use, such as wood burning stoves if installed, shall be subject to Policy 6.7.4.6 requiring consistency with the Environmental Protection Agency's certification standards.

Comments from the El Dorado County Fire Protection District confirm an acceptable distance to the nearest fire hydrant and adequate access to the building. Installation of automatic fire sprinkler systems in the new units, in compliance with Section 102.3 of the fire code, will reduce fire hazards from the proposed residential uses to less than significant.

No sensitive receptors are located adjoining the parcels and the nearest residential zone is located directly north of the project parcel. Due to the time in which they were built, nonconforming residences are located throughout the commercially zoned portion of Sly Park Road adjacent to the project parcel. Impacts to surrounding land uses from residential uses allowed under the rezone will be less than significant.

Under the 2004 General Plan, multi-family land use densities in a Community Region range from five to 24 dwelling units per acre. The project is proposing a density of four dwelling units on 0.31 acres or approximately 12 dwelling units per acre, consistent with the General Plan designation of MFR. The existing residential unit is a three bedroom unit. The three additional one-bedroom units being proposed will accommodate single or double occupancy. As such, the increase in residents, including school-age children, will be on such a small scale as to allow accommodation with the existing school capacity. Uses allowed on the parcel as a result of the rezone will be compatible with the residential, civic, and service uses in the surrounding area. The rezone will maintain conformity to the existing land use pattern of residential and small commercial uses within the Sly Park Road corridor and will provide a

better transition from higher intensity commercial uses to lower intensity mixed commercial and residential uses. Impacts on population density and surrounding land use from the conversion of three office units to one-bedroom apartments will be less than significant.

The parcel is accessed directly off of Sly Park Road, a County maintained two-lane "regional road" pursuant to Figure TC-1 of the General Plan. The Transportation Division reviewed the project and had no comment as to its impact on level of service thresholds established under General Plan Policy TC-Xe. Impacts on transportation elements of roadway design, levels of service, and corresponding air quality impacts from residential uses allowed under the rezone will be less than significant.

The parcel is within the El Dorado Irrigation District (EID) boundaries and is currently connected to public water. 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 and one three-bedroom units and was found to be adequate (*Percolation Test and Septic System Suitability APN 101-281-04, 3/19/2010*). Impacts on public utilities and services from residential development allowed under the rezone will be less than significant.

MANDATORY FINDINGS

- a. No impacts have been found that would reduce potential wildlife or plant habitat on the site, reduce wildlife or plant populations below self-sustaining levels, or restrict the range or migratory habits of a rare or endangered animal. No grading will occur on the already developed site, so that no impacts to cultural or archeological resources will occur.
- b. No cumulative impacts from the proposed rezone and General Plan Amendment allowing multi-family residential uses in place of commercial uses will occur.
- c. No environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly, will occur as a result of the proposed rezone and General Plan Amendment allowing multi-family residential uses in place of commercial uses.

SUPPORTING INFORMATION SOURCE LIST

The following documents are available at El Dorado County Planning Services in Placerville.

El Dorado County General Plan Draft Environmental Impact Report
Volume 1 of 3 – EIR Text, Chapter 1 through Section 5.6
Volume 2 of 3 – EIR Text, Section 5.7 through Chapter 9
Appendix A
Volume 3 of 3 – Technical Appendices B through H

El Dorado County General Plan – A Plan for Managed Growth and Open Roads; A Plan for Quality Neighborhoods and Traffic Relief (Adopted July 19, 2004)

Findings of Fact of the El Dorado County Board of Supervisors for the General Plan

El Dorado County Zoning Ordinance (Title 17 - County Code)

County of El Dorado Drainage Manual (Resolution No. 67-97, Adopted March 14, 1995)

County of El Dorado Grading, Erosion and Sediment Control Ordinance (Ordinance No. 3883, amended Ordinance Nos. 4061, 4167, 4170)

El Dorado County Design and Improvement Standards

El Dorado County Subdivision Ordinances (Title 16 - County Code)

Soil Survey of El Dorado Area, California

California Environmental Quality Act (CEQA) Statutes (Public Resources Code Section 21000, et seq.)

Title 14, California Code of Regulations, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (Section 15000, et seq.)

Percolation Test and Septic System Suitability for APN 101-281-04, Joe Norton, Professional Geologist, (3/19/2010)