



County of El Dorado Clerk of the Board <edc.cob@edcgov.us>

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## Opposition to Agenda Item 22-0194

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**Sarah Martinez** <sarahm@bpelaw.com>  
To: "edc.cob@edcgov.us" <edc.cob@edcgov.us>  
Cc: Sierra Grandbois <sgrandbois@bpelaw.com>

Thu, Feb 3, 2022 at 9:42 AM

Good morning,

Please see the attached correspondence dated today.

Thank you,

Sarah I. Martinez | Legal Secretary

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February 3, 2022

El Dorado County Board of Supervisors  
Attn: Clerk of the Board  
330 Fair Lane, Building A  
Placerville, California 95667  
[edc.cob@edcgov.us](mailto:edc.cob@edcgov.us)

VIA E-MAIL ONLY

**RE: Opposition to Agenda Item 22-0194  
General Plan Amendment GPA21-0003/ Rezone Z21-0011)**

Dear Board of Supervisors:

This office represents Cook Family Holdings, L.L.C. with respect to the County of El Dorado's ("County") proposal of the Land Use Map Correction (General Plan Amendment GPA21-0003) ("GPA") and Zoning Map Correction (Rezone Z21-0011) ("Rezone"). My client respectfully opposes such changes because said GPA and Rezone directly and negatively impact its property located at Assessor's Parcel Number 083-465-028, on Mira Loma Drive, Cameron Park, California 95682 ("Subject Property"). The Board of Supervisors should reject the Planning Commission's recommendation to approve the California Environmental Quality Act ("CEQA") Environmental Impact Report ("EIR") Addendum to the Target General Plan Amendment/Zoning Ordinance Update Environmental Impact Report ("Addendum") as to our client's property, and subsequently reject the portions of GPA21-0003 and Z21-0011 that apply to our client's property.

### **Background for GPA and Rezone**

Planning staff and Planning Commission state that the residents and community of Cameron Woods oppose our client's proposed land use on the Subject Property, discussed further below. The residents and the staff report refer to an obsolete resolution passed in 1995 to support the proposed GPA and Rezone. However, this 1995 zoning was effectively superseded by the 2004 General Plan, which established a Multi-Family Residential ("MFR") designation on the Subject Property. Thus, in 2015, the "five subject parcels were rezoned from single-family residential zoning ("R1") to multiple residential ("RM") in order to be consistent with the MFR General Plan land use designation." (Sanchez, *County of El Dorado Planning and Building Department Planning Commission Staff Report*, December 9, 2021 [hereinafter "Staff Report"].) This 2015 zoning update "was the first comprehensive update of the County's Zoning Ordinance in more than 40 years." (Addendum, pg. 1.) Now, as discussed further below, the Planning Commission proposes to change the land use designation on the Subject Property to High Density Residential ("HDR") and the zoning to R1.

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### **General Plan Consistency**

The General Plan is the County's controlling land use document, and zoning must be consistent with the General Plan. (California Government Code § 65860.) In 2015, the County clearly had the intention to correct the zoning inconsistency, which resulted in the County rezoning the Subject Property from R1 to RM designation. If the County had wanted to change the General Plan land use designation on the Subject Property from MFR to HDR in 2015 instead of changing the zoning, it very well could have. However, the County did not take such action. Therefore, the current General Plan and current zoning on the Subject Property are consistent with one another and the zoning was intentionally updated to RM to be consistent with the MFR land use designations.

### **Our Client's Housing Proposal**

In July 2020, our client submitted a pre-application to the County for a 46-unit multifamily residential housing development on the Subject Property. The Staff Report affirmatively states that this proposal "was evaluated against the current MFR General Plan land use designation and the RM zoning and determined to be a permissive use." (Staff Report, pg. 3.) Despite this inherent consistency, and the critical need for additional housing units in the County and statewide, the Planning Commission is asking this Board of Supervisors ("**Board**"), to arbitrarily downzone our client's property rather than continue to process our client's proposal. The basis for this downzoning? Staff cites "the public sentiment from the Cameron Woods community." (Staff Report, pg. 3.)

