

# DEVELOPMENT SERVICES DEPARTMENT

COUNTY OF EL DORADO

<http://www.co.el-dorado.ca.us/devservices>



**PLACERVILLE OFFICE:**  
2850 FAIRLANE COURT PLACERVILLE, CA 95667  
BUILDING (530) 621-5315 / (530) 622-1708 FAX  
[bldgdept@co.el-dorado.ca.us](mailto:bldgdept@co.el-dorado.ca.us)  
PLANNING (530) 621-5355 / (530) 642-0508 FAX  
[planning@co.el-dorado.ca.us](mailto:planning@co.el-dorado.ca.us)  
Counter Hours: 8:00 AM to 4:00 PM

**LAKE TAHOE OFFICE:**  
3368 LAKE TAHOE BLVD. SUITE 302  
SOUTH LAKE TAHOE, CA 96150  
(530) 573-3330  
(530) 542-9082 FAX  
[tahoebuild@co.el-dorado.ca.us](mailto:tahoebuild@co.el-dorado.ca.us)  
Counter Hours: 8:00 AM to 4:00 PM

TO: Board of Supervisors

FROM: Peter N. Maurer, Principal Planner

DATE: May 6, 2009

RE: Mixed Use Development Workshop

## BACKGROUND

On April 18, 2006, the Board of Supervisors adopted a Resolution of Intention (ROI) to amend the General Plan with regards to the Floor Area Ratio (FAR) and Mixed Use Development (MUD). This action was at the direction of the Board to address a need to increase FAR and to create a tool for Mixed Use Development. An amendment to the Floor Area Ratio was adopted on July 10, 2007.

The Board directed staff to address Mixed-Use Development separately from the FAR amendment. The original intent was to create a new MUD land use designation and zone district, as outlined in the ROI, to include a FAR of 1.00, allow residential density from 10 to 24 dwelling units per acre, and provide for a density bonus to encourage affordable housing.

Upon completion of the Supplemental Environmental Impact Report (SEIR) for the FAR amendment and with further analysis of the approved scope, timing and costs associated with the environmental review for MUD, the Board of Supervisors reconsidered the approach of implementing a new land use designation and zone district. The estimated cost to complete the environmental review and ordinance was approximately \$100,000-\$150,000 and estimated time was 12-18 months to completion.

On January 8, 2008, the Board of Supervisors approved a revised project description, amending General Plan Policies 2.1.1.3, 2.1.2.5, 2.2.1.2 and Table 2-2 of Policy 2.2.1.3 of the Land Use Element of the General Plan to include mixed-use development to occur horizontally as well as vertically, eliminate the requirement for projects to be predominantly commercial, and increase density to allow for up to 24 dwelling units per acre within Community Regions. The revised project required the Zoning Ordinance be brought into compliance with the General Plan amendment by providing standards for mixed-use development projects.

The Planning Commission held a public hearing on October 9, 2008, continuing the item to November 13, 2008 were the Commission approved, with some modification, a recommendation

09-0156.3.A.1

to the Board of Supervisors to adopt the Negative Declaration, General Plan Amendment and Ordinance for implementation of the approved project description for MUD.

The MUD agenda item was opened at the Board of Supervisors meeting of March 10, 2009 but continued to April 21, 2009 at the request of the public to further review the item. Following board discussion and public input on April 21, 2009, the item was continued to a workshop on May 11, 2009 with an option to adopt the item and to discuss the future of Mixed Use Development and its roll in meeting new laws and regulations governing land use decisions.

## **DISCUSSION**

The passage of Assembly Bill 32 and Senate Bill 375 requires a change in how the County plans for transportation and housing projects by largely mandating higher density, transient oriented types of development within regional growth plans. This has created a renewed interest in how the County will meet these objectives, particularly through mixed-use development.

In addition to creating new regional growth plans, the new laws have the potential to significantly rearrange the Regional Housing Needs Assessment process, and may provide significant breaks under the California Environmental Quality Act for certain types of transit-oriented projects.

The amendment and ordinance was initially started with the intent to provide an implementation tool for MUD that would meet state law requirements as part of the Housing Element update. The urgency was minimized when the County was able to meet the state requirements this past cycle, as required of the Vacant Land Inventory and the Regional Housing Needs Analysis (RHNA). However, the County may still need to address this issue prior to the next Housing Element update required by 2013. Without a mixed-use development program, the County would most likely not meet 2013 RHNA requirements, therefore rezoning and/or up zoning would be required to meet housing needs as determined by the State. If the County does not comply, it opens the possibility to lawsuits and restricts the County's eligibility in many funding programs.

Subsequent to the April 21 hearing, staff, working with stakeholders, has prepared revisions to the MUD General Plan amendment and ordinances for the Board to review and discuss. The revisions have been found to be within the findings of the staff report and the Negative Declaration, based on the initial study prepared by staff. Both staff and the stakeholders agree to the revised amendment and ordinance and believe it is an initial or first step to creating a tool for implementing MUD.

The primary changes to the amendment and ordinance consist of requiring a Planned Development application for all MUD projects and striking the language requiring MUD to be on a single parcel. The previous draft required a Design Review application, but had more prescribed development standards. The only issue that could not be concluded was the requirement of MUD projects to comply with the 30% open space requirements under the General Plan Planned Development policies.

Staff concurs with the Stakeholders that not all MUD projects should have to meet the 30% open space requirement and that it would be detrimental to achieving the purpose of a MUD project. Single parcel infill projects would most likely not achieve this requirement nor would it make sense in most cases. Larger multi parcel projects would be required to provide connectivity of

the buildings, which through a Planned Development process would include the development of public open spaces.

The Planning Commission has adopted a Resolution of Intention to consider amending General Plan policies 2.2.3.1, 2.2.3.2, 2.2.5.4, and 2.2.5.13 to provide greater flexibility for mandatory open space requirements. Staff is currently working on the amendment. Until the policies are amended, staff recommends your Board allow for the flexibility in meeting the open space requirements through the PD process for Mixed Use Development projects only.

Should the Board wish to adopt these changes and direct staff to allow for some flexibility in meeting the 30% open space requirements under the Planned Development application for Mixed Use projects, staff recommends the Board continue the item to June 9, 2009, the next General Plan window for amendments.

## **RECOMMEDATION**

Development Services recommends that the Board of Supervisors continue this item to June 9, 2009 and declare its intent to take the following action:

1. Adopt the Negative Declaration based on the Initial Study prepared by staff;
2. Approve Resolution amending General Plan (A08-0001) Policy 2.1.1.3, 2.1.2.5, 2.2.1.2, and 2.2.1.3 Table 2-2 Land Use Densities and Residential Population Ranges, as shown in Attachment 2, based on the findings contained in Attachment 1;
3. Approve OR08-0001 amending Zoning Ordinance Chapter 17.32 to included Mixed-Use Development as a permitted use in Commercial Districts (C), Professional Office Commercial Districts (CPO), and Planned Commercial Districts (CP) with a maximum residential density of 24 dwelling units per acre within Community Regions and a maximum residential density of 4 units per acre in Rural Centers as shown in Attachments 3 thru 5, based on the findings contained in Attachment 1; and
4. Approve regulations for Mixed-Use Development as set forth in 17.14 with the addition of section .220 shown in Attachment 6.

## **NEXT STEPS**

The stakeholders, working with staff, has prepared a presentation to discuss the future of Mixed Use Development and what steps may be necessary to meet the intent and requirements of SB 375, AB 32 and other programs that require or provide an incentive to communities that support higher density compact form, and transit oriented development.