

**COUNTY OF EL DORADO DEVELOPMENT SERVICES  
PLANNING COMMISSION  
STAFF REPORT**



**Agenda of:** June 22, 2017

**Staff:** Mel Pabalinas

**REZONE/PLANNED DEVELOPMENT/TENTATIVE  
SUBDIVISION MAP**

**FILE NUMBERS:** Z12-0010/PD12-0002/TM12-1510/Piedmont Oak Estates

**APPLICANTS:** Jim Davies and Terri Chang

**REQUEST:** The project consists of the following requests:

1) Rezone portions of subject property:

APN 051-550-58: Approximately 5.05 acres of Single Unit Residential-Planned Development District (R1-PD) to Open Space-Planned Development (OS-PD); and approximately 0.24 acre of Single Unit Residential-Planned Development (R1-PD) to Community Commercial-Planned Development (CC-PD);

APN 051-550-40: Approximately 1.44 acres of Single Unit Residential-Planned Development (R1-PD) to Open Space-Planned Development (OS-PD);

APN 051-550-48: Approximately 0.57 acre of Single Unit Residential-Planned Development (R1-PD) to Open Space-Planned Development (OS-PD); and

APN 051-550-51: Approximately 1.22 acres of Single Unit Residential-Planned Development (R1-PD) to Open Space-Planned Development (OS-PD);

2) Tentative Subdivision Map (Piedmont Oaks Estates) of 25.86-acre property creating a total of 103 lots consisting of 75 residential lots (20 custom and 55 clustered), one lift station lot, one road lot, 12 private access lots, six open space lots, one commercial lot, and seven Remainder Lots. The Tentative Subdivision Map includes a Design Waiver for the construction of sidewalks on both sides of the road with reduced widths from 8-foot to 6-foot (along Commercial area frontage) and 6-foot to 4-foot (along residential subdivision);

3) Development Plan for Piedmont Oak Estates to include 8.28 acres of open space areas (35% of the entire site) and modifications to Single-Unit Residential Zone (R1) District minimum standards for lot size, lot widths, yard setbacks, and maximum building coverage. Ten percent of the proposed residential units shall be reserved as affordable housing.

**LOCATION:** The project site is located at the northeast corner area of State Highway 49 (Diamond Road) and Black Rice Road, approximately 0.75 miles along State Highway 49 (Diamond Road) from its northerly intersection with Pleasant Valley Road, in the Diamond Springs area, Supervisorial District 3 (Exhibit A).

**APNs:** 051-550-40, -48, -51, -58 (Exhibit B)

**ACREAGE:** 25.86 acres

**GENERAL PLAN:** High Density Residential (HDR)/Commercial (C) (Exhibit C)

**ZONING:** Community Commercial-Planned Development (CC-PD)/Single-Unit Residential-Planned Development (R1-PD) Districts (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Mitigated Negative Declaration

**RECOMMENDATION:** Staff recommends the Planning Commission recommend the Board of Supervisors take the following actions:

1. Adopt the Mitigated Negative Declaration based on the Revised Initial Study prepared by staff;
2. Adopt the Mitigation Monitoring Reporting Program in accordance with California Environmental Quality Act Guidelines Section 15074(d), incorporated as Conditions of Approval;
3. Approve Rezone Z12-0010 based on the Findings as presented;
4. Approve Development Plan for Piedmont Oak Estates Tentative Subdivision Map under Planned Development Permit PD12-0002 as the official Development Plan for the subdivision based on the Findings and subject to the Conditions of Approval as presented;
5. Approve Piedmont Oak Estates Tentative Subdivision Map TM12-1510 based on the Findings and subject to the Conditions of Approval as presented; and
6. Approve the Design Waiver for the construction of sidewalks on both sides of the road with reduced widths from 8-foot to 6-foot (along Commercial area frontage) and 6-foot to 4-foot (along residential subdivision).

### **EXECUTIVE SUMMARY**

Piedmont Oak Estates is a residential development within the Diamond Springs area of El Dorado County. The proposed subdivision and development plan features both standard detached single family lots and clustered single-family residential lots with a large portion of the site reserved as open space. The project conforms to the General Plan, Zoning Ordinance, and Subdivision Ordinance.

## **BACKGROUND**

The application for Piedmont Oak Estates was officially filed on September 11, 2012, and deemed complete for processing on March 13, 2013. Based on this Completeness determination, and in accordance with Subdivision Map Act Section 66474.2, the project vests regulations that were existing at that time and any new regulations after this date, including provisions from the updated Zoning Ordinance (effective as January 15, 2016) and revised General Plan Transportation and Circulation Element Policies resulting from the voter-initiated Measure E (effective July 29, 2016), would not apply to the project. Though the application includes a Rezone, this request is limited to modification to the zone map necessary to facilitate the configuration of the project and would not intensify the potential development of the site.

