

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



Agenda of:	September 22, 2011
Item No.:	10
Staff:	Mel Pabalinas

APPEAL OF STAFF LEVEL SITE PLAN REVIEW

FILE NUMBER: SPR11-0003-A

APPELLANT: Standard Pacific Homes

ENGINEER: CTA Engineering and Surveying

REQUEST: Appeal of Denial of Staff Level Site Plan Review SPR11-0003 application for a proposed reduced front yard setback from 20 feet to 13 feet

LOCATION: Select properties located in Unit 18 of the West Valley Village (Blackstone) portion of Valley View Specific Plan Area, northwest corner area of Blackstone Parkway and Clover Valley, in the El Dorado Hills area; Supervisorial District II (Exhibits A and A.1)

APNs: 118-380-01 to -65, 118-390-01 to -03, -08 to -21, -27, -29, -35 to -42 (Exhibit B)

ACREAGE: 21.8 acres total (see Exhibit B)

GENERAL PLAN: Adopted Plan (AP)-Valley View Specific Plan (VVSP) (Exhibit C)

ZONING: Valley View Specific Plan- Core Residential (Exhibits D and E)

ENVIRONMENTAL DOCUMENT: Exempt under CEQA Section 15270(a) (Disapproved Projects)

RECOMMENDATION: Staff recommends that the Planning Commission take the following actions:

1. Deny the appeal, thereby upholding the Staff Level denial of Site Plan Review SPR11-0003 based on the Findings for Denial in Attachment 3; and
2. Consider a modified request by the applicant.

BACKGROUND:

West Valley Village (Blackstone) Tentative Map

The affected residential lots are part of an approved tentative subdivision map (project file TM99-1359-R) for the West Valley Village (a.k.a Blackstone) portion of the Valley View Specific Plan (Exhibits F). These lots are within Unit 18 of the tentative map which consists of a total of 107 single-family detached lots recorded in April 2007 (Exhibit G). The lots in the subdivision range in size from 5,200 square feet to 13,526 square feet. Specifically, 92 of the lots are owned by the appellant/applicant and currently undeveloped. The remaining lots contain existing residential units constructed by previous merchant home builder. Unit 18 has the marketing name of Sagewood @ Blackstone.

Unit 18 is zoned Core Residential (CR) where residential development is anticipated to be of moderate to high density, primarily standard single family detached residential units but could also allow for attached multifamily residential design.

As the CR zone district does not provide specific yard setbacks (to the property line), a condition (Condition No.45) to the West Valley Village Tentative Map was included applying the following setbacks: 20 feet front yard, five feet side yard, and 15 feet rear yard (Exhibit H). The condition also states for allowance for possible alternative setbacks *“if more innovative designs are proposed for the currently proposed lotting pattern that still maintains a single family detached concept, the developer shall, prior to submittal of the improvement plans, submit for review and approval a staff level Specific Plan Review that outlines what is proposed and establishes setbacks based on the proposed design concept...”*

Site Plan Review Application SPR11-0003

The appellant filed a staff level Site Plan Review application SPR11-003 on June 22, 2011 requesting an alternative front yard setback affecting all of the 92 lots owned by the appellant within the subdivision. The appellant intends to construct four different master home plans in an attempt to market a mixture of the plans within the subdivision (Exhibit I). In particular, Plan 3, which measures 2,384 square feet containing 3-4 bedrooms and 3 bathrooms, would provide the *“market a single-story ‘move-up’ plan for today’s growing families in addition to a ‘move down’ plan for today’s empty nesters”* (Exhibit J).

As the appellant have yet to finalize the arrangement of these plans on specific lots, a building fit exhibit which demonstrates the preliminary layout of all plans within the subdivision was submitted in order to determine an ideal plan mix. The exhibits also show the layout of the plans within the required setbacks applied on each lot (Exhibit K). For Plan 3, three different scenarios of lot fit exhibits were submitted showing the plan with a standard front yard setback of 20 feet and modified setbacks 15 feet and 13 feet. In each scenario, the amount of lots that could potentially accommodate Plan 3 layout increased as the front yard setback is reduced, specifically, 38 lots at 20-foot front yard setback, 56 lots at 15-foot setback, and 77 lots at 13-foot setback. In order to maximize the amount of lots with Plan 3, a modified setback of 13 feet would be applied to all lots.

