

**COUNTY OF EL DORADO PLANNING AND BUILDING
DEPARTMENT
PLANNING COMMISSION
STAFF REPORT**



Agenda of: November 9, 2017

Staff: Mel Pabalinas

**GENERAL PLAN AMENDMENT/REZONE/PARCEL
MAP/PLANNED DEVELOPMENT**

FILE NUMBERS/

PROJECT NAME: A11-0004/Z11-0005/P11-0004/PD11-0003/Ponte Palmero

APPLICANT/

AGENT: Erik Pilegaard

PROPERTY

OWNER: CPSL SPE DE, LLC

REQUEST:

The project consists of the following requests:

1. General Plan Amendment amending the land use designations of the property from 1.28 acres of Commercial (C), 18.28 acres of Multifamily Residential (MFR), and 0.31 acre of High Density Residential (HDR) to 9.23 acres of Commercial (C) and 10.64 acres of Open Space (OS);
2. Rezone zone designations of the property from 1.28 acres of Community Commercial-Planned Development (CC-PD), 18.28 acres of Multi-Unit Residential-Planned Development (RM-PD), and 0.31 acre of Single Unit Residential-Planned Development (R1-PD) to 9.23 acres of Limited Commercial-Planned Development (CL-PD) and 10.64 acres of Open Space-Planned Development (OS-PD) zone districts;
3. Commercial Tentative Parcel Map subdividing the 19.87 acre site into five lots consisting of three commercial parcels and two open space parcels. The parcel sizes ranges from 1.17 acres to 9.47 acres; and
4. Planned Development establishing an official Development Plan for the proposed Ponte Palmero community care facility consisting of three buildings (one per each commercial lot) consisting of: a

50,510 square foot, 44-unit community care facility (Parcel 3), a 53,690 square foot, 46-unit assisted living facility (Parcel 2), and a 11,450 square foot clubhouse (Parcel 1). The community care facility will be served by 205 off-street parking stalls, public utilities, and associated amenities.

LOCATION: The project site is located on the west side of Ponte Morino Drive approximately 0.2 mile north of the intersection with Palmer Drive, within the unincorporated community of Cameron Park, Supervisorial District 4 (Exhibit A).

APN: 083-350-57 (Exhibit B)

ACREAGE: 19.87 acres (total)

GENERAL PLAN: Multifamily Residential (MFR) and High Density Residential (HDR) (Exhibit C)

ZONING: Community Commercial-Planned Development (CC-PD), Single Unit Residential-Planned Development (R1-PD), and Multi-Unit-Planned Development (RM-PD) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Environmental Impact Report (EIR) (State Clearinghouse No.2015082029)

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

1. Certify the Ponte Palmero Environmental Impact Report as adequate under the California Environmental Quality Act;
2. Adopt the Mitigation Monitoring Reporting Program in accordance with California Environmental Quality Act Guidelines Section 15074(d), incorporated as Conditions of Approval as presented;
3. Approve General Plan Amendment A11-0004 based on the Findings presented;
4. Approve Rezone Z11-0005 based on the Findings presented;
5. Approve Tentative Parcel Map P11-0004 based on the Findings and subject to the Conditions of Approval as presented; and
6. Approve Planned Development PD11-0003 as the official Development Plan for the Ponte Palmero project based on the Findings and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY

The Ponte Palmero community care facility (the Project) is the continuation of the existing senior living facility, also known as the Cameron Park Congregate Care in Cameron Park. Ponte Palmero is a 90-unit facility that would serve approximately 144 residents with access to an on-site clubhouse, swimming pool and other amenities. Operation of the facility would employ approximately 35 staff members including two on-site nurses. The facility is compatible with the surrounding similar and supporting uses in the area. The project would also result in the creation of open space parcels that would preserve sensitive habitat on site. The project is consistent with the applicable policies of the General Plan, provisions of County ordinances, and has been analyzed in accordance with the California Environmental Quality Act (CEQA).

