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TO: Planning Commission

FROM: Tom Purciel, Senior Planner

DATE: October 14, 2024

**SUBJECT: Interim Design Standards Project;
Project Information and Recommendation**

BACKGROUND

Community-based efforts to establish local design oversight have been ongoing since prior to adoption of the 2004 General Plan. Although many of the County's communities have at one time expressed a strong desire to influence the look and feel of future development, staff provides three examples below.

In 1981, El Dorado Hills residents created the El Dorado Hills Area Planning Advisory Committee (APAC) to provide a forum for local citizens to review the design of developer and County-sponsored development projects in the El Dorado Hills area.

In 2006, in response to public concerns regarding the design of several recently constructed retail projects along the Missouri Flat Road Corridor (e.g. the Walmart store and the Prospector's Plaza shopping center), the Board of Supervisors (Board) directed Planning Division staff to investigate options for coordinating public and private sector development along the Corridor to ensure high quality architectural design and site improvements. With that goal, the Board approved a contract with the RRM Design Group to create architectural and site guidelines for the Corridor, and the Missouri Flat Design Guidelines was adopted on June 3, 2008.

In 2012, in response to community concerns regarding lack of local design oversight for future development, members of the Shingle Springs community joined together to create the Shingle Springs Community Alliance (Alliance), which held a series of meetings in 2013 to develop a community-based plan to address this issue. As part of these meetings, the Alliance conducted a community design preference survey in which community members ranked their highest and lowest architectural design preferences out of 126 images, taken both inside and outside of the County (Legistar File 24-1552, Attachment E). Based on the results of this survey, staff incorporated many of the Shingle Springs community design preferences into the draft interim design standards and guidelines as presented below.

Development of the Community Design Standards Project and Interim Design Standards/Guidelines

As a result of ongoing community desire for local design oversight, the Board held a special workshop in April 2016 to discuss community planning efforts and options to consider (Legistar File 13-0561), including the creation of design standards and guidelines for Community Regions and interested Rural Centers. In December 2017, the Board directed Long Range Planning (LRP) staff to create custom design guidelines/standards and prototypes for the Community Regions identified in General Plan Policy 2.1.1.1 in the following order: Shingle Springs, Diamond Springs/El Dorado, Cameron Park and El Dorado Hills, with Shingle Springs as the lead prototype (Legistar File 13-0561).

In 2018, the Board approved an initial three-year consultant contract to assist staff with creation of the above design standards, guidelines, and prototypes. However, this contract was voided and a new contract with Mintier Harnish Consulting (County Agreement No. 5912) was approved in 2022 (Legistar File 22-0093) to continue this work.

On July 23, 2024, as a result of the County's strong desire to create updated, community-based, comprehensive, and enforceable community design standards and guidelines, ensure County design oversight for state-qualifying ministerial housing projects and to create a more predictable review process, the Board unanimously directed staff to immediately address the design standards issue. The Board directed staff to develop community-based interim objective multifamily, mixed-use, and commercial design standards for the County's West Slope Community Regions and Rural Centers by December 2024 (Legistar File 24-1158). The Interim Objective Design Standards would be the template (example) that future permanent Objective Design Standards could follow beginning in early 2025.

SEPTEMBER 17, 2024, JOINT BOARD AND PLANNING COMMISSION PUBLIC WORKSHOP

On September 17, 2024, LRP staff held a public workshop with the Board and Planning Commission (Commission) to review preliminary drafts of the proposed standards and solicit public and decision-maker feedback. To address the new state requirements for streamlined ministerial approval of qualifying multifamily or mixed-use development projects, staff developed a first set of standards:

1. Interim Objective Design Standards for Multifamily Residential and Mixed-Use Development Projects that Qualify for State Streamlining and Ministerial Provisions (IODS).