Staff reviewed the request in accordance with Condition No. 45 and determined that no specific “innovative” design elements involving Plan 3 that would justify the need for the modified setbacks. Specifically, it is staff’s interpretation that “innovative” relates to the ability of a developer/builder to implement and incorporate unique and “innovative” residential building and design layout. All plans that would be utilized by the Standard Pacific Homes are for the construction of typical production homes within a subdivision with small, flat, mass pad graded lots. Typically, lots constrained by topography or other unique features could warrant deviation from standards in order to accommodate construction of custom-designed residential units. Plan 3, which has a large single-story footprint and would utilize three different elevation designs (Craftsman, Italian, and Spanish), does not distinctly depict any “innovative” design elements that would justify the need for modified front yard setback (Exhibit I). As shown in Exhibit K, Plan 3 can still be utilized in other lots in conformance with the required setback of 20 feet and still be able to showcase varying architectural and elevation designs. Moreover, any of the three remaining master plans layout may be used in the affected lots in place of the Plan 3 layout and still achieve a mixture plan layout. Based on this analysis, the Site Plan Review application was denied (Exhibit L). On August 4, 2011, the applicant filed a timely appeal of the staff level determination (Exhibit M).

ANALYSIS:

Staff provides the following analysis of the appeal request for the Planning Commission consideration.

Appeal Request

As discussed above, the applicant is appealing the staff level site plan review denial determination of the modified front yard setbacks for master home Plan 3. The applicant maintains the similar reason for the appeal request citing that the Plan 3 would appeal to a specific niche in the housing market. Also, the applicant states that the modified setback for Plan 3 is *“arguably ‘more innovative’ or ‘more novel’ than simply placing every house 20 feet from the front property line whether it needs it or not”*.

Staff’s maintains that the appeal request does not meet the intent of Condition No. 45 of the West Valley Tentative Map. No changes have occurred to the design of Plan 3 and placing this larger plan on smaller lots does not necessarily constitute to be an “innovative” design. Standard Pacific Homes is not precluded from being able to build the lots utilizing its current selection of master plans, implement residential design variety, and achieve an adequate product mix in Sagewood @ Blackstone. Based on the above, staff recommends that the Planning Commission deny the appeal request upholding the disapproval of Site Plan Review SPR11-0003.

During review of the appeal, staff met with the appellant to discuss new information for consideration. The appellant indicated that Standard Pacific Homes has further determined the product mix and identified specific lots where Plan 3 could be constructed with the modified front yard setback of 13 feet (Exhibit N). These 12 lots are identified as APNs 118-380-18, -25, -29, 38, 118-390-11, -13, -16, -19, -29, -41, -43, and -65 (Exhibit N). The applicant verbally states that construction of Plan 3 on specific lots with modified the setback would achieve its goal of marketing product mix and variety of residential design in Sagewood at Blackstone. This amount of lots represents 13% of the total lots owned by the appellant. It must be noted that possible that other

Standard Pacific Home plans for Unit 18 could be utilized instead of Plan 3, which, in such case, would be subject to the standard front yard setback of 20 feet.

Upon review of the new information, staff maintains its recommendation of denial of the appeal as it does not meet the intent of Condition No. 45 of the West Valley Village Tentative Map.

Alternative Recommendation

Should the Planning Commission consider the new information provided by the applicant and uphold the appeal, thereby approving Site Plan Review SPR11-0003, as revised, staff provides the following alternative staff recommendation:

Staff recommends that the Planning Commission take the following actions:

- 1. Uphold the appeal, in part, and approve Site Plan Review SPR11-0003, as modified, allowing for reduced front yard setbacks on 12 specific lots, based on the Findings for Approval in Attachment 2, and subject to the Conditions of Approval in Attachment 1.*

SUPPORTING INFORMATION

Attachment 1	Conditions of Approval
Attachment 2	Findings for Approval
Attachment 3	Findings for Denial
Exhibit A	Location Map
Exhibit A.1	Detailed Location Map
Exhibit B	Assessor's Parcel Map
Exhibit C	General Plan Land Use Map
Exhibit D	Current Zoning Map
Exhibit E.....	Valley View Specific Plan (Zone Map)
Exhibit F.....	West Valley Village Tentative Map
Exhibit G	Unit 18 Recorded Final Map
Exhibit H.....	Excerpt of West Valley Village Tentative Map Conditions of Approval (Condition #45)
Exhibit I.....	Standard Pacific Homes Master Plans (Plan 3 only)
Exhibit J.....	Site Plan Review SPR11-0003 Project Narrative
Exhibit K	Standard Pacific Homes Preliminary Building Fit Exhibits
Exhibit L.....	Site Plan Review SPR11-0003 Denial Letter; July 25, 2011
Exhibit M.....	Appeal Form
Exhibit N	Additional Site Plan Review Exhibit- Select Lots with potential Plan 3

