EL DORADO COUNTY DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT

Agenda of: March 12, 2009

Item No.: 7

Staff: Shawna Purvines

REZONE

FILE NUMBER: Z08-0042

APPLICANT: Marlon R. Ginney

AGENT: Gene E. Thorne & Associates, Inc.

REQUEST: Zone change from One-acre Residential (R1A) to Multifamily Residential-Design Community (RM-DC) for General Plan consistency.

LOCATION: On the east side of Sunset Lane, approximately 700 feet south of the intersection with Mother Lode Drive in the Shingle Springs area, Supervisorial District II. (Exhibit A)

APN: 090-430-21 & 090-430-22

ACREAGE: 2.98 acres

GENERAL PLAN: Multifamily Residential (MFR) (Exhibit B)

ZONING: One-acre Residential (R1A) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Negative Declaration

RECOMMENDATION

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

1. Adopt the Negative Declaration; and

2. Approve Zone Change Z08-0042, based on the Findings in Attachment 1.

SUMMARY

The proposed zone change conforms to the General Plan land use designation. This rezone would allow the construction of high-density residential dwellings, ranging in number of possible units from 15 to 72, on over 2.98 acres and would be compatible with development patterns in the area. There is no development project being proposed at this time. The impacts from additional high density residential development would be analyzed in a subsequent discretionary design review application and initial review.

BACKGROUND

The subject parcel was designated Multifamily Residential on the 1996 and 2004 General Plan land use map and the Shingle Springs Area Plan map adopted in 1977 and updated in 1992.

STAFF ANALYSIS

Staff has reviewed the project for compliance with County regulations and requirements. An analysis of the permit request and issues for the Planning Commission and Board of Supervisors consideration are provided in the following sections.

Project Description: The applicant is requesting a rezone from One-acre Residential (R1A) to Multifamily Residential–Design Community (RM-DC) to bring the property into consistency with the General Plan land use designation and to ultimately develop multifamily residential units. No development plans are being processed as part of this application.

Site Description: The project parcel is at an average elevation of 1,420 feet above mean sea level. The parcel is primarily level on the western portion of the site and contains a modular single-family residence located on the far eastern portion of the property which also contains oak woodlands. Access to the parcel is from Sunset Lane and Becken Lane. Public water and sewer is available in vicinity of the project site.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	R1A	MFR	Single family residence
North	C/R1A	C/MFR	Office/Single family residences
South	R1A	MFR	Undeveloped PG&E Easement
East	R2	MFR	Undeveloped/Single family residence/Rail Easement
West	C	C	Developed Office

Discussion: The project parcel is within the Shingle Springs Community Region. The MFR land use designation is consistent and compatible with adjacent land uses. The area has been analyzed as MFR in the General Plan and General Plan EIR and will transition from single family residences to commercial and multifamily uses.

General Plan:

The General Plan designates the subject site as Multifamily Residential. This land use designation identifies those areas suitable for high-density, multifamily structures such as apartments, single-family attached dwelling units (i.e., air-space condominiums, townhouses) and multiplexes. Lands identified as MFR shall be in locations with the highest degree of access to transportation facilities, shopping and services, employment, recreation, and other public facilities. The minimum allowable density is five dwelling units per acre, with a maximum density of 24 dwelling units per acre. The provision of single-family attached dwelling units in the MFR land use designation is subject to the use of planned development design concepts which may result in zipper-lot zero-lot line, cottage-type, or comparable developments. This designation is considered appropriate only within Community Regions and Rural Centers. This parcel is located within the Shingle Springs Community Region. There would be no conflict with the land use designation as specified in General Plan Policy 2.2.1.1.

Consistent with **Policy 2.4.1.1** the Design Community overlay is being proposed to ensure identification, maintenance, and enhancement of the unique identity of each existing community.

Policy 2.2.5.3: The County shall evaluate future rezoning: (1) To be based on the General Plan's general direction as to minimum parcel size or maximum allowable density; and (2) To assess whether changes in conditions that would support a higher density or intensity zoning district. The specific criteria to be considered include, but are not limited to, the following:

1. Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands;
2. Availability and capacity of public treated water system;
3. Availability and capacity of public waste water treatment system;

Discussion: General Plan **Policies 5.1.2.1** and **5.1.2.2** require that prior to approval of any discretionary development a determination of the adequacy of the public services and utilities to be impacted shall be made, and the development shall not result in a reduction of services below minimum established standards.

