

DEVELOPMENT SERVICES DEPARTMENT

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TO: Board of Supervisors **Agenda of:** December 8, 2009

FROM: Peter N. Maurer, Principal Planner

DATE: October 26, 2009

RE: A08-0001/OR08-0001/Mixed Use Development

BACKGROUND

On October 13, 2009, the Board of Supervisors conceptually approved amending Policies 2.1.1.3, 2.1.2.5, 2.2.1.2 and Table 2-2 of Policy 2.2.1.3 of the Land Use Element of the General Plan to allow mixed-use development to occur horizontally as well as vertically, eliminate the requirement for projects to be predominantly commercial, and increase density in dwelling units per acre within Community Regions for mixed use projects. The Board also conceptually approved an amendment to the Zoning Ordinance to allow for mixed use development (MUD) in 3 out of 4 commercial zones and establish standards for MUD projects.

As directed by the Board of Supervisors, revisions made to the amendment include; (1) where referenced, a reduction in the maximum number of units from 24 units per acre as analyzed in the Initial Study to 16 units per acre; (2) added descriptions of related codes referenced in the Zoning Ordinance; and (3) restricted density to no more than four units per acre without a public sewer connection.

At the request of the Board, maps were prepared highlighting parcels adjoining agriculture land. As shown, there are currently 1,931 parcels or 3,125 acres designated Commercial on the General Plan Land Use map. Of these lands, 552 parcels or 1,113 acres are vacant. The number of Commercial parcels within Community Regions and Rural Centers adjoining agriculture lands is 39 parcels or 117 acres, roughly 3% of the total acreage. Currently only 14 parcels totaling 61 acres are vacant. This is 2.5% of the total vacant Commercial parcels or 5% of total vacant Commercial acreage.

DISCUSSION

Planned Development Policy 30% Open Space Requirement: During the May 11, 2009 workshop on mixed-use development the Board discussed the potential constraint on MUD

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projects to comply with the mandated 30% open space requirements under the General Plan Planned Development Objective 2.2.3.

It was determined that not all MUD projects could meet the 30% open space requirement and that it could be detrimental to achieving the purpose of many MUD project. Single or small parcel infill projects would most likely not achieve this requirement nor would it make sense in most cases. Larger multi parcel projects would be required to provide connectivity of the buildings, which through a Planned Development process would include the development of public open spaces, thereby more easily meeting this objective.

The Planning Commission has adopted a Resolution of Intention to consider amending General Plan policies 2.2.3.1, 2.2.3.2, 2.2.5.4, and 2.2.5.13 to provide greater flexibility for mandatory open space requirements. Staff is currently working on the amendment. Until the policies are amended, the Board agreed to allow for some flexibility in meeting the open space requirements through the PD process for Mixed Use Development projects only. As discussed during the MUD Board item on October 13, 2009, this can be done through the Boards authority to interpret the General Plan in reference to open space on a case-by-case basis under General Plan Planned Development policies.

During the October 13, 2009 Board hearing there was discussion regarding an interest in not limiting the development of private packaged treatment plants as alternatives to public sewer connections. However, the action taken by the Board directed staff to revise the proposed amendment allowing for only four units per acre when a public sewer hook-up was not available. Staff has revised the amendment as directed by the Board's approved motion. Should the Board wish to include language regarding private treatment plants as an option, staff can provide alternative language in the proposed development standards for MUD to accommodate private packaged treatment plants.

RECOMMEDATION

Development Services recommends that the Board of Supervisors take the following actions:

1. Adopt the Negative Declaration based on the Initial Study prepared by staff;
2. Approve A08-0001 amending General Plan Policies 2.1.1.3, 2.1.2.5, 2.2.1.2, and 2.2.1.3 Table 2-2 Land Use Densities and Residential Population Ranges, as shown in Attachment 2, based on the findings listed in Attachment 1;
3. Approve OR08-0001 as follows:
 - a. Amend Zoning Ordinance Chapter 17.32 to include Mixed-Use Development as a permitted use within a Planned Development in Commercial Districts (C), Professional Office Commercial Districts (CPO), and Planned Commercial Districts (CP), as shown in Attachments 3-6, based on the findings listed in Attachment 1; and
 - b. Adopt regulations for Mixed-Use Development as set forth in 17.14 with the addition of section .220 allowing for a maximum residential density of 16 dwelling units per acre within Community Regions and a maximum residential density of 4 units per acre in

Rural Centers or where public sewer hook up is not available as shown in Attachments 6, based on the findings listed in Attachment 1.

NEXT STEPS

The Board has discussed the concept of a more comprehensive MUD program to be developed subsequent to the adoption of this initial phase. This would be used as a tool to achieve goals established by AB32, SB375 and the General Plan. Should the Board desire further development of MUD, staff would bring back a program of how we would proceed. The analysis would include, but not be limited to, exploring options such as the creation of a land use designation, zone district, or an overlay district for mixed-use. Other options could include establishing design guidelines, special use regulations and development standards for mixed-use within existing zone designations, including residential and research and development. Staff would also include cost estimates and a discussion of CEQA considerations.

An example may include revising standards for Multi Family Residential, where services such as small eateries, small retail stores, and health services or youth centers would enhance the overall neighborhood, while assisting in meeting federal and state funding requirements for development support. Another option may be the creation of an "Atlas" of different types of mixed-use development forms that would be utilize within specific communities and neighborhoods.

Staff would work with the Economic Development Advisory Committee's Regulatory Reform Taskforce to determine what regulatory changes are needed to ensure successful mixed-use projects in the short and long term. In addition, as part of a final program, staff could work with the public to develop design standards to ensure projects are a good fit within the County's diverse communities and neighborhoods. This process would be best concluded within the next four years so that the program may be incorporated in the 2013-2018 Housing Element update.