The project was originally considered by the Planning Commission on January 14, 2016. The Planning Commission discussed issues including land use incompatibility with surrounding rural residential uses, traffic, and location of smaller proposed residential lots adjacent to existing estate-size residential lots. The Commission continued the item off-calendar with a recommendation to address the identified issues.

A revised version of the map was recently considered on March 9, 2017 by the Planning Commission (Exhibit E). The map changes include the removal of Commercial Lot 2 in the Phase 2 portion of the project, relocation of some of the clustered residential lots away from estate-size lots, and increased the total residential lot count from 104 to 107. Issues discussed at hearing includes the removal of a commercially designated area, incorporating land use buffering, and construction of reduced sidewalk on one side of the subdivision only. Upon consideration, the item was continued to May 11, 2017 Planning Commission, during which the item was approved for continuance to the June 22, 2017 scheduled Planning Commission hearing.

In response to these comments, and as discussed and analyzed below, the applicant submitted a revised the project proposal that includes the removal of the General Plan Amendment request, elimination of development phasing, reduction of residential lots, creation of Remainder Lots, and addition of land use buffering.

## **ANALYSIS**

### **Site Description**

The vacant project site is located in the Community Region of Diamond Springs. Elevation of the site ranges from 1,735 to 1,835 feet above sea level. The topography of the site consists of gentle to moderately steep slopes of varying aspect with approximately 24.27 acres (94 percent) of the site situated below 30% slope gradient (Exhibit F). The site has a natural drainage that generally flows from the south through the property to the north into Weber Creek. The site does not contain wetlands but has a total of 0.016 acres of ephemeral drainage channels. A total of 8.21 acres of oak canopy, which equates to 30 percent, encompass the site.

Exhibit G shows the project site, the surrounding existing residential and non-residential development and the current land use and zoning designations.

The project would improve an existing disturbed dirt path as a secondary access through an adjacent property (APN 051-461-54) to the south.

### **Project Characteristics**

Tentative Subdivision Map and Design: Consistent with the proposed zone changes and the underlying land use designations, the proposed tentative subdivision map would subdivide 25.86-acre project site creating a total of 103 lots (Exhibits H and I). Seventy five of the lots are residential consisting of 20 detached single-family residential lots and 55 clustered lots. The detached lots range in size from 5,145 square feet to 12,565 square feet, while the smaller clustered lots (a total of 12 groups identified as Lot R-1 through R-12) range in size from 2,112 square feet to 4,480 square feet in gross lot size. These small lots are predominantly located on the eastern portion of the project site where topography is relatively flat.

Construction of the clustered units and some of the detached lots would require modified R1 development standards (Exhibit I.1). These standards modification, which include reduction in minimum lot size, lot coverage, and setbacks to the property line, are consistent with the objectives of the Planned Development involving the allowance of innovative project layout and product design, avoidance of areas constrained by topography and natural resources, and preservation of open space areas. As conditioned, at least 10% of the total units would be reserved for affordable housing units. The residential density is 3.16 dwelling units/acre consistent with the density range of one to five dwelling units/acre under the High Density Residential land use designation.

Six open space lots (designated as Lots A and F) totaling 8.28 acres would be created encompassing 35 percent of residential area of the project, in excess of the minimum 30 percent required for residential Planned Development. Large open space lots (Lots A-C) would provide a buffer for the subdivision from the existing surrounding uses, preserved ephemeral drainage channels, and reserve area for a detention pond. In particular, the southern portion of Lot B adjacent to Lots 25-40 depicts a 30-foot setback area that would include a construction of a minimum of 6-foot tall concrete masonry unit (CMU) wall and planting of evergreen trees for potentially minimizing aesthetic and noise effects. The smaller open space lots (Lots D-F) are located within the clustered residential development area providing buffering, landscaping, and, potentially, playground structures.

The subdivision also includes a total of seven designated Remainder Lots ranging in size from 6,000 square feet to 1.10 acres. Consistent with the County Subdivision Ordinance, these lots are not being divided for the purpose of sale, lease, or financing. Development of these lots would require a separate tentative subdivision map and planned development applications or a conditional certificate of compliance.

Other lots created within the subdivision include Commercial Lot 1, which would require approval of separate development applications prior to any development; Lot 3 for the future site for a lift station; and one road lot for the road circulation serving the project (identified as Roads A-C).