The existing zoning of One-acre Residential (R1A) is inconsistent with its Multifamily Residential land use designation, preventing any kind of development from moving forward without a rezone to RM, R2, or MP. Conditions will be applied to the subsequent design review application consistent with General Plan policies that require public sewer service for multifamily development in the community regions as required by General Plan **Policy 5.3.1.1**. A Facility Improvement letter was requested of El Dorado Irrigation District on November 6, 2008. As of the date of the Staff Report the letter had not been received. Staff confirmed with EID that it would be completed and received prior to the public hearing. The letter shall stipulate if adequate infrastructure of public water and sewer systems exist to warrant a rezone and can serve future development of the site. Water and sewer connections are in the vicinity of the project site but will have to be extended to the project parcel when developed.

4. Distance to and capacity of the serving elementary and high school;

Discussion: Under **Policy 5.8.1.1**, school districts affected by a proposed development shall be relied on to assess any impacts on school facilities. Future residential development of the project may result in an increase in demand on the local elementary and high school district. At the time of this report no factual information was provided to indicate this project would have an impact. The project parcel will be developed as residential and is located within El Dorado Union High School and Buckeye School Districts.

5. Response time from nearest fire station handling structure fires;

Discussion: Future residential development of the project would result in an increase in demand for fire protection services, however, no factual information was provided by the fire district stating that the minimum level of service would fall below the minimum response time of 8 minutes to 80 percent of the population, as designated by **Policy 5.1.2.2** in **Table 5-1** of the General Plan. A fire station is located less than 0.80 of a mile to the northwest on Ponderosa Road.

6. Distance to nearest Community Region or Rural Center;

Discussion: The project parcel is located within the Community Region of Shingle Springs

7. Erosion hazard;

Discussion: Under **Policy 7.3.2.2,** *projects requiring a grading permit shall have an erosion control program approved, where necessary.* Based on the *Soil Survey of El Dorado Area, CA*, the two proposed parcels are primarily located on Rescue very stony loam soil (RfC) of 3-15 percent slopes, and some lesser amounts of Auburn very rocky (AxD) silt loam with 3-30 percent slope area within

proposed Parcel No. 2. Neither of which is classified as either prime farmland, statewide important farmland, or unique, soils of local importance on the Important Farmland Maps prepared by the California Resources Agency using the USDA-NRCS Soil Surveys. No grading is being proposed with the rezone application. Future development must adhere to the County's grading and erosion control requirements.

8. Septic and leach field capability;
9. Groundwater capability to support wells;

Discussion: The project parcel will be required to connect to existing public water and sewer systems prior to development.

10. Critical flora and fauna habitat areas;
11. Important timber production areas;
12. Important agricultural areas;
13. Important mineral resource areas;

Discussion: The project parcel is located in designated rare plant soils study area (Mit. Area 1). As part of a discretionary review, future development projects would require on-site biological study to determine if the site contains special status plant or animal species or natural communities and habitats.

14. Capacity of the transportation system serving the area;

Discussion: The project parcel is accessed off Sunset Lane, which is a County maintained road. Further review of future development will include traffic circulation both on and off site, as well as other transportation related issues pertaining to type and size of proposed project.

Since this proposal is to rezone the property from R1A to RM-DC providing consistency with the General Plan's land use designation for the parcel of Multifamily Residential, the impacts for the multifamily use on the surrounding road system were analyzed in the General Plan Environmental Impact Report. That analysis showed that this land use, along with all the others assumed to be in place by 2025, would require some improvements to the County's road system. Those improvements were identified in that document and in the subsequent Traffic Impact Mitigation (TIM) Fee Program analysis. Those needed improvements are included in the recently adopted TIM fee program.

General Plan policies, primarily those listed under **Goal TC-X**, require the developer and the County to review, and if necessary mitigate, the project's short term traffic impacts. That analysis is conducted when a proposal is submitted that better defines the traffic generation from the project, such as the number of dwelling units or square footage of new structure(s). Since this is only a rezone without detailed project information with a specific development proposal, it is premature to attempt such an analysis. The site would require a design review should a development application

be submitted. At this time, the Department of Transportation could complete the traffic analysis and provide final conditions necessary to mitigate traffic impacts.

