



County of El Dorado

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Legislation Details (With Text)

File #: 18-1091 **Version:** 1

Type: Agenda Item **Status:** Approved

File created: 7/5/2018 **In control:** Board of Supervisors

On agenda: 7/24/2018 **Final action:** 7/24/2018

Title: HEARING - Community Development Services (CDS), Planning and Building Department, recommending the following seven actions in order to: (1) rescind the December 2, 2014 approvals of the 250-unit El Dorado Hills Apartments project, County file numbers A14-0001/Z14-0001/SP86-0002-R/PD94-0004R-2 on property identified as Assessor's Parcel Numbers 121-290-60, -61 and -62 located on the northwest corner of Town Center Blvd. and Vine Street in the El Dorado Hills area; and (2) approve General Plan text amendment to Policy 2.2.1.2 to clarify that Objective 2.2.6.6 provides an exception to the maximum density allowed by General Plan Policy 2.2.1.2:

- 1) Rescind adoption of the Subsequent Mitigated Negative Declaration (State Clearinghouse No. 201405281) and Mitigation Monitoring Report Program for the 250-unit El Dorado Hills Apartment project, effective upon entry of dismissal of the Case No. PC20180127 with prejudice;
- 2) Adopt and authorize the Chair to sign Resolution 161-2018 (Attachment B-Exhibit A) rescinding Resolution 208-2014 regarding General Plan Amendment A14-0001, effective upon entry of dismissal of Case PC20180127 with prejudice;
- 3) Adopt and authorize the Chair to sign Ordinance 5087 (Attachment C-Exhibit B) rescinding Ordinance 5015 regarding Rezone Z14-0001, effective upon entry of dismissal of the Case PC20180217 with prejudice;
- 4) Rescind approval of Specific Plan Amendment SP86-0002-R, effective upon entry of dismissal of the Case PC20180127 with prejudice;
- 5) Rescind approval of Planned Development Permit Revision PD94-0004R-2, effective upon entry of dismissal of the Case PC20180127 with prejudice;
- 6) Adopt and authorize the Chair to sign Resolution 162-2018 (Attachment D-Exhibit C) approving General Plan amendment of General Plan (Land Use Element) Policy 2.2.1.2; and
- 7) Continue the amendment to Policy 2.2.1.2 and rescission of Policy 2.2.6.6, resulting from the rescission of Resolution 208-201, for final action with the County's next "bundling" of amendments to the General Plan, consistent with Government Code section 65358(b). (Est. Time: 30 Min.)

FUNDING: N/A

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Contract Routing Sheet, 2. B - Exhibit A-Resolution-Rescission of Resolution 208-2014, 3. C - Exhibit B-Ordinance-Rescission of Ordinance No 5015, 4. D - Exhibit C-Resolution-General Plan Amendment, 5. E - Exhibit D-Resolution 017-2018 and Ordinance 5079, 6. F - Exhibit E-Resolution 208-2014 and Ordinance 5015, 7. G - Exhibit F-Executed Settlement Agreement (CSDEDH-EDCBOS), 8. H - Exhibit G-2014 Entitlement Recission Request-Spanos Corp, 9. I - Proof of Publication-Mountain Democrat, 10. Executed Resolution 161-2018, 11. Executed Resolution 162-2018, 12. Executed Ordinance 5087, 13. Ordinance 5087-Proof of Publication-Mountain Democrat, 14. FILED-Notice of Exemption

Date	Ver.	Action By	Action	Result
7/24/2018	1	Board of Supervisors	Approved	Pass

HEARING - Community Development Services (CDS), Planning and Building Department, recommending the following seven actions in order to: (1) rescind the December 2, 2014 approvals of the 250-unit El Dorado Hills Apartments project, County file numbers A14-0001/Z14-0001/SP86-

0002-R/PD94-0004R-2 on property identified as Assessor's Parcel Numbers 121-290-60, -61 and -62 located on the northwest corner of Town Center Blvd. and Vine Street in the El Dorado Hills area; and (2) approve General Plan text amendment to Policy 2.2.1.2 to clarify that Objective 2.2.6.6 provides an exception to the maximum density allowed by General Plan Policy 2.2.1.2:

- 1) Rescind adoption of the Subsequent Mitigated Negative Declaration (State Clearinghouse No. 201405281) and Mitigation Monitoring Report Program for the 250-unit El Dorado Hills Apartment project, effective upon entry of dismissal of the Case No. PC20180127 with prejudice;
- 2) Adopt and authorize the Chair to sign Resolution **161-2018** (Attachment B-Exhibit A) rescinding Resolution 208-2014 regarding General Plan Amendment A14-0001, effective upon entry of dismissal of Case PC20180127 with prejudice;
- 3) Adopt and authorize the Chair to sign Ordinance **5087** (Attachment C-Exhibit B) rescinding Ordinance 5015 regarding Rezone Z14-0001, effective upon entry of dismissal of the Case PC20180217 with prejudice;
- 4) Rescind approval of Specific Plan Amendment SP86-0002-R, effective upon entry of dismissal of the Case PC20180127 with prejudice;
- 5) Rescind approval of Planned Development Permit Revision PD94-0004R-2, effective upon entry of dismissal of the Case PC20180127 with prejudice;
- 6) Adopt and authorize the Chair to sign Resolution **162-2018** (Attachment D-Exhibit C) approving General Plan amendment of General Plan (Land Use Element) Policy 2.2.1.2; and
- 7) Continue the amendment to Policy 2.2.1.2 and rescission of Policy 2.2.6.6, resulting from the rescission of Resolution 208-201, for final action with the County's next "bundling" of amendments to the General Plan, consistent with Government Code section 65358(b). (Est. Time: 30 Min.)

FUNDING: N/A

DEPARTMENT RECOMMENDATION

Community Development Services (CDS), Planning and Building Department, recommending the Board of Supervisors rescind the entitlements for the 250-unit El Dorado Hills Apartments project approved on December 2, 2014 under project file applications A14-0001/Z14-0001/SP86-0002-R/PD94-0004R-2 ("2014 Entitlements") and approve the General Plan amendment of Policy 2.2.1.2 of the Land Use Element, in accordance with the executed Settlement Agreement of litigation associated with the El Dorado Hills Apartments project approved on February 13, 2018 under file applications A16-0001/Z16-0004/SP86-0002-R-3/PD94-0004R-3.

DISCUSSION / BACKGROUND

On February 13, 2018, the Board of Supervisors approved the El Dorado Hills Apartments project (File Nos. A16-0001/Z16-0004/SP86-0002-R-3/PD94-0004R-3), a 214-unit apartment complex by The Spanos Corporation ("2018 Entitlements") (Attachment E-Exhibit D). The approved 2018 Entitlements include Condition of Approval No. 2 which provides, in part, that the 2018 Entitlements shall supersede the previously approved 2014 Entitlements for the 250-unit project at the same location if the project applicant requests rescission of the 2014 Entitlements (Attachment F-Exhibit E). Following approval of the 2018 Entitlements, litigation was filed by the Citizens for Sensible Development in El Dorado Hills (CSDEDH) on March 14, 2018 (Case No. PC20180127). The 2014 Entitlements had also been challenged and the decision from the Superior Court (Case No. PC20150001) is currently on appeal (Case No. C081472). The parties reached a global settlement on May 21, 2018 of the legal challenges to both projects, without any change to the 2018 project or 2018 Entitlements (Attachment G-Exhibit F).

In accordance with the terms of the Settlement Agreement and Condition of Approval No. 2 of the 2018 Entitlements, The Spanos Corporation has requested the rescission of the 2014 Entitlements

(Attachment H-Exhibit G). The County also agreed in the Settlement Agreement to make a minor technical amendment to General Plan Land Use Element Policy 2.2.1.2 to clarify that Objective 2.2.6 is an exception to the maximum density allowed by the General Plan. The amendment has no legal effect and would read as follows (new language underlined; deleted language stricken):

“Policy 2.2.1.2: To provide for an appropriate range of land use types and densities within the County, the following General Plan land use designations are established and defined.