No park land would be dedicated as part of the project; however, in accordance with the Subdivision Ordinance Section 120.12.090, the project shall be conditioned to pay the

required park in-lieu fee based on the required parkland area estimated at 0.87 acres. Payment of the fees shall be remitted prior to the filing of the Final Map.

Access and Circulation: The proposed road circulation serving the subdivision would originate from State Highway 49 (Exhibit I). A portion of Road A fronting Commercial Lot 1 would be public, while the balance of the interior roads (Road B-C) would be privately owned and maintained by the future Homeowner's Association of the residential development. Road access into the residential subdivision beginning at the easterly end of Commercial Lot 1 may be gated, subject to applicable regulatory design and construction standards.

All lots have been designed to have direct or indirect access off these interior roads. Commercial Lot 1 and the single-family detached lots would have direct driveway connection off Road A while most of the clustered lots would be indirectly accessed via a private common driveway. Subject to a Design Waiver, reduced width sidewalks would be constructed on both sides of the road serving both the commercial and residential areas. These sidewalks would connect to planned sidewalks along Highway 49. A detailed discussion of the design waiver and supporting narrative are discussed under *Findings*.

The project would improve an existing dirt path located at the end of the cul-de-sac at the terminus of Road A serving Lots 29-33. This off-site road, which would be improved as an emergency vehicular access road with a 20-foot wide pavement with 1-foot wide shoulders, is within APN 051-461-54. The access would proceed southerly and intersect with Black Rice Road, and connect to Highway 49 to the west. As the westerly portion of Black Rice Road is private, the project is conditioned to obtain an agreement with the underlying owners of the road prior to construction of the improvements including widening and road paving.

The project contributes to the worsening of Level of Service (LOS) operation at two intersections in the vicinity of the project. One intersection is located at Racquet Way along Pleasant Valley Road and another is located at China Garden Road along Missouri Flat Road. To reduce the impacts at Racquet Way/Pleasant Valley Road application of Condition of Approval No. 15 would require a construction of a traffic signalization, while the impact at the Missouri Flat Road/China Garden Road intersection would be eliminated with payment of Traffic Impact Mitigation (TIM) fees coupled with the completion of the County's 10-Year Capital Improvement Program (CIP) projects Diamond Springs Parkway Phase 1A/SR49 Realignment (CIP #72375) and Diamond Springs Parkway Phase 1B (CIP #72334). Payment of the fair share fees shall be collected prior to issuance of residential building permit which funds the County's capital improvement and traffic impact programs.

Site Improvements and Utilities: Class I subdivision improvements for Piedmont Oak Estates shall be installed in accordance with applicable County and other agency standards. Prior to recordation of the final map for the subdivision, all construction features including cut and fill to establish necessary residential pads, construction of encroachment and road network, and installation of underground wet and dry utility lines (e.g., power, phone/cable, water, sewer, storm drains and fire hydrant system) shall be performed. Earthwork activity, which is estimated to encompass around 48,000 cubic yards of groundwork, is anticipated to be balanced (Exhibit J).

*Water:* The subdivision would receive public water and sewer services provided through the extension and construction of existing infrastructures in the area operated and maintained by El Dorado Irrigation District (EID) (Exhibit K and K.1). The subdivision proposes to connect to an existing 6-inch water line located on Highway 49 from which an 8-inch water line would be constructed underground along Roads A-C. The new waterline would extend throughout the subdivision and connect to the existing 8-inch waterline along Black Rice Road. The new waterline would provide for both potable and fire hydrant water services. Based on the original Facilities Improvement Letter (FIL) issued for previous version of the project, a total of 2,000 EDUs of water supply is available in EID's Western/Region Water Supply Region and that the project requires a minimum total of 108 equivalent dwelling units (EDU) of water service. Actual acquisition of water service shall be formally verified prior to Final Map recordation with the submittal of EID meter award letter.

*Sewer:* The subdivision would be served by a proposed on-site sewer system that would be connected to and supported by an existing off-site lift station currently serving a residential development (Courtside Manor) located south of the project site along Black Rice Road (Exhibit K). A 4-inch forced main sewer line would originate from the lift station along the secondary access, northerly into the subdivision. Given the varying topography of the site, the on-site sewer system would be supported by one new on-site lift station for the conveyance of sewage. This station would be sited on Lot 3 along Road A and Open Space Lot C.

The existing Courtside Manor lift station was originally constructed as a temporary EID facility and has limited operational capacity to serve the proposed development. EID has future plans to replace this lift station with a new regional lift station when the proposed development is implemented. Detailed design of the sewer system would be further analyzed in the Facility Plan Report (FPR) for the project, which would determine if an upgrade to the Courtside Manor lift station would be needed, or if a new regional lift station would be required to serve the project and the surrounding development.