15. Existing land use pattern;

Discussion: **Policy 2.1.1.2** establishes *Community Regions to define those areas which are appropriate for the highest intensity of self-sustaining compact urban-type development...based on the municipal spheres of influence, availability of infrastructure, public services, major transportation corridors and travel patterns*. Rezoning the project parcel will maintain conformity to the existing land use pattern of residential development in an area planned for higher density residential. Multifamily residential development has the ability to provide a buffer between the neighboring commercial land use to the west and north and the medium density residential land use to the south. All future development of the site requires a Design Review application that will assess any incompatibility, providing the opportunity to recommend conditions that could mitigate the impacts.

16. Proximity to perennial water course;
17. Important historical/archeological sites; and
18. Seismic hazards and present of active faults.
19. Consistency with existing Conditions, Covenants, and Restrictions.

Discussion: None of these resources or constraints exist on the site; therefore the rezone will have no impact.

Policy 7.4.4.4: For all new development projects, the County shall require the applicant to adhere to the tree canopy retention and replacement standards or contribute to the Integrated Natural Resources Management Plan.

Discussion: The proposed rezone will not conflict with the General Plan tree preservation policy as no grading or improvements will be required for the rezone of the property to conform to the General Plan land use designation. The project design will be further reviewed through a design review application, subject to further CEQA analysis and General Plan consistency review for oak canopy retention.

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

Zoning: The subject parcel is consistent with the development standards for the proposed RM zone district. Specifically Ordinance section 17.28.160 specifies a minimum parcel size of 6,000 square feet. The subject parcel is approximately 2.98 acres which greatly exceeds the minimum.

ENVIRONMENTAL REVIEW

Staff has prepared a Negative Declaration to determine if the project may have a significant effect on the environment. It has been determined that the project would avoid any potentially significant environmental effects as the land use designation has been fully analyzed in the General Plan EIR and any development would require a further discretionary application. Staff has determined that there is no substantial evidence that the proposed project would have a significant effect on the environment.