BACKGROUND

The Cameron Park Congregate Care facility was approved by the Board of Supervisors in 2006 (Exhibit E). This facility is located on approximately 26 acres to the southeast of the proposed Ponte Palmero facility and consists of a 140-unit congregate senior care facility, a 35-room Alzheimer's care unit, 64 duplex cottages and an 8,000 square foot (sf) clubhouse. The project approval included an adoption of a Mitigated Negative Declaration (MND), subject to implementation of a mitigation measures in Mitigation Monitoring Reporting Program (MMRP). The adequacy of the MND was challenged in court by the California Native Plant Society (CNPS) on the ground that the County had violated CEQA by not preparing an Environmental Impact Report (EIR) and providing adequate mitigation to avoid or substantially lessen impacts to protected plant species. In 2008, the trial court ruled in favor of the County. CNPS appealed and the Third District Court of Appeal reversed, deeming the MND inadequate. (*CNPS v. County of El Dorado* (2009) 170 Cal.App.4th 1026.)

The parties to the lawsuit subsequently entered into a Settlement Agreement that included various commitments related to development of the Cameron Park Congregate Care project and also addressed future development of the land located to the northwest (proposed Ponte Palmero site) should development be proposed and approved (Exhibit F). As part of the Settlement Agreement relative to the existing congregate care facility, the project applicant executed an irrevocable offer of dedication for 23 acres of land to be donated to the Bureau of Land Management (BLM) for inclusion in the Pine Hill Preserve (including 20.94 of 40.81 acre of original Assessor's Parcel No. 083-350-55 and 2.06 of 13.79 acres of APN 083-350-53) (Exhibit G). The dedication of the 23 acres to the BLM was completed in early 2016.

Through the Settlement Agreement, the Parties also agreed that if the project applicant proposed future development of land to the northwest (owned by the applicant and referred to as "Phase 2"), and the County approved the project and no litigation was filed, an additional 10.64 acres of land would be voluntarily donated to the BLM or a signatory to the Pine Hill Preserve Cooperative Agreement (amended in 2006), for inclusion in the Pine Hill Preserve for the purpose of plant conservation, for a total of approximately 33.64 acres. Under this scenario (approval of the proposed project without legal challenge), the project applicant also committed to donate \$50,000 dollars to CNPS to be used for conservation studies and/or other conservation activities at the discretion of CNPS.

ANALYSIS

Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the proposal and issues for Planning Commission consideration are provided in the following sections.

There are no outstanding issues for the proposed project that has not been adequately analyzed below.

Site Description and Adjacent Lands: Exhibit H details the site location and adjacent uses. The site is surrounded by existing Cameron Park Congregate Care facility to the east, commercial development to the south, residential development to the west, and an open space land (Pine Hill Preserve) to the north owned by BLM. Other existing development includes the Marshal Medical Center, Eskaton senior assisted living facility, medical office buildings, apartments, and a local retail shopping center.

The project site is dominated by undeveloped, natural chaparral vegetation, and a small graded area at the southeastern corner of the site. An intermittent stream passes through a culvert at the eastern entrance of the project site at Ponte Morino Road, and contains a narrow riparian corridor. The topography of the project site generally consists of gentle to moderately steep slopes with elevations ranging from approximately 1,345 feet above mean sea level (msl) to a high of 1,430 feet msl.

Project Description: To facilitate the proposed development, several entitlements would need to be secured. These entitlements include an amendment to the General Plan amending the underlying land use designations; a Rezone changing the underlying zoning designations; a Tentative Parcel Map to create five parcels that would encompass the proposed facility and open space area for resource preservation; and a Planned Development Permit to establish a Development Plan for the facility.

The following is a summary of the project:

Land Use and Zoning Designations: As shown in Exhibit I, the proposed community care facility is a use consistent within the range of allowable uses identified under the proposed Commercial land use designation, which provides a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors in the area. Portions of the site proposed to be designated as Open Space would be consistent with the purpose of resource preservation. Correspondingly, the proposed Limited Commercial and Open Space zoning designations identify the proposed development as a permitted use supported by the objectives of a Planned Development. The proposed land use and zoning designations are compatible with the land uses surrounding the project site. Detailed consistency analysis with applicable General Plan policies are discussed in the *Findings* section of this staff report.