Prior to approval of Improvement Plans for the development, the applicant shall be required to obtain approval of the FPR from EID. If EID determines that an off-site lift station is needed, the potential environmental impacts associated with the construction and operation of this facility would be analyzed in a separate environmental analysis by EID. Acquisition of sewer service shall be verified prior to Final Map recordation with the submittal of EID meter award letter.

*Drainage:* The subdivision would be served by a network of a drainage system that utilizes the natural topographical and drainage features of the project site (Exhibit J). Storm runoff would drain into 12 to 18" underground storm drain lines along the road that further conveys runoff into the proposed detention pond within Open Space Lot C and existing drainage swales adjacent the project site into the Weber Creek to the north.

*Site Impacts:* Anticipated oak canopy impacts have been designed consistent with the oak tree canopy retention and replacement standards under General Plan Policy 7.4.4.4 Option A (Oak Canopy Retention and Replacement). As detailed in Exhibit L-Attachment 13, the proposed development would result in the removal of 1.15 acres of the existing 8.21-acre oak canopy consistent with the policy while retaining 86% of the existing canopy. The

affected canopy would be commensurately replaced through on-site replanting within designated areas of the Open Space and along the secondary road access, in accordance with the policy replacement standards.

Though no wetland exists on site, a total of 0.008 acre (191 linear feet) of ephemeral channels may be filled which requires permitting (Section 401 and 404 permits from U.S. Army Corp of Engineers and 1600 permit from the California Department of Fish and Wildlife prior to any site construction.

### **Consistency Analysis**

General Plan: The project is consistent with the applicable policies of the General Plan. The project is located within Community Region of Diamond Springs where this type of development and density is anticipated to occur. The configuration of the project would be established and the density and intensity of the development would be consistent with High Density Residential designation.

The project meets the requirements of a Planned Development highlighted by the preservation of over 30% of the site as open space and on-site natural resources. The project would be compatible with the existing residential development in the area and would utilize existing public utility services and infrastructures. Natural resources, including oak canopy and drainage areas, shall be preserved as part of subdivision design.

As offered by the applicant and conditioned of the project, at least 10% of the residential units shall be designated as affordable housing for families of moderate to low income, which is defined as households earning 50 to 120 percent of the median family income as established in the county. Prior to Final Map approval, an Affordable Housing Plan, which specifies the financing arrangements, monitoring program, and the specific lots to be deed restricted as affordable housing, shall be established subject to review and approval by the County.

### **Traffic and Circulation Element Policies**

The Piedmont Oak Estates Tentative Subdivision Map application was deemed Complete for processing on March 15, 2013 prior to the effective date of Measure E (July 29, 2016). Pursuant to the Subdivision Map Act Section 66474.2, the project is only subject to the rules and regulations in effect at that time. Although Measure E does not apply, the project is required to comply with the General Plan policies in effect at that time. The following is a summary of how the project complies with the applicable Transportation Policies of the General Plan. A more detailed narrative of the applicable Transportation and Circulation policies are included in the *Findings* section of the staff report.

General Plan Policies TC-Xa.1 to 3 and TC-Xf (Development of Projects of Five Parcels or more): Piedmont Oaks Estates would result in the creation of 75 residential lots. As analyzed, the project, under Existing Plus Approved Project (2019 Plus Project) Scenario, is anticipated to worsen the Level of Service (LOS) at two intersections: Pleasant Valley Road/Racquet Way and Missouri Flat Road/China Garden Road.

Mitigation Measure Trans-1, which requires the installation of a traffic signal at Pleasant Valley Road/Racquet Way intersection, has been identified as the appropriate mitigation to reduce the impact to less than significant. This measure, incorporated as Condition of Approval No. 15, identifies the appropriate implementation timing and requirement for supplemental traffic analysis verifying the need of the improvement submitted at each Final Map for the subdivision.

Coupled with the completion of the County's 10-Year Capital Improvement Program (CIP) projects Diamond Springs Parkway Phase 1A/SR49 Realignment (CIP #72375) and Diamond Springs Parkway Phase 1B (CIP #72334), the project's impact at the Missouri Flat Road/China Garden Road intersection would be eliminated with payment of Traffic Impact Mitigation (TIM) fees. Payment of the fees shall be collected prior to issuance of residential building permit, funding of the County's capital improvement and traffic impact programs.