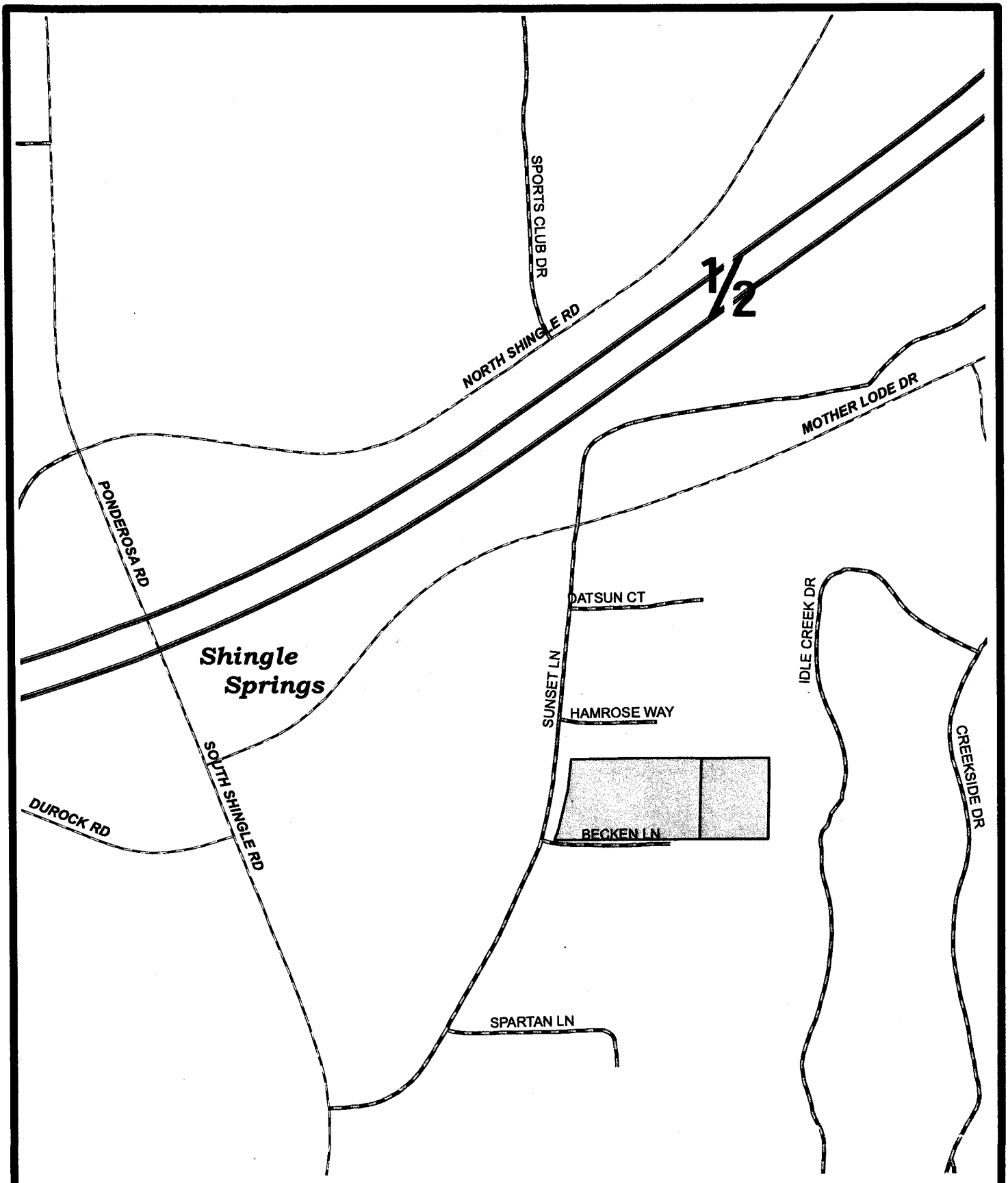
In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of $1,926.75 after approval, but prior to the County filing the Notice of Determination on the project. This fee, less a $50.00 recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The $1,876.75 is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the States fish and wildlife resources.

SUPPORT INFORMATION:

Attachments:

Attachment 1 .....Findings

Exhibit A.....Vicinity Map
Exhibit B .....General Plan Land Use Map
Exhibit C .....Zoning Map
Exhibit D.....Aerial Map with Parcel Base
Exhibit E .....Negative Declaration