To address the Board's direction to create interim design standards for multifamily, mixed-use and commercial projects for the County's Community Regions and Rural Centers, staff also created a second set of standards:

2. Interim Design Standards and Guidelines for Multifamily Residential, Mixed-Use and Commercial Development (IDSG).

Changes to the Draft Standards/Guidelines After the Joint Board and Commission Workshop

Although the public and decision-makers generally expressed support for the draft standards and guidelines as proposed, the Commission and Board recommended several, edits and clarifications be incorporated into the draft documents in response to comments received at the workshop. Staff also received additional comments from decision-makers and the public after the workshop during the expanded public comment period ending on September 25, 2024. Staff have reviewed and considered all comments received through this initial comment period, and made additional edits to the draft documents, based on those comments, as appropriate. All public and decision-maker comments, including comments received during the initial public comment period, have been posted to the Legistar record for this project.

A summary of significant revisions to the IODS and IDSG, based on public comment, is attached as Legistar Attachments F and G. The revised IODS and IDGS, showing revisions made as a result of public and decision-maker comments, are included as Legistar Attachments B and C. Clean versions of both documents are also included as Attachments D and E.

IMPLEMENTATION OF THE INTERIM STANDARDS AND GUIDELINES

Zoning Ordinance Updates

To implement the interim design standards and guidelines as directed by the Board and Commission on September 17, 2024, several, generally minor, amendments to the Zoning Ordinance are also required (Ordinance Text Amendment OR24-0002). Below is a summary of the proposed amendments that will be required to enact both sets of proposed standards/guidelines. The full text of the proposed Zoning Ordinance amendments is included as Legistar Attachment H.

Amendments to Article 2 (Zones, Allowed Uses and Zoning Standards):

1. Section 130.27.050.F(4) (Establishment of Community Design Review Areas; Guidelines and Standards) has been amended as follows:
 - a. **References to the previous (2008) Missouri Flat Design Guidelines and (1982) Community and Sierra Design Guides have been removed and replaced with new references to the 2024 IODS and IDSG documents.**

Amendments to Article 4 (Specific Use Requirements):

1. Section 130.40.180.B.7 (Mixed Use Development – General Requirements) is amended as follows:

- a. **The Design Review Permit (DRP) or Planned Development Permit requirement for mixed-use projects in Community Regions (CRs) was amended based on direction by the Board and Commission at the September 17, 2024, workshop. Mixed-use projects in CRs would only require a DRP if they are located in a -PD or -DR Zoning Overlay or if they deviate from the Mixed Use Design Manual (MUDM).**

Amendments to Article 5 (Planning Permit Processing):

1. Section 130.52.030.A.4 (Design Review Permit - Applicability) is amended as follows:
 - a. **The DRP requirement for mixed-use projects in Community Region's has been amended to only apply to mixed-use projects that deviate from the MUDM for consistency with the above amendments to Article 4.**
2. Section 130.52.030.B (Review Authority, Procedure, and CEQA) is amended as follows:
 - a. **This section has been amended to create four (4) separate procedures and CEQA review requirements for consistency with state law and previous Board and Commission direction:**
 - i. **State qualifying streamlined ministerial projects will be considered ministerial if designed consistent with the IODS document.**
 - ii. **Multifamily, mixed-use and commercial projects not subject to a Design Review Permit (DRP) will also be considered ministerial if designed consistent with the IDSG document.**
 - iii. **Approval of a DRP, when required, shall be a discretionary project for purposes of CEQA (no change from current practice).**
 - iv. **Any multifamily, mixed-use or commercial project that deviates from the requirements of the IDSG document shall be subject to a DRP. Deviations from other County standards referenced in this document (e. g. Chapter 130.40.180 [Mixed Use Development], Design Improvement Standards Manual) shall be processed according to those respective requirements.**
 - b. **Additional language has been added to clarify that the adoption of future permanent design standards will be considered a discretionary project for purposes of CEQA.**
 - c. **Upon adoption of permanent design standards applicable to a specific Community Region or Rural Center, a subsequent DRP would be considered ministerial, when in compliance with the adopted design standards.**

CEQA REVIEW

Staff reviewed the project for consistency with the California Environmental Quality Act (CEQA) and found the project exempt from environmental review under Sections 15061(b)(3) (Commonsense exemption), 15305 (Minor Alterations in Land Use Limitations), 15308 (Actions by Regulatory Agencies for Protection of the Environment) and 15378 (Definition of a Project) of the CEQA Guidelines.