Tentative Parcel Map: As shown in Exhibit J, the tentative parcel map would create a total of five parcels in accordance with the development standards of the Zoning Ordinance and subject to the findings of the County Subdivision Ordinance. Commercial Parcels 1 through 3 exceeds the minimum parcel size (4,000 square feet) and width (60 feet) per the Limited Commercial (LC) zone district standards, while Parcels 4 and 5 are also consistent with the Open Space (OS)

zone district standards. Each commercial parcel would accommodate a facility building while the open space parcels would remain vacant and may be dedicated for resource preservation purposes as a required mitigation for the project. A final Parcel Map would need to be filed in order to record and create these parcels. Detailed consistency analysis with the County Subdivision Ordinance is further provided below in the *Findings*.

Planned Development Permit: Along with the Tentative Parcel Map (Exhibit J), Exhibits K through Q illustrates the Development Plan for the project. Ponte Palmero community care facility, which is residential in nature and is a permitted use under the LC-zone district, would consist of: a 44-unit, 50,510-square foot community care facility on Parcel 3 with 22-one bedroom units on the first floor and 22-two bedroom units on the second floor; 46-unit, 53,690-square foot, 2-story assisted living facility on Parcel 2 with 32-one bedroom units on the first floor and 14-two bedroom units on the second floor; and 11,450 sf, single-story clubhouse on Parcel 1 consisting of an indoor pool, activity room, library, kitchen, dining room, office space, and outdoor patio. The overall project density is 10 dwelling units/acre. The facility would have a Floor-Area Ratio (FAR) of 0.76, below the maximum 0.85 required under the Commercial land designation. A total of 144 residents are anticipated to reside in the facility.

As illustrated in Exhibit M, the facility would match the architectural designs of the existing Cameron Park Congregate Care facility. The building rooflines would range from a minimum height of 10 feet to a maximum of 39 feet. Building materials include stone veneer, fabric awnings, and stucco. Exhibit N shows the proposed site landscaping that include drought-tolerant, low-water usage plants mixed with select trees, shrubs, groundcover, perennials, annual grasses and wildflowers. The landscaping would be the landscaping to the adjacent facility. Safety and security lighting and indirect shielded lighting would be provided on the buildings, parking areas, project entry, and walkways where appropriate. Internal pedestrian circulation would be provided around the perimeter of the facility serving residents and visitors and connects to the sidewalks along Ponte Morino. Each building is centrally located within its corresponding parcel and exceeds the minimum required building setbacks to the property lines.

A total of 205 parking stalls, in excess of the required 133 stalls per the ordinance, would be provided on site. Forty four of these stalls are covered and four are dedicated for golf carts. Primary site access would be from Ponte Morino Drive to the east and secondary emergency vehicle access off Valerio Drive to the west (Exhibit J). Gates may be installed at these access points.

Exhibits O and P detail the preliminary plans for construction of project site improvements. These activities include grading to establish necessary pads and foundations, construction of rockery retaining walls and site access, and installation of underground utility lines (i.e. water, sewer, drainage, electrical, and telephone). Existing utility service lines would be extended from Ponte Marino and Valerio Drives into the project. Anticipated earthwork activities would require approximately 123,500 cubic yards of cut and 111, 500 cubic yards of fill. Prior to commencement of any construction, the project proponent would be required to obtain various construction approvals including a Grading Permit, Improvement Plan, Facility Plan Report, and Building Permit, subject to compliance with the conditions of approval applied to the project.

There are no off-site improvements required for the project.

Consistency

The project has been reviewed and verified for consistency with applicable General Plan policies, provisions of the Zoning and Subdivision Ordinance, and compliance with the California Environmental Quality Act (CEQA). The following is a summary of the project consistency analysis. Detailed analysis discussion is provided in the attached *Findings*.

General Plan: General Plan Policy (Land Use Element) 2.2.5.2 requires all discretionary projects to be reviewed for consistency with applicable General Plan Policies. The Ponte Palmero community care facility is a permitted use under the proposed land and zone designation in an area where intense development and public infrastructures exist. The development meets the applicable Planned Development objectives including preservation of sensitive resource within the proposed open space parcels, housing and intensity policies, and incorporates site design and building energy-efficiency standards.

Zoning: The Ponte Palmero community care facility is consistent with the applicable development standards of the Limited Commercial zone district. The design of the planned development would be sufficiently parked, meets the required setbacks, landscape and lighting requirements, and preserves sensitive resource and topographical constrained areas of the site. The development is compatible with the surrounding uses.