File No. Z 08-0042

Vicinity Map

A.P.N. 090:430:21
A.P.N. 090:430:22

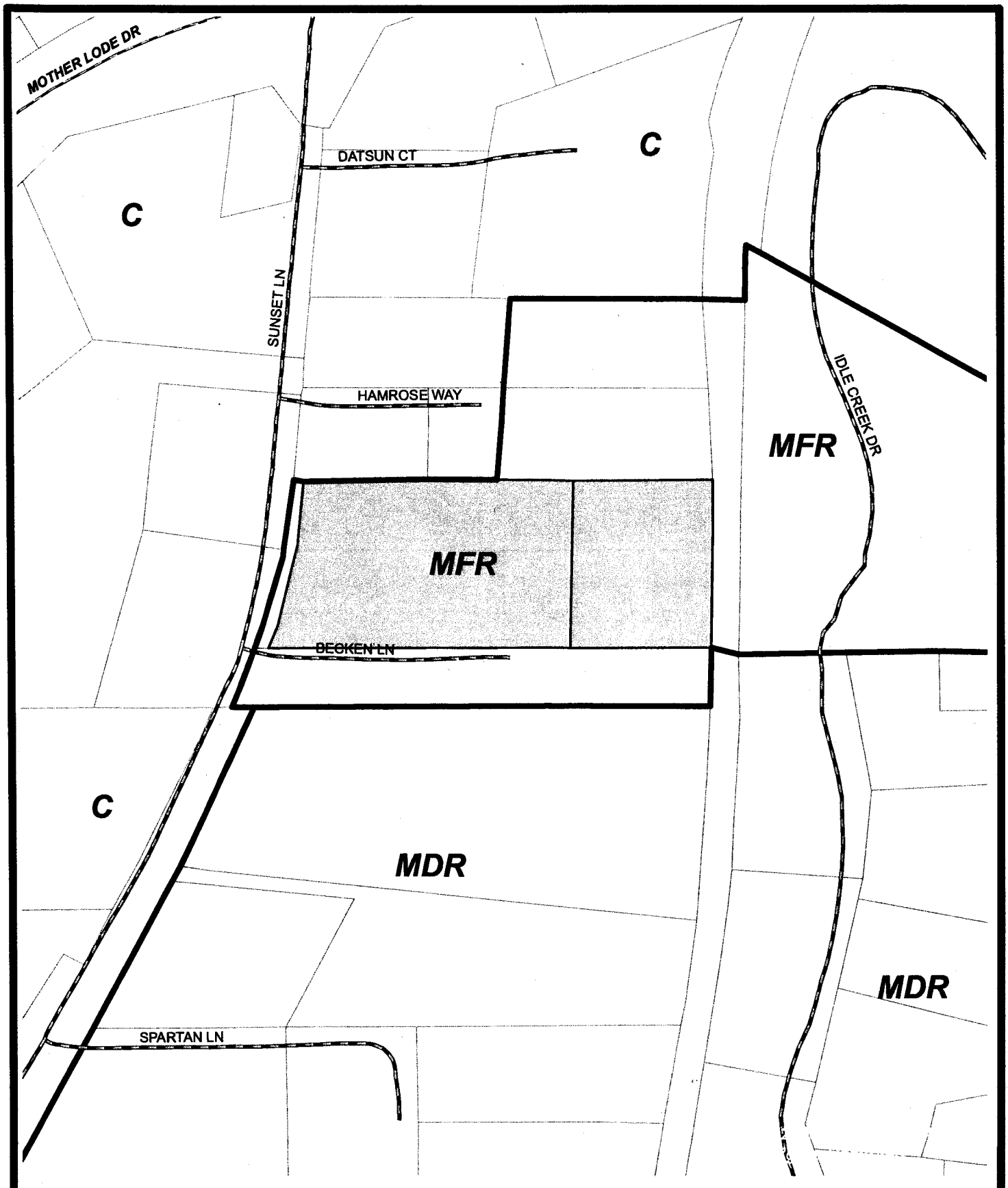
Project Site

Disclaimer:
This depiction was compiled from unverified public and private sources and is illustrative only. No representation is made as to the accuracy of this information. Parcel boundaries are particularly unreliable. Users make use of this depiction at their own risk.

