

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



Agenda of: December 14, 2017

Staff: Mel Pabalinas

**GENERAL PLAN AMENDMENT/REZONE/SPECIFIC PLAN
AMENDMENT/PLANNED DEVELOPMENT REVISION**

FILE NUMBERS/

PROJECT NAME: A16-0001/Z16-0004/SP86-0002-R-3/PD94-0004-R-3/El Dorado Hills Apartments

APPLICANT/

AGENT: The Spanos Corporation

PROPERTY

OWNER: David Pick Family, LP

ENGINEER: TSD Engineering

REQUEST: The project consists of the following requests:

1. General Plan Amendment adding a new policy under Objective 2.2.6 (Site Specific Policy Section) increasing the maximum residential density allowed in the General Plan from 24 dwelling units/acre to a maximum of 47 dwelling units/acre for the 4.565-acre site within the Town Center East Planned Development area identified as Assessor's Parcel Numbers 121-290-60, -61, and -62;
2. El Dorado Hills Specific Plan Amendment incorporating multifamily residential use, density, and related standards for the apartment project. The project site would be designated as "Urban Infill Residential" within the Village T area of the El Dorado Hills Specific Plan;
3. Rezone of project site from General Commercial-Planned Development (CG-PD) zone district to Multifamily Residential-Planned Development (RM-PD) zone district and revisions to the RM-zone district development standards applicable to the proposed 214-unit apartment complex; and
4. Revisions to the approved Town Center East Development Plan incorporating multifamily residential use, density, and related design

and development standards for the proposed 214-unit apartment complex within Planning Area 2 of the Town Center East Development Plan. The proposed apartment complex would be contained in two 4-story, 60-foot-tall buildings and a 5-level, 60-foot-tall parking garage and other on-site amenities.

LOCATION: The property is located on the northwest corner of Town Center Blvd. and Vine Street, within the Town Center East Planned Commercial Center, in the El Dorado Hills area, Supervisorial District 1 (Exhibit A).

APNs: 121-290-60, -61, -62 (Exhibit B)

ACREAGE: 4.56 acres (total)

GENERAL PLAN: Adopted Plan (AP-El Dorado Hills Specific Plan) (Exhibit C)

ZONING: Multifamily Residential-Planned Development (RM-PD) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Environmental Impact Report (EIR) State Clearinghouse No. 201704217 (Exhibit Q)

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

1. Certify the Environmental Impact Report (State Clearinghouse No. 201704217) subject to the Findings presented;
2. Adopt the Mitigation Monitoring Reporting Program in accordance with the California Environmental Quality Act Guidelines Section 15074(d), incorporated as Conditions of Approval;
3. Approve General Plan Amendment A16-0001 based on the Findings presented;
4. Approve Specific Plan Amendment SP86-0002-R-3 amending the El Dorado Hills Specific Plan based on the Findings presented;
5. Approve Rezone Z16-0004 based on the Findings presented; and
6. Approve Planned Development Revision PD94-0004-R-3 revising the Town Center East Planned Development based on the Findings and subject to the Conditions of Approval presented.

EXECUTIVE SUMMARY

The proposed 214-unit apartment complex is a unique residential project within the Town Center East (“TCE”) Planned Development area of El Dorado Hills. The complex would be surrounded by existing commercial uses and have direct access to both public and private infrastructure and recreational amenities within the TCE area and in the surrounding area. Construction of the complex would promote a mixed use development concept by concentrating a variety of uses in an intensely developed area and provide opportunities for employment as well as enhance the commercial businesses in the TCE area.

BACKGROUND

The project site is within the El Dorado Hills TCE Commercial Development Plan area. The development plan was approved for a total of 925,000 square feet of commercial center and a 150-room hotel in August 1995 (Exhibit E). The TCE is within the Village T area of the El Dorado Hills Specific Plan (EDHSP), a master planned community that was approved in July 1988 (Exhibit F). The EDHSP was approved for a total of 6,162 dwelling units and approximately 2.4 million square foot of commercial development within 22 village areas comprising 3,896 acres. As of March 2016, the Serrano Master Planned Community, the predominantly residential portion of the EDHSP area north of Highway 50, has a current dwelling unit count of 3,935 and open space area totaling 1,029 acres. The projected dwelling unit buildout count in Serrano is 4,883 units. The majority of the commercial area is located south of Highway 50 within Villages T (Town Center East Development Plan) and U (Town Center West Development Plan). Both Town Centers were not designated for any residential use.

