

James McGuire

P.O. Box 188321
SACRAMENTO, CA 95818

January 19, 2016

Mr. Pierre Rivas
Community Development Director
City of Placerville
3101 Center Street
Placerville, CA 95667

RECEIVED

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CITY OF PLACERVILLE
COMMUNITY DEV. DEPT.

**Subject: City of Placerville - General Plan Amendment (GPA) 2015-02 and Zone Change (ZC) 2015-04:
3607 Cedar Ravine, APN 051-505-011**

Dear Mr. Rivas:

I want to thank you and Andrew Painter for meeting with Earl McGuire, P.E. and me regarding my property at 3607 Cedar Ravine, Placerville (APN: 051-505-011), hereinafter "subject property" after receiving the City's second notice. As you are aware, Earl McGuire, P.E. is a former City Administrator of Placerville, former City Engineer, City Public Works Director and former designer of numerous developments throughout the City of Placerville. His design firm established in 1974 has provided civil engineering, structural engineering, architectural plans, land surveying and land design services on over 6,000 projects in California and Nevada, including numerous residential subdivisions and commercial building projects throughout the City of Placerville, dealing with difficult steep terrain, some of which included work on City owned properties in the past. Such difficult and challenging projects at the client's direction achieved maximum density build out where such topographic and design constraints often dictated lesser densities.

As discussed at the meeting last Wednesday, the subject property is a small, steep, irregularly-shaped, one acre corner residential lot on the south east corner of the intersection of Cedar Ravine Road and Country Club Drive in an existing upscale neighborhood with existing R-3-AO zoning that neither supports nor will sustain the City's desired proposed 24 dwelling units per acre, nor the minimum development density of 20 dwelling units per acre as proposed under the City's newly created R-5 General Plan designation. While density bonuses are nice, they can become highly unrealistic in light of the unusually steep topography throughout much of Placerville and the subject property. Such currently identified site specific design constraints include but are not limited to the parcel's small one acre size, odd boundary line configuration, steep southerly slope and drop off exceeding 20%, numerous public easements and setbacks, current City installed infrastructure on the site and other specific site constraints. The City owned Lion's Park parcel to the immediate south that abuts the subject site further constrains and restricts the parcel for development and access.

The last major multi-family apartment project constructed in the City was the three story Cottonwood Senior Apartments on Clay Street which achieved a project density of only 12.3 DU per acre (81 units/6.596 acres), nowhere near the City's current desire of a minimum of 20/DU per acre. The Cottonwood Park low income/affordable rate apartments across the street built by the same developer achieved a much lesser density of 6.2 DU per acre (76 units/12.28 acres). Such a high density requirement currently being proposed by the City, had it been in effect at the time the Cottonwood Senior Apartments were built, would have most likely resulted in a six story tower style building (double the density equal double the height) and eight story buildings for the Cottonwood Park Apartments (quadruple the height), which would have not fit the neighborhood, the City's historic character, City of Placerville design guidelines, nor be able to be accessed for fire department height purposes. Such a project probably would have never been approved or constructed, nor have such projects ever been built in Placerville, they have been discouraged by the City and its residents. The placing of High Density Land Use Designation on sites that do not support such a development density will further hinder development in a City which has seen virtually no new residential development activity in the last 7 to 8 years.

As stated in a previous letter from my former attorney, Robert Laurie, Esq. such a high, unrealistic density requirement being mandated by the City would render my parcel “unbuildable” and represent a “legal taking” of the subject property. I believe the current R-3-AO zone previously placed on the subject property many decades ago by the City is a much more realistic and practical development density of roughly 12/DU per acre and is most likely why the City previously designated the parcel as having a more practical zoning designation and “realistic development unit capacity” of 13/DU, not the currently 22-26/DU as proposed under the City’s newly created R-5 designation. In fact, the City’s own recently updated Land Use Inventory report completed in November, 2015 lists the subject parcel as R-4 zoning with a maximum “Realistic Unit Capacity” of 16 dwelling units total, not 22 to 26 units.