The project has been identified to have cumulative impacts at the US 50 Ramps/Missouri Flat Road. In accordance with General Plan Policy TC-Xb, the County will annually monitor the Traffic and LOS at these intersections and update the County's CIP and TIM Fee programs as necessary. The cumulative analysis includes planned roadway improvements, growth consistent with the 2004 General Plan, and with approved and reasonably foreseeable projects within the study area. This is found to be an impact in the cumulative scenario without the project for the Missouri Flat Road/WB US 50 Ramps, which includes other foreseeable but unapproved projects. Therefore, the project is responsible for its proportional share of the proposed mitigation under cumulative conditions. Since the impact is identified under the cumulative scenario, the timing of the improvement is a function of the rate of population and employment growth. The County's TIM fee program provides a mechanism for collecting fair share contributions for improvements in the 2015 CIP. Additionally, the County's Missouri Flat Area Master Circulation and Funding Plan (MC&FP) Phase 2 is currently planned to evaluate the ultimate configuration of the US 50 Interchange at Missouri Flat Road. The ultimate configuration project will be incorporated into the County's CIP and TIM Fee programs as necessary. Payment of Traffic Impact Mitigation fee based on the project's fair share of the improvement remitted prior to issuance of a building permit has been identified as sufficient mitigation of the impact.

Policy TC-Xg: Traffic Impact Analysis has been performed analyzing the project's potential traffic and circulation impacts. The analysis has been reviewed by County Traffic and Transportation Division for consistency with standards. Impacts identified shall be mitigated to a less than significant level with application of conditions including the requirement for payment of Traffic Impact Mitigation fee.

Zoning Ordinance: The project would be consistent with the Single Unit Residential (R1) Zone District of the Zoning Ordinance. As a Planned Development, the modified development standards for Piedmont Oak Estates have been verified to be necessary for the implementation of the project and achieve the objectives of the Planned Development including resource preservation, design flexibility, and reservation of open space area.

Subdivision Ordinance: The tentative subdivision map conforms to the applicable policies of the General Plan involving density, neighborhood compatibility, resource protection,



and suitability. The design of the subdivision is suitable for the site and public infrastructure that would serve the development is already in place. With the exception of the requested Design Waiver, the project shall be required to implement applicable standards of the Design and Improvement Standards Manual (DISM) and specific conditions of approval to ensure public health, safety, and welfare, and minimize effects to resources on the site ensuring orderly and safe implementation of the project.

As discussed in the *Findings*, staff concludes that the required findings can be made to support the proposed Piedmont Oak Estates subdivision.

### **Environmental Review**

In accordance with the California Environmental Quality Act (CEQA), a revised Initial Study has been prepared to determine if the proposed project would have a significant effect on the environment (Exhibit L). Supporting technical studies and supplemental reports, including Air Quality Analysis/Greenhouse Gas Analysis, Traffic Impact Analysis, Biological Resources Assessment, Geotechnical Engineering Study, Cultural Resources Inventory and Evaluation, and Environmental Noise Assessment, are referenced in this Initial Study. Based on the Initial Study, a Mitigated Negative Declaration has been prepared as specific impacts to Air Quality, Biological Resources, and Traffic/Circulation have been identified requiring mitigation measures to reduce the effects to a less than significant level. These measures would be implemented and enforced through the Mitigation Monitoring Reporting Program (MMRP), in accordance with CEQA Guideline Section 15074(d), and are included as project conditions of approval.

Note: This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.). In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$2,216.25 after approval, but prior to the County filing the Notice of Determination on the project. This fee plus a \$50.00 administration fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$2,216.25 is forwarded to the State Department of Fish and Wildlife and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

## SUPPORT INFORMATION

### Attachments to Staff Report:

Findings

Conditions of Approval

Exhibit A.....	Location Map
Exhibit B.....	Assessor's Parcel Map
Exhibit C.....	General Plan Map
Exhibit D.....	Zoning Map
Exhibit E.....	Previous Version of Piedmont Oak Estates Tentative Map; March 2016
Exhibit F.....	Slope Map
Exhibit G.....	Aerial Map with Land Use Information
Exhibit H.....	Zoning and Land Use Exhibit; April 2017
Exhibit I.....	Piedmont Oak Estates Tentative Map and Development Plan; April 2017
Exhibit I.1.....	Planned Development Modified Standards for Residential Lots
Exhibit J.....	Piedmont Oak Estates Preliminary Grading and Drainage Plan; April 2017
Exhibit K.....	Piedmont Oak Estates Preliminary Water and Sewer Plan; April 2017
Exhibit K.1.....	Facilities Improvement Letter, Piedmont Oak Estates-Extension; May 23, 2016
Exhibit L.....	Proposed Mitigated Negative Declaration and Revised Initial Study