



PLANNING & BUILDING DEPARTMENT

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Date: August 6, 2021
To: Planning Commission
From: Mel Pabalinas, Current Planning Manager
Subject: **Findings for Denial for PD08-0004/TM08-1464/Serrano Village A-14
Legistar No. 21-1161**

At its scheduled July 22, 2021 public hearing, the Planning Commission voted to conceptually deny the Serrano Village A-14 project, continue the item to the August 12, 2021 Planning Commission meeting, directing staff to bring back draft findings for denial of the project based on the deliberation and motion during the July 22, 2021 public hearing for further review by the Commission. Below are the draft findings for denial involving the Design Waivers, Zoning/Planned Development, and Subdivision Ordinance.

1. Design Waivers

The Serrano Village A-14 project includes three Design Waivers of specific road standards in accordance with County of El Dorado Design and Improvement Standards Manual (DISM), subject to specific Findings under subsection 2a-d. below.

Sec. 120.08.020. - Design waivers.

The Planning Commission may grant a design waiver of any of the design or improvement requirements of this subpart with respect to a particular subdivision at the time it approves the tentative map of the subdivision. A waiver shall not be granted unless:

1. The subdivider has submitted a written application therefore with the Planning Division more than 20 days prior to the hearing before the Commission to consider the tentative map; and
2. To approve a design waiver the Planning Commission or Board on appeal must find that each of the following conditions exist:
 - a. There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver;
 - b. Strict application of the design or improvement requirements of this subpart would cause extraordinary and unnecessary hardship in developing the property;

- c. The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public;
- d. The waiver would not have the effect of nullifying the objectives of this subpart or any other law or ordinance applicable to the subdivision.

The requested Design Waivers for Serrano Village A-14 and corresponding Planning Commission findings are shown below:

Design Waiver 1: Modification of road improvements under Standard Plan 101 B including the reduction of right-of-way width from 50 feet to 46 for Russi Ranch Drive and from 50 feet to 42 feet for A Street and B Street, reduction and construction of road pavement width from 36 feet to 31 feet; construction of 4-foot wide sidewalks along one side of Russi Ranch Drive and on both sides of A and B Streets, and construction of modified rolled curb and gutter;

Planning Commission Finding for Design Waiver 1: The Planning Commission finds that conditions under subsections 128.08.020.a through c, as noted above, do not exist or are not sufficiently corroborated as submitted, and therefore, cannot support Design Waiver 1 for the Serrano Village A-14 Tentative Map.

Design Waiver 2: Reduction of minimum 100-foot centerline curve radius length to reduced lengths identified on the map;

Planning Commission Finding for Design Waiver 2: The Planning Commission finds that conditions under subsections 128.08.020.a through c, as noted above, do not exist or are not sufficiently corroborated as submitted, and therefore, cannot support Design Waiver 2 for the Serrano Village A-14 Tentative Map.

Design Waiver 3: Modification of standard road encroachment under Standard Plan 110 with Serrano encroachment design.

Planning Commission Finding for Design Waiver 3: The Planning Commission finds that conditions under subsections 128.08.020.a through c, as noted above, do not exist or are not sufficiently corroborated as submitted, and therefore, cannot support Design Waiver 3 for the Serrano Village A-14 Tentative Map.

Based on the above Findings for the Design Waivers, the Planning Commission hereby denies the requested Design Waivers 1, 2, and 3 for the Serrano Village A-14 Tentative Map.

2. Zoning/Planned Development

Serrano Village A-14 is a residential development contemplated by the El Dorado Hills Specific Plan, which is consistent with the El Dorado County General Plan. The project includes modification to specific residential development standards under the authority of the Planned Development Permit in Section 130.52.040 of the El Dorado County

Zoning Ordinance (Development Plan Permit). These modified minimum standards include reduction to front yard setback of 8 feet, lot width of 47 feet, and lot size of 3,760 square feet that would accommodate the design and improvement of the proposed subdivision. However, with the Planning Commission's denial of the requested Design Waivers (see above), this action could also result in the denial of the planned development permit for the tentative map as these modified standards may be rendered inapplicable and ineffective. Consequently, a new planned development permit application that retain compliance with existing residential development standards or proposed new modified standards would need to be filed.

Additionally, the Planning Commission discussed the merits of the proposed modified development standards, in that, despite these similar modified standards being established in other existing Serrano villages, the Planning Commission has determined that Serrano Village A-14 does not sufficiently provide diverse options for housing type, as contemplated in the Specific Plan, and, therefore, does not meet the applicable specific plan and General Plan policies involving housing diversity and affordability.

Based on the above Findings of inconsistency with the Planned Development provisions, the Planning Commission hereby denies the Serrano Village A-14 Tentative Map.

3. Subdivision Ordinance

The Subdivision Ordinance Section 120.44.030 (Findings Requiring Disapproval) requires the approving authority not approve a tentative map if the approving authority makes any of the following findings:

1. That the proposed map is not consistent with applicable general and specific plans;
2. That the design or improvement of the proposed division is not consistent with applicable general and specific plans;
3. That the site is not physically suitable for the type of development;
4. That the site is not physically suitable for the proposed density of development;
5. That the design of the division or the proposed improvements are likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat;
6. That the design of the division or the type of improvements is likely to cause serious public health hazards;
7. That the design of the division or the improvements are not suitable to allow for compliance of the requirements of section 4291 of the Public Resources Code.

With the Planning Commission's denial of the Design Waivers for Serrano Village A-14 Tentative Map, specific finding under subsection 120.44.030.2 involving consistency of the proposed map road design and improvement with the General Plan and Specific Plan could not be met. Consequently, a new tentative map for the development that retains compliance with existing residential development standards or proposed new modified standards would need to be filed.

Additionally, the Planning Commission discussed the merits of the proposed modified development standards, in that, despite these similar modified standards being established in other existing Serrano villages, the Planning Commission has determined that Serrano Village A-14 does not sufficiently provide diverse options for housing type, as contemplated in the Specific Plan, and, therefore, does not meet the applicable specific plan and General Plan policies involving housing diversity and affordability.

Based on the above Findings of Inconsistency, the Planning Commission hereby denies the Serrano Village A-14 Tentative Map.