N

Not To Scale

EXHIBIT A



File No. Z 08-0042

General Plan Map

A.P.N. 090:430:21
A.P.N. 090:430:22

Project Site

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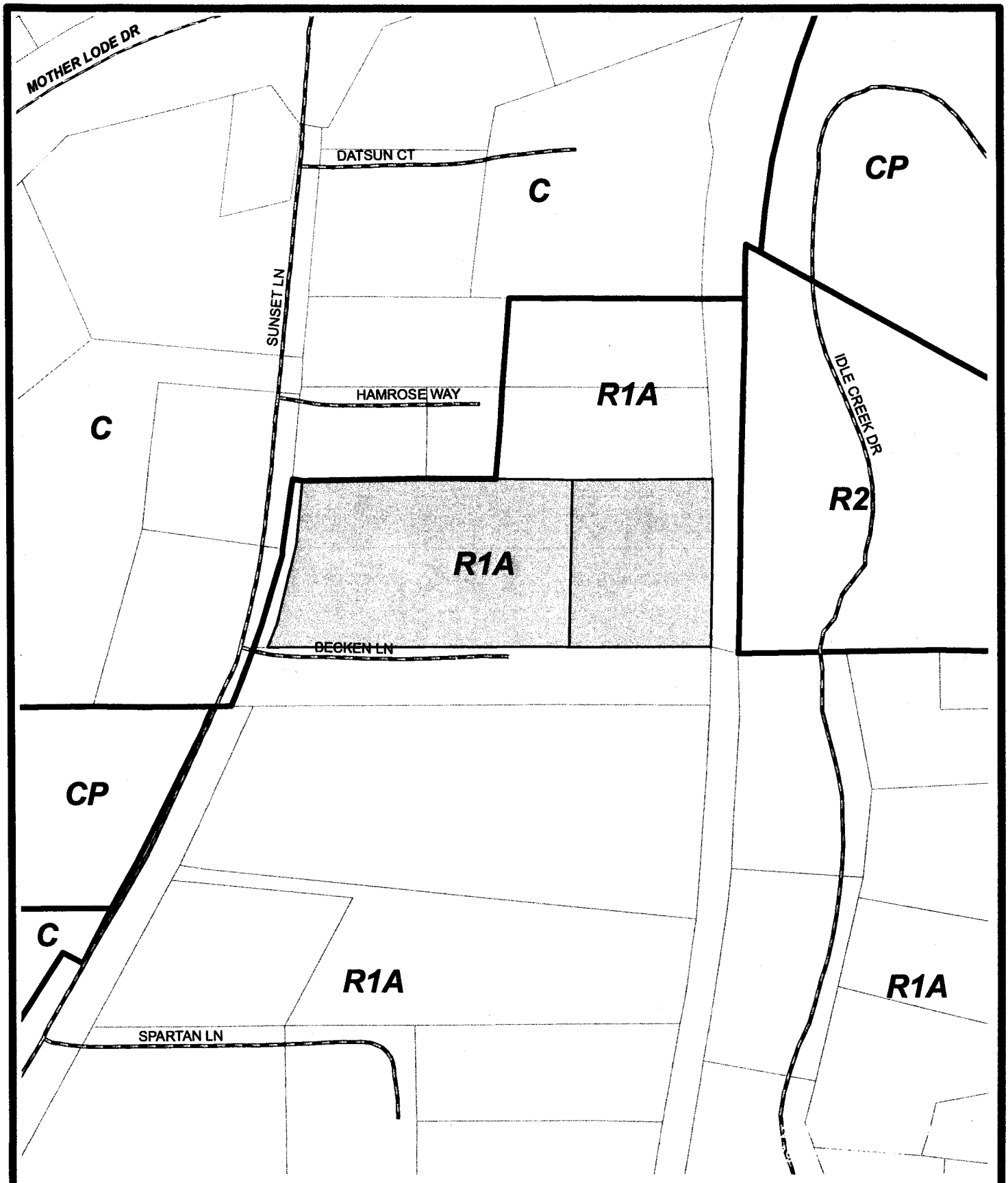
N

Not To Scale

EXHIBIT B



File No. Z 08-0042

Zoning Map

A.P.N. 090:430:21
A.P.N. 090:430:22

Project Site

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EXHIBIT C

File No. Z 08-0042

Air Photo

A.P.N. 090:430:21
A.P.N. 090:430:22

Project Site

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EXHIBIT D

NEGATIVE DECLARATION

FILE: Z08-0042

PROJECT NAME: Sunset Lane Rezone

NAME OF APPLICANT: Marlon R. Ginney

ASSESSOR'S PARCEL NO.: 090-430-21 & 090-430-22 **SECTION:** 9 **T:** 9S **R:** 1E

LOCATION: On the East side of Sunset Lane, 700 feet south of the intersection with Mother Lode Drive in the Shingle Springs Area

☐ **GENERAL PLAN AMENDMENT:** **FROM:** **TO:**

☒ **REZONING:** **FROM:** One-acre Residential (R1A) **TO:** Multifamily Residential-Design Community (RM-DC)

☐ **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:** The subject parcel's General Plan land use designation has been analyzed in the General Plan EIR. The project is a consistency rezone with no development proposed. The project does not involve any direct physical changes to the environment. Future development would require an additional discretionary application in which the specific impacts would be analyzed. There is no substantial evidence contained in the project record that would indicate that this project has the potential to significantly degrade the quality of the environment. Cumulative impacts are defined in Section 15355 of the California Environmental Quality Act (CEQA) Guidelines as "two or more individual effects, which when considered together, would be considerable or which would compound or increase other environmental impacts." Based on the project record, it has been determined that the project would have no impact based on the issue of cumulative impacts. Based on the project record, this project would have no project-related environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly

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 EL DORADO COUNTY. A copy of the project specifications is on file at El Dorado County Planning Services, 2850 Fairlane Court, Placerville, CA 95667.

PREPARED BY

2/2/09
DATE