Development within the TCE area is divided into Planning Areas 1 through 4 and is regulated by the TCE Design Guidelines and Development Standards. Development within the TCE area occurred in phases with the construction of internal roads, wetland corridor (Town Center Lake) and trails, and the majority of the planned commercial buildings including a movie theater, a grocery store, and several medium to large retail stores. The project site, which is located in Planning Area 2, remained vacant, although a portion of the site (APNs 121-290-61 and -62) was designated for a hotel in 2008 and APN 121-290-60 was identified for potential retail shops with a maximum floor area of 10,000 square feet. As of 2014, a total of 687,183 square feet of commercial area has been built in the TCE area, with an additional 177,339 square feet planned/committed for future construction. The TCE Development Plan is currently established such that the amount of commercial floor area is not limited within the designated Planning Areas as long as the proposed use is consistent with the identified uses in the Planning Area and that the maximum floor area and hotel room counts are not exceeded. The TCE area, which includes roads, drainage features, and other amenities, is privately owned, maintained, and managed by the Town Center Management Group.

On December 2, 2014, the Board of Supervisors approved a 250-unit¹ apartment complex at the subject site for the same applicants. The approved entitlements, which are similar to the current

¹ Link to the approved 250-unit El Dorado Hills Apartment project.
<https://eldorado.legistar.com/LegislationDetail.aspx?ID=2075907&GUID=1A877522-51CD-40B7-B6A0-9ADC61948136>

requested application entitlements except for the quantity of the residential units, were authorized by the Board of Supervisors following the adoption of an Initial Study/Mitigated Negative Declaration (IS/MND), which tiered from the previous CEQA documentation for the TCE Development Plan approved in August 1995. The legal validity of the adopted IS/MND and the other approvals is the subject of ongoing litigation; although a trial court has issued a judgment and writ in that litigation, the trial court's rulings are currently stayed, pending the outcome of an appeal. Accordingly, those prior entitlements, including the zoning and general plan amendments included therein, remain in effect. The subject project is proposed as an alternative to the previously approved project and will supersede that project if either (1) the pending litigation concerning the legal validity of those approved entitlements results in a final legal judgment requiring the County to rescind the entitlements, or (2) the project applicant requests rescission of those approved entitlements. As a result, the subject project has been analyzed independently of those prior entitlements (i.e., as if those prior entitlements were not still in effect).

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.

Site Description and Adjacent Lands: Exhibit G illustrates the land use and zoning designations and uses of the project site and adjacent properties. The site is bordered by private roads on the north (Mercedes Lane), east (Vine Street), and south (Town Center Blvd) and by a drainage area (Town Center Lake) to the west. The roads connect to major county roads including White Rock Road to the south and Latrobe Road to the west. The site is surrounded by existing commercial development on all sides. The site topography slightly drains from east to west.

Project Description: To facilitate the proposed 214-unit apartment, several entitlements are necessary. As detailed in Exhibit H, these entitlements include an amendment to the General Plan adding a policy that would increase the maximum residential density; an amendment to the El Dorado Hills Specific Plan text designating the site "Urban Infill Residential" and incorporating multifamily residential use, density, and related standards for the project site; rezone of the site from General Commercial-Planned Development (CG-PD) to Multifamily Residential-Planned Development and revisions to the RM-zone standards; and revisions to the TCE Development Plan to include the proposed multifamily residential apartment complex. Additional discussion related to the land use change is detailed under *Analysis of Project Issues*.