Multifamily Residential (MFR): This land use designation identifies those areas suitable for high-density, single family and multifamily design concepts such as apartments, single-family attached dwelling units (i.e., air-space condominiums, townhouses and multiplexes), and small-lot single-family detached dwellings subject to the standards set for in the Zoning Ordinance and which meet the minimum allowable density. Mobile home parks, as well as existing and proposed manufactured home parks, shall also be permitted under this designation. Lands identified as MFR shall be in locations with the highest degree of access to transportation facilities, shopping and services, employment, recreation, and other public facilities. Mixed use development within Community Regions and Rural Centers which combine commercial and residential uses shall be permitted. Except as provided in Objective 2.2.6 (Site Specific Policy), ~~t~~The minimum allowable density is five dwelling units per acre, with a maximum density of 24 dwelling units per acre. Except as provided in Policy 2.2.2.3, this designation is considered appropriate only within Community Regions and Rural Centers.”

Rescission of Resolution No. 208-2014 regarding General Plan Amendment A14-0001 would amend the General Plan to rescind General Plan Policy 2.2.6.6, which was established with the 2014 Entitlements. General Plan Policy 2.2.6.7 would also become effective upon the rescission of General Plan Policy 2.2.6.6 because Policy 2.2.6.7 states: “New Policy will be effective upon the rescission of General Plan Policy 2.2.6.6 adopted by Resolution 208-2014, December 2, 2014.”

Staff recommends the Board of Supervisors rescind the entitlements for the El Dorado Hills Apartments project approved on December 2, 2014 under project file applications A14-0001/Z14-0001/SP86-0002-R/PD94-0004R-2, effective upon entry of dismissal of the Case No. PC20180127 with prejudice; approve the minor, technical General Plan Amendment to Policy 2.2.1.2; and continue the amendment to Policy 2.2.1.2 and rescission of General Plan Policy 2.2.6.6 (resulting from the rescission of Resolution No. 208-2014) for final action with the County’s next “bundling” of the General Plan, consistent with Government Code section 65358(b).

The rescission actions are not projects necessitating review under the California Environmental Quality Act (“CEQA”) because the County complied with CEQA for those actions in the Environmental Impact Report for the 2018 Entitlements in which the 2018 project and approvals contemplated rescission of the 2014 Entitlements.

The minor, technical amendment to General Plan Policy 2.2.1.2, which has no legal effect and only clarifies an exception already existing within the General Plan, is exempt from CEQA under subsection 15061(b)(3) of Title 14 of the California Code of Regulations because it has no possibility of causing a significant effect on the environment.

Exhibits (Attachments B - H)

Exhibit A - Resolution rescinding Resolution No. 208-2014 regarding General Plan Amendment A14-0001

Exhibit B - Ordinance rescinding Ordinance No. 5015 regarding Rezone Z14-0001

Exhibit C - Resolution approving General Plan amendment of General Plan (Land Use Element) Policy 2.2.1.2

Exhibit D - Resolution No. 017-2018 and Ordinance No. 5079 for the El Dorado Hills Apartments (A16-0001/Z16-0001/SP86-0003-R/PD94-0004R-3)

Exhibit E - Resolution No. 208-2014 and Ordinance No. 5015 for the El Dorado Hills Apartments (A14-0001/Z14-0001/SP86-0002-R/PD94-0004R-2)

Exhibit F - Settlement Agreement between Citizens for Sensible Development in El Dorado Hills, The Spanos Corporation, County of El Dorado, and the El Dorado County Board of Supervisors

Exhibit G - 2014 Entitlement Rescission Request by The Spanos Corporation

ALTERNATIVES

N/A

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel

CAO RECOMMENDATION

It is recommended that the Board approve this item.

FINANCIAL IMPACT

There is no Net County Cost associated with the proposed actions.

CLERK OF THE BOARD FOLLOW UP ACTIONS

1. Clerk to obtain Chair's signature on the original copies of the Resolution (Attachment B-Exhibit A) and Ordinance (Attachment C-Exhibit B) for the rescission of the December 2, 2014 approval of the El Dorado Hills Apartment project and the Resolution (Attachment D-Exhibit C) for the approval of General Plan Amendment involving text changes to General Plan Policy 2.2.1.2.

2) Clerk to forward one (1) fully executed copy of each of the Resolutions and Ordinance to the Community Development Services, Planning and Building Department, attention of Char Tim, Clerk of the Planning Commission.

STRATEGIC PLAN COMPONENT

N/A

CONTACT

Mel Pabalinas, Principal Planner

Roger Trout, Director

Community Development Services, Planning and Building Department