### **Reasonable Expectations**

To date, my client has spent approximately \$50,000.00 and countless hours of engineering and design with the reasonable expectation that the current zoning and land use designations allow a multi-family residential development on the Subject Property. If the GPA and Rezone are approved by the Board, our client will lose the ability to construct housing units it currently has the legal right to construct, as well as its financial investment in its pending proposal for the Subject Property.

### **California Housing Crisis**

Not only would the GPA and Rezone destroy our client's expectations of the Subject Property's use, but the action also goes directly against the hard work the State of California has been performing to support more housing. Recent state-wide legislation, Senate Bills 9 and 10 support local efforts to upzone parcels through ministerial approvals to create more housing units quickly and prohibit later downzoning of parcels rezoned under this legislation.

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Further, the County's Housing Element, as adopted on August 31, 2021, in the General Plan and effective currently (hereinafter the "**Housing Element**"), states that the County experienced a growth of 6.7% between 2010 and 2020, with a total population of 193,227 residents in 2020. (Housing Element, pg. 4-12.) Further, there is projected growth of 8.8%, or 16,846 residents by 2030. (Housing Element, pg. 4-13.) Due to the growth, the Housing Element addresses the need that "intensive development shall be directed to identified Community Regions and Rural Centers where public facilities and infrastructure are generally more available," which my client's Subject Property is located in a primary community region. (Housing Element, pg. 4-37; see also California Government Code § 65580.) The Housing Element also addresses that "multi-family housing is allowed by right in the Multi-family Residential (RM) zone." (Housing element, pg. 4-44.)

To apply the Rezone to the Subject Property would directly go against the County's housing policies of facilitating intensive development to meet the needs of the community and further would run afoul of Policy HO-1.9 by succumbing to the community's opposition of a housing proposal as the policy states, "the County shall work with local community, neighborhood, and special interest groups in order to integrate affordable workforce housing into a community and to minimize opposition to increasing housing densities." (Housing Element pg. 4-90.) As such, the proposed GPA and Rezone conflict with the policies of the Housing Element and would stunt legally allowed growth due to "the public sentiment from the Cameron Woods community," which does not justify reducing housing opportunities.

It is clear California is working to solve the housing shortage, not make it worse considering the all-time high need for housing. El Dorado County is not immune from the severe housing shortage, especially after many community members and their families have been displaced because of the devastating Caldor Fire. Now more than ever, the County has an immediate need for housing units to assist those community members. Not only are many members suffering from the loss of their homes and personal belongings, but they are also competing against one another for local housing so they may stay as close as possible to their family, friends, and jobs. Now is not a time to reduce densities, particularly in an area the Staff Report admits is surrounded by high-density residential and multi-family uses. Indeed, the Staff Report discloses that additional analysis is needed to confirm that this rezone will not result in a net loss of housing units identified in the County General Plan Housing Element. (Staff Report, p. 12 [the action "should not result in a net loss" but "full analysis is ongoing"].) Even if it turns out there is no conflict with the Housing Element, the GPA and Rezone still run afoul of state policy and local need for additional housing units.

### **California Environmental Quality Act**

The CEQA Findings in the Staff Report state that no additional environmental impacts will occur because the "revisions and parcel specific rezone changes are due to previously documented mapping errors..." (Staff Report, p. 9.) As noted above, there is no evidence of an error. The

current GPA and zoning are consistent with each other. More compelling is that in 2015 the County specifically undertook action to bring the Subject Property into consistency by upzoning the Subject Property to be consistent with the General Plan designation. The Addendum relies on the very EIR that supported the 2015 zoning. It is unclear how the 2015 EIR could support two different zoning designations for the Subject Property.

It is our client's position that the Board of Supervisors should reject the recommendations by the Planning Commission and outlined in the Staff Report as to the Subject Property, decline to approve the Addendum to the Target General Plan Amendment/Zoning Ordinance Update Environmental Impact Report, and subsequently reject GPA21-0003 and Z21-0011, at least as applied to our client's property. Our client requests that he has an opportunity to comment on this item during the hearing on February 8, 2022. Should you have any questions prior to the hearing, do not hesitate to contact me.

Kind Regards,

BPE LAW GROUP, P.C.



SIERRA N. GRANDBOIS  
Attorney at Law