ATTACHMENT 1

CONDITIONS OF APPROVAL

Site Plan Review SPR11-0003/West Valley Village Unit 18
Planning Commission/September 22, 2011

DESCRIPTION OF REQUEST

1. The Site Plan Review SPR11-0003 is based upon and limited to compliance with the request, hearing exhibits marked Exhibits I and N, and conditions of approval set forth below. Any deviations from the description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit. Deviations without the above described approval will constitute a violation of permit approval. Site Plan Review SPR11-0003 is hereby approved subject to the following conditions:

Site Plan Review SPR11-0003 modifies the front yard setback from 20 feet to 13 feet specifically for Standard Pacific Homes Plan 3 on specific lots identified as APNs 118-380-18, -25, -29, 38, 118-390-11, -13, -16, -19, -29, -41, -43, and -65.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

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2. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.

3. Each residential building permit application submitted for the above affected lots where Standard Pacific Home Plan 3 is proposed to be constructed shall include a plot plan depicting the modified front yard setback of 13 feet. This condition shall be verified during permit review by Planning Services.

4. Prior to issuance of additional residential building permits, the applicant shall remit payment of any outstanding fees as detailed and required in the *Agreement for Payment of Processing Fees* authorized and executed for this project.

ATTACHMENT 2

FINDINGS FOR APPROVAL

**Site Plan Review SPR11-0003/West Valley Village Unit 18
Planning Commission/September 22, 2011**

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

FINDINGS FOR APPROVAL

1.0 CEQA FINDINGS

- 1.1 The project is considered exempt under CEQA Section 15303(a) (New Construction of Small Structures) as the discretionary project request would result in the construction of one-family residential units.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA 95667.

2.0 ADMINISTRATIVE FINDINGS

2.1 El Dorado County General Plan

The affected residential parcels are located within Unit 18 of the West Valley Village portion of the Valley View Specific Plan, which is identified as Adopted Plan (AP) in the El Dorado County General Plan. AP is description in reference to areas where Specific Plans have been designated and adopted within and by the County. The Valley View Specific Plan and the respective land use maps are accepted and incorporated by reference and are hereby adopted as the General Plan Land Use map for the project area. The Unit 18 subdivision conforms to the applicable policies of the Valley View Specific Plan and Core Residential (CR) zone district, and subject to the applicable mitigation measures in Environmental Impact Report. Therefore, the project is consistent with the General Plan.

2.2 Valley View Specific Plan

The affected parcels are a part of the West Valley Village Tentative Map. Condition No. 45 of the map allows flexibility from established setback standards subject to staff level determination. The Planning Commission determined that that the information provided meets the intent of West Valley Village Tentative Map, approving a reduced front yard setback for APNs 118-380-18, -25, -29, -38, 118-390-11, -13, -16, -19, -29, -41, -43, and -65.

ATTACHMENT 3

FINDINGS FOR DENIAL

Site Plan Review SPR11-0003-A/West Valley Village Unit 18 Planning Commission/September 22, 2011

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

FINDINGS FOR DENIAL

1.0 CEQA FINDINGS

- 1.1 The application is considered exempt under CEQA Section 15270(a) as this application being recommended for denial
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA 95667.

2.0 ADMINISTRATIVE FINDINGS

2.1 El Dorado County General Plan

The affected residential parcels are located within Unit 18 of the West Valley Village portion of the Valley View Specific Plan, which is identified as Adopted Plan (AP) in the El Dorado County General Plan. AP is description in reference to areas where Specific Plans have been designated and adopted within and by the County. The Valley View Specific Plan and the respective land use maps are accepted and incorporated by reference and are hereby adopted as the General Plan Land Use map for the project area.

The affected parcels are within Unit 18 subdivision of the West Valley Village Tentative Map which is a portion of Valley View Specific Plan. As discussed below, the appeal of the decision for the modified setback does not meet the intent of the West Valley Village Tentative Map and, therefore, inconsistent with the General Plan.

2.2 Valley View Specific Plan

The affected parcels are part of the West Valley Village Tentative Map. Condition No. 45 of the map allows flexibility from established setback standards subject to staff level determination. As determined in staff level Site Plan Review SPR11-0003, the modified setback does not meet the intent of the condition in that the submitted information does not achieve any unique "innovative" design elements that would warrant any modified setback and, therefore is not consistent with the Valley View Specific Plan.