The following is a summary of the proposed multifamily residential project:

Building and Site Design: Exhibits I through O detail the plans for the project. The proposed 214-unit apartment complex would be housed in two buildings measuring 4-story, 60-foot tall [note: only the architectural elements of the building extends up to 60 feet while the maximum height of the apartment buildings is 52 feet) The floor area of the units range from 576 square feet to 1,195 square feet in size with a mixture of units consisting of 12 percent (26 units) of studio, 41 percent (88 units) of 1-bedroom , and 47 percent of 2-bedroom (100 units). A 60-foot-tall, 5-level parking garage, which would accommodate a total of 420 stalls, would be constructed in the middle of the

site surrounded on three sides by the residential buildings. Five additional surface parking spaces would also be provided on the site. Building materials, design, and architectural elements would blend with the existing design features and theme in the TCE area. Ornamental landscaping matching the type of plants in the TCE design standards would be planted within the interior common area and along the perimeter. Standard light fixtures, designed in conformance to TCE and County standards, would also be installed throughout the site. Perimeter fencing would be installed with varying height from 42 inches to 60 inches depending location. The complex would be served by on-site interior (fitness clubhouse) and exterior amenities (swimming pool, barbecue area). The exterior amenities would be located within commonly owned open space area, encompassing approximately 40 percent of the site.

Primary site access would be off Town Center Boulevard and secondary access off Vine Street. A 25-foot-wide emergency vehicular access along would be constructed on the portion of the project site along Town Center Lake, connecting from Town Center Boulevard to Mercedes Lane. On-site pedestrian walkways would be connected to designated building accesses and existing sidewalks along the frontage roads.

Site Improvements and Utilities: Exhibits N and O detail the preliminary plans for the anticipated site improvements and infrastructure. Site construction would include re-grading to establish necessary pads and foundations, construction of retaining walls and site encroachment, and installation of underground utility lines (i.e., water, sewer, drainage, electrical, and fire sprinkler). Utility lines, which vary in size and location, would be connected to existing service lines along the frontage roads. 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. A Facilities Improvement Letter (FIL) issued by El Dorado Irrigation District (EID) for the project corroborates sufficient availability of both potable and recycled water. Sewer service would also be provided by EID.

Development Plan Standards: Exhibit P details the revised draft TCE design guidelines and development standards applicable to the project. As approved by the TCE Design Review Committee, the guidelines and standards, which would be consistent with and supplement the existing TCE standards regulating the existing commercial development, would only apply to this site of Planning Area 2 of the TCE area. The proposed designs of the project will match the existing theme in the TCE area. The development standards would incorporate the residential use and density, and the modified development standards such as building height, setbacks, site coverage, and impervious surface.

Analysis of Project Issues

1. Amendment to the General Plan and El Dorado Hills Specific Plan

As detailed in Exhibit H, the project would require an amendment to the General Plan Land Use Element adding a site-specific policy that would increase the current maximum multi-family residential density of 24 du/ac to 47 du/ac. The Multifamily Residential (MFR) land use designation currently allows a maximum density of 24 du/ac and is commonly associated with the development of apartment and townhome residential projects. The proposed density change would also require an

amendment to the density standards in the El Dorado Hills Specific Plan. Currently, there is no multifamily residential development of any type in the county that exceeds this maximum density.

The project site is located within the El Dorado Hills Specific Plan, an adopted plan in the Community Region of El Dorado Hills. The EDHSP provides for a range of residential types and a variety of commercial uses. The site is within the adopted Town Center East Development Plan (Village T of the El Dorado Hills Specific Plan). The TCE area was not designated for any residential use.

Locating the project at this site in the TCE area would convert commercial land to residential development, which would conflict with County policies that encourage continued development of commercial lands with entitlements, flat topography, convenient access to major roads, and available infrastructure. Though the type of commercial use and amount of floor area that could be developed on the project site is undetermined, retaining the site for commercial use would achieve the established goals in the General Plan, Specific Plan, and TCE Development Plan in continuing to provide retail and employment opportunities in the county, and preventing sales tax leakage to nearby jurisdictions.