As an example, a flat acre of land being 43,560 sf at the proposed R-5 site density of 1.815sf per DU yields a gross density of 24/DU per acre, but that is not the net developable density. One must account for building setbacks, setback easements, public utility easements, site topography constraints, slopes, retaining walls, landscaping, landscape buffers, drainage easements, parking lot and internal access road/driveways, handicapped ADA accessibility, city bike paths and other site specific carve outs which eat up a site’s net development capacity. Such requirements often eat up 40-50% of a site, yielding a development density of roughly half the site area, particularly on smaller parcels of 1 acre.

The proposed draft resolution by the City of Placerville dated December 2015 incorrectly identifies the subject property as having a cross slope of less than 10%. There is an approximate 40 foot grade differential from the north boundary of the property along Country Club Drive to the rear southerly boundary (toe of slope) next to Lions Park. Such a grade difference averages about 26% cross slope; however, the southerly back half of the property drops off significantly and the steep slope far exceeds 26% near the park. The City has not performed land surveying to substantiate its statements regarding slope. Such steep existing slopes coupled with numerous PUE setbacks on three sides and a proposed mandated minimum density requirement of 20/DU per acre dictates a high multi-story building in an area designated with an existing Airport Overlay High Risk zone which is problematic and potentially dangerous. It further makes financing such a proposed high density project very difficult if not impossible in today’s market. Throwing out the City’s normal design guidelines in favor of placing State mandated high density requirements on steeply sloped, irregularly configured parcel in an existing neighborhood of primarily low density, high end homes far removed from town doesn’t seem to fulfill the need nor fit the existing character of the established Country Club neighborhood. The narrow Cedar Ravine Road lacks pedestrian sidewalks and walk-ability to downtown for approximately 1.4 miles and is extremely dangerous and potentially deadly for pedestrians to access City services and transportation services. The lack of El Dorado Transit bus access would further isolate low income tenants as the nearest transit stop is approximately 1.4 miles away leaving potential occupants isolated and stranded.

There are numerous other vacant larger parcels identified in the City’s vacant land inventory, but left out of the City’s proposed ordinance as proposed R-5 sites within the City of Placerville that have gentler, flatter topography that will support such high density uses and are closer and more central to City services. Such properties offer more appropriate low income uses that are in closer proximity and walking distance to downtown and are more complimentary to surrounding City services and mass transit, some in fact are owned by the City of Placerville and are not being used or fully utilized. The City seems to have subjectively “cherry picked” the 10 parcels identified for a future R-5 use. Pierre, at your request, I am including a list of some of those larger properties I have identified which seem more suitable toward the City’s proposed R-5 development requirements and densities. Several of these properties presently have the same existing R-3/AO zoning as the subject property and could solve the City’s problem with one or two parcels instead of ten. I would also suggest the City review its own residential and commercial projects lists that show several subdivision project entitlements expiring this year within the City. It would be possible for the City to change the General Plan designation for some of these properties to a R-5 high density, as such projects are in town, some are near existing apartments and are much larger in size of approximately 5-20 acres which allow for higher densities.

I also believe the City should exhaust its own supply of vacant land for such uses before “taking” parcels from its private citizens to support confiscation by rezoning of private land under the guise of complying with State bureaucratic mandates. The City has numerous City owned vacant and underutilized parcels which could be used for the R-5 use. While stated in our meeting that it was the City’s intention to merely create a planning “overlay” creating some type of a

floating, esoteric inventory of available high density/low income parcels with potential to be developed into low income housing, in an effort to appease the State office of Housing and Community Development (HCD), the designation of such parcels of land that do not support the density requirements become unrealistic toward developing the goal and will only result in such vacant parcels staying fallow, remaining undeveloped and becoming unbuildable. This does not help the City, State nor the property owner and collects much less property tax revenue.

While stated that the City is merely creating a "planning overlay," the legal notice I received suggests it is actually requesting a General Plan Amendment and Zoning Change for the subject property, as my subject property was included in a list of parcels being identified and considered for R-5 General Plan/zoning. Further, placing the subject property in that high density/low income land inventory "planning overlay" when it cannot realistically meet the City's desired minimum 20/DU density requirements, but