Subdivision Ordinance: The proposed Tentative Parcel Map conforms to the applicable policies of the General Plan involving density and intensity, land use compatibility, and resource protection. The design of the subdivision is suitable for the site where existing public infrastructure (ie. road access, water, sewer and storm drainage) would be available for the facility to utilize. Mitigation measures have been identified to reduce the analyzed environmental impacts and conditions of approval would be applied to ensure orderly and safe implementation of the development.

Environmental Review: Staff prepared an Initial Study and determined that the project could have potentially significant impacts in the areas of Aesthetics, Air Quality, Biological Resources, Greenhouse Gas Emissions, Land Use/Planning, Noise, and Transportation and Traffic. A Notice of Preparation (NOP) for the preparation of an Environmental Impact Report (EIR) was published on August 14, 2015, and the County received comments from the California Department of Transportation, the California Department of Fish and Wildlife, the Bureau of Land Management, the El Dorado Irrigation District, the Cameron Park Fire Department, the Pacific Gas & Electric Company, the Central Valley Regional Water Quality Control Board, and the U. S. Army Corps of Engineers. These comments are included in the Draft Environmental Impact Report (Draft EIR).

The Draft EIR was published on January 13, 2017 (State Clearinghouse House No. 2015082029) (Exhibit R). The document was prepared to determine the extent of the project's potential environmental impacts, and recommended potentially feasible mitigation measures, where possible, and project alternatives that would reduce or eliminate significant adverse environmental effects. The alternatives chapter of the EIR was prepared in accordance with California Environment Quality Act (CEQA) Guidelines Section 15126.6. Comments from the Central Valley Regional Water Quality Control Board, the California Department of Fish and Wildlife, the Cameron Park Community Services District, and the California Native Plant

Society were received. The Final EIR (Exhibit S) responded to these comments and, where appropriate, made changes to the text of the Draft EIR. The Final EIR expressly stated that “[t]he minor changes and additions to the Draft EIR do not constitute ‘significant new information’ triggering the need for re-circulation of the Draft EIR under CEQA Guidelines section 15088.5.”

Potential significant impacts were specifically identified and evaluated in the environmental analysis chapter, all of which would be less than significant, or reduced to a less than significant level with application of specific mitigation measures, with two exceptions. These mitigation measures are incorporated in the Mitigation Monitoring Reporting Plan (MMRP), in accordance with CEQA Guidelines Section 150974(d) (Chapter 4 of Exhibit S). The EIR concluded that even with the application of all feasible mitigation measures, the potential adverse impacts from construction noise and the cumulative loss of special status plant species and their habitat would remain significant and unavoidable. A Statement of Overriding Consideration, detailing the project merits overriding the identified significant and unavoidable project environmental impacts, has been prepared for the consideration of the Board of Supervisors (Exhibit T).

Impact 4.3-1 (Construction of the proposed project could have a substantial adverse impact on special-status plants) analyzed the potential impacts to special-status Pine Hill plants on the project site. The EIR lists the species of Pine Hill plants, the estimated number of plants on the site, and the approximate acreage that these plants cover. Unmitigated, the impacts to the Pine Hill plants due to construction of the site would be significant.

The applicant intends to submit a 2081(b) Incidental Take Permit (ITP) application to the Department of Fish and Wildlife for a 2081 the “take” of certain plants that would be affected by the project, as it did with the existing Congregate Care facility.

As described above, the Settlement Agreement for the litigation arising out of the now existing facility states that if the project applicant proposed future development (i.e., phase 2), and the County approved the project and no litigation was filed, an additional 10.64 acres of land (Parcels 4 and 5) would be voluntarily donated to the BLM or a signatory to the Pine Hill Preserve Cooperative Agreement, amended in 2006, for inclusion in the Pine Hill Preserve for the purpose of plant conservation. As such, the EIR prepared for the Project includes two mitigation scenarios, one where no litigation is filed and another where litigation is filed, with the corresponding mitigation measures required under both scenarios.