County adoption of the two standards documents, the IODS and IDSG, and the associated Zoning Ordinance amendments required to implement these standards, was found exempt from CEQA review because this effort satisfied the required criteria for each of the above-listed exemptions as follows:

CEQA Guidelines Section 15061(b)(3) (Commonsense exemption):

The project is exempt pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the project may have a significant impact on the environment. The adoption of the IODS and IDSG and the implementing Zoning Ordinance amendments would only add new design and development standards for multifamily, mixed-use and commercial development projects, which would not impact the locations, allowed uses or densities of development projects. Approval of the above design standards and guidelines, and the implementing Zoning Ordinance amendments, would not approve any project or entitlements, and are regulatory actions taken by the County with no physical changes to the environment.

CEQA Guidelines Section 15305 (Minor Alterations in Land Use Limitations):

This exemption applies to areas with an average slope of less than 20% and where there are no proposed changes in land use or density. The proposed documents (IODS and IDSG) do not propose any changes to land use or density. Further, lands zoned for multifamily, mixed-use or commercial projects in Community Regions and Rural Centers are located on relatively flat lands with average slopes less than 20%.

CEQA Guidelines Sections 15308 (Actions by Regulatory Agencies for Protection of the Environment):

Categorical Exemption, Article 19, Section 15308, Class 8 "consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment." Both the IODS and IDSG require common outdoor areas and common recreational amenities for multifamily and mixed-use projects and wildlife-friendly fencing for projects adjacent to open space. The IDSG also provides guidelines that encourage site orientation that reduces heat loss and gain, maximizes the use of permeable surfaces, including the use of bioswales, and provides access to pedestrian and bicycle trails and public transportation, all of which will decrease automobile emissions. Therefore, adoption of

the IODS and IDSG will ensure that additional measures are taken for protection and enhancement of the environment.

CEQA Guidelines Section 15378 (Definition of a Project):

The adoption of the IODS and IDSG, and the implementing Zoning Ordinance amendments, is not a “project” pursuant to Sections 15060(c)(2) and 15060(c)(3) of Title 14 of the California Code of Regulations because there is no potential that it will result in a direct or reasonably indirect physical change in the environment. The amendments are exempt from the requirements of CEQA under Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment. The adoption of the IODS and IDSG and the implementing Zoning Ordinance amendments would only add new design and development standards for multifamily, mixed-use and commercial development projects, which would not impact the locations, allowed uses or densities of development projects. Approval of the above design standards and guidelines, and the implementing Zoning Ordinance amendments, would not approve any project or entitlements, and are regulatory actions taken by the County with no physical changes to the environment.

RECOMMENDATION:

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

1. Find the Project exempt from CEQA under Sections 15061(b)(3) (Commonsense exemption), 15305 (Minor Alterations in Land Use Limitations), 15308 (Actions by Regulatory Agencies for Protection of the Environment) and 15378 (Definition of a "Project) of the CEQA Guidelines,
2. Approve Ordinance Text Amendment OR24-0002 to amend applicable sections of Article 2 (Zones, Allowed Uses and Zoning Standards), Article 4 (Specific Use Requirements) and Article 5 (Planning Permit Processing) of the Zoning Ordinance to update the requirements for County design oversight and CEQA review related to implementation of the new interim design standards,
3. Adopt Resolutions to approve the Interim Objective Design Standards for state streamlined, ministerial multifamily and mixed-use projects and Interim Design Standards and Guidelines for Multifamily, Mixed-Use and Commercial Projects in the County's Community Regions and Rural Centers.