Locating residential use within or near nonresidential uses and near major transportation corridor has inherent nuisance impacts typically from noise, traffic, and odors. With its close proximity to Highway 50, Latrobe Road, and White Rock Road and internal circulation within the TCE area, the apartment complex would be exposed to varying degree of these impacts. The Town Center Management Group also conducts occasional special events such as concerts, farmer's market, and carnival that attract additional patrons which could further exacerbate normal traffic and noise in the TCE area.

However, placement of a residential use within land use patterns that include employment-generating uses is supported by state and local policies. Government Code Section 65890.1² promotes the types of land use patterns so as to minimize commuting, reduce traffic congestion, and improve air quality. The construction of an urban residential infill project in the immediate vicinity of the restaurants, retail stores, and offices that have been developed at the Town Center or in the nearby commercial uses of the El Dorado Hills Business Park, located approximately one mile south on Latrobe road, would provide opportunities for county residents to live, work, and shop locally.

The proposed project would also be supported by and be consistent with various policies of the General Plan. As discussed in the Findings for Approval, a self-sustaining, compact, urban or suburban-type residential development that complements the existing commercial development in the TCE area would be appropriate within the Community Region of the county where it can conveniently utilize existing public infrastructure and services necessary to serve the development while minimizing potential construction costs.

² Link to Government Code 65890.1

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=65890.1

Multifamily residential use in the vicinity of commercial uses would enhance and stimulate businesses in the TCE area. Future residents of the apartment complex would have convenient access to surrounding retail shops and a variety of recreational amenities in the area. The apartment complex would also add to the variety of residential types in the area that would cater to the needs of the community who differ in age, household size, and lifestyle.

The potential nuisance impacts of the proposed apartment complex have been evaluated in accordance with the applicable policies of the General Plan, provisions of the Zoning Ordinance, and reported in the Environmental Impact Report prepared for the project. Air quality impacts from construction and operational emissions were determined to be less than significant subject to identified mitigation measures. Noise impacts from both transportation and non-transportation uses were determined to be less than significant through project design and use of standard building materials. Aesthetic impacts were also analyzed and found to be insignificant, as the project will be consistent with the existing architectural and design theme in the TCE. Circulation and traffic concerns have also been evaluated in the Traffic Impact Study, which concluded that project impacts to specific intersections and road segments are reduced to less than significant with application of specific mitigation measures.

The potential nuisance impacts on the project residents from special events within the TCE area could be resolved with issuance of advanced disclosure and notification to the future residents of the complex. Future apartment management would need to be informed of the residents' concerns and engage with the Town Center Management Group in an effort to resolve any safety and nuisance issues.

Additional consistency analysis and discussion is provided under *Findings* below.

2. Rezone and Amendment to Town Center East Development Plan

As detailed in Exhibit H and consistent with the amendments to the General Plan and the El Dorado Hills Specific Plan, the project would require a rezone of the project site to Multifamily Residential-Planned Development (RM-PD) and revisions to applicable zone standards and TCE standards including setbacks, building height, and building coverage. As part of the Planned Development Plan, the apartment complex has been designed to be suitable and self-contained within its boundaries served by its amenities and existing amenities and infrastructure in the TCE area. Staff has reviewed and determined the proposed standards to be appropriate within the TCE setting, in conformance with the concept of Planned Development and applicable policies of the General Plan. Additional consistency analysis and discussion is provided under *Findings* below.

3. Environmental Review

An Environmental Impact Report (State Clearinghouse No. 201704217), analyzing the potential environmental impacts of the project, was prepared for the project (Exhibit Q). The preparation of the document was initiated on April 7, 2017 with the release of the Notice of Preparation (NOP)/Initial Study announcing the preparation of a Draft EIR (DEIR) and describing its proposed scope. The Initial Study determined that implementation of the project would not adversely affect aesthetics, agricultural and forestry resources, geology/soils, hazards & hazardous materials,

hydrology/water quality, mineral resources, and population and housing and that further evaluation of these topics in the DEIR was not required. The County conducted a public scoping meeting on April 25, 2017.

The County issued the DEIR on June 30, 2017, and circulated it for public review and comment for a 61-day period that ended on August 30, 2017. Two state agencies, one local agency, two local organizations, and 17 individuals provided written comments on the DEIR. In addition, comments were received from members of the public at the August 10, 2017, public workshop on the DEIR before the County's Planning Commission. No comments from state and local agencies were received at the Planning Commission public workshop.

Specific resources in the DEIR that are identified to have significant impacts but are reduced to less than significant level with incorporation of mitigation measures include Air Quality, Biological Resources, Cultural Resources, and Utility and Service Systems. Two non-CEQA impact and corresponding mitigation measures involving Transportation were identified. Both impacts are outside the scope of CEQA, but the applicant has agreed to voluntarily mitigate regardless of the absence of a legal requirement to do so. There were no identified environmental impacts that cannot be mitigated to a less than significant level. A Mitigation Monitoring Reporting Program (MMRP) containing the identified mitigation measures applicable to the project has been prepared (Exhibit Q- Chapter 4 of Final EIR).

The Final EIR (FEIR) has been prepared detailing the proposed edits to the DEIR as well as comments received during the public comment period and corresponding responses. An Administrative Finding has been prepared summarizing the results of the DEIR and conclusions reached in accordance with CEQA (Exhibit R).

4. Agency Comments and Conditions of Approval

The project was distributed for technical review by various agencies as part of the Technical Advisory Committee (TAC) project review. Comments from various agencies including Air Quality Management District, Transportation Department, El Dorado Hills Community Services District, and El Dorado Hills Fire Department were received and, as applicable, incorporated as Conditions of Approval for the project (Exhibit S). The list of conditions includes a reference to mitigation measures in the MMRP. To ensure orderly implementation and construction, the project must fully comply with the Conditions of Approval, subject to verification by the affected agency.

Comments were also received from the local advisory group in El Dorado Hills, the Area Planning Advisory Committee (APAC). The comments are included and responded to in the FEIR. APAC concerns on the project include the potential for increased traffic impacts, the doubling of current maximum multifamily residential density, and the potential loss of sales tax revenue with the conversion of the commercial use to residential. APAC voted 7-0 in favor of non-support of the project.

SUMMARY RECOMMENDATION

The El Dorado Hills Apartments project presents a unique opportunity to promote a mixed-use concept in the El Dorado Hills Town Center where future residents would have convenient access to shopping, employment, and recreation, supported by existing public facilities and services. Although the project would displace potential new commercial development in the Town Center that had been planned to create more opportunities for jobs, retail, and services, its development could foster numerous goals and policies of the General Plan and the El Dorado Hills Specific Plan to create a fully integrated and self-sustaining community. The project is consistent with the applicable policies of the General Plan and El Dorado Hills Specific Plan and provisions of the Zoning Ordinance and Town Center East Planned Development.

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 Zone District Map
- Exhibit E..... Original Town Center East Development Plan
- Exhibit F..... Land Use Map – El Dorado Hills Specific Plan
- Exhibit G Project Site and Surrounding Properties Land Uses
- Exhibit H Detailed Project Narrative, El Dorado Hills Specific Plan Land Use and Rezone Exhibit, and Matrix of Revised Development Standards for El Dorado Hills Apartments
- Exhibit I..... Preliminary Site Plan
- Exhibit J..... Preliminary Building Elevation Plan
- Exhibit K Preliminary Landscape Plan
- Exhibit L..... Preliminary Photometric Plan
- Exhibit M..... Preliminary Open Space/Amenities Plan
- Exhibit N Preliminary Grading Plans
- Exhibit O Preliminary Utility Plan and Facilities Improvement Letter (FIL)
- Exhibit P Design Guidelines and Development Standards for El Dorado Hills Apartments
- Exhibit Q Draft and Final Environmental Impact Report (DEIR and FEIR)
- Exhibit R California Environmental Quality Act Findings
- Exhibit S Agency and Non-Agency Comments