In the first scenario, if no litigation is filed, the applicant must: (i) comply with the terms of the Settlement Agreement and donate an additional 10.64 acres of land in perpetuity for inclusion in the Pine Hill Preserve; and donate \$50,000 to the CNPS for conservation studies and/or conservation activities as deemed appropriate by CNPS (See Mitigation Measure 4.3-1(c)). Under the no additional litigation scenario, the EIR concluded that the direct impacts to special-status plants would be less-than-significant with mitigation, but would remain significant and unavoidable on cumulative basis due to the overall loss of gabbro soil habitat.

In the second scenario, wherein the Project is approved but a lawsuit challenging the County’s approval of the project is filed, Mitigation Measures 4.3-1(a), and (b) would be triggered pursuant to the Mitigation Monitoring Reporting Program; thus, requiring preparation of a Special Status Conservation, Salvage, Seed Collection and Propagation Plan as part of the ITP permit application process, transplantations of *Calystegia stebbinsii*, as well as the taking of

cuttings and propagation and planting of *ceanothus roderickii*, along with payment of Ecological Preserve Fee, as set forth in detail in MM 4.3-1(a) and (b). Under this scenario, however, the applicant would not be required to donate the additional 10.64 acres of land for inclusion in the Pine Hill Preserve, or pay the \$50,000 fee to CNPS. The EIR concluded that the direct impacts to special-status plants and habitat would be reduced to less than significant, although would remain significant and unavoidable on a cumulative basis.

Under either scenario, the EIR requires the applicant to restore the previously disturbed approximately 1.17 acre parcel (Parcel 4) to include *ceanothus roderickii* plants as requested by DFW (See Final EIR Mitigation Measures 4.3-1(a) (ii) [litigation scenario] v. Mitigation Measure 4.3-1(c) [no litigation]); and pay the El Dorado County Ecological Preserve fee for Zone 1, at \$0.59 per square foot of commercial development—\$68,233.50 total. (See MM 4.3-1(c).)

If litigation is filed, and as part of the future Incidental Take Permit application process, a Special-Status Plant Conservation, Salvage, Seed Collection and Propagation Plan will also be developed by the applicant, working with CDFW, and provided to the County and CDFW. (See Final EIR [Mitigation Measure 4.3-1(a)].) The plan shall include, but is not limited to, methods for plant conservation, seed and vegetative plant material propagation, and transplantation, including specific plant measures described in the EIR. (See Mitigation Measures MM 4.3-1(a).) Under the no additional litigation scenario, the EIR concluded that the direct impacts to special-status plants would be less-than-significant with mitigation, but would remain significant and unavoidable on a cumulative basis due to the overall loss of gabbro soil habitat.

Thus, under either mitigation scenario (MM 4.3-1(a)(b) [litigation] or MM 4.3-1(c) [no litigation]), the project-specific impacts to special-status plants and habitat on the project site would be mitigated to less than significant, but the cumulative impact from the overall loss of gabbro soil habitat would remain significant and unavoidable.

SUPPORT INFORMATION

Attachments to Staff Report:

Findings	
Conditions of Approval	
Exhibit A.....	Location Map
Exhibit B.....	Assessor's Parcel Map
Exhibit C.....	General Plan Land Use Map
Exhibit D.....	Zoning Map
Exhibit E.....	Approved Site Plan-Cameron Park Congregate Care
Exhibit F.....	Settlement Agreement; October 19, 2010
Exhibit G.....	Assessor's Parcel Map and Site Plan of Original Parcels of Dedicated Land to the Bureau of Land Management
Exhibit H.....	Aerial Photo (Project Site and Surrounding Uses)
Exhibit I.....	General Plan Amendment and Rezone Maps
Exhibit J.....	Tentative Parcel Map; October 2015
Exhibit K.....	Overall Site Plan; August 18, 2014
Exhibit L.....	Detailed Site Plan; August 18, 2014
Exhibit M.....	Floor Plans; May 9, 2014
Exhibit N.....	Elevations; May 9, 2014
Exhibit O.....	Preliminary Landscaping Plan; August 19, 2014
Exhibit P.....	Preliminary Grading & Drainage Plan; October 2015
Exhibit Q.....	Preliminary Water & Sewer Layout; October 2015
Exhibit R.....	Draft Environmental Impact Report; January 2017
Exhibit S.....	Final Environmental Impact Report; September 2017
Exhibit T.....	CEQA Findings of Fact and Statement of Overriding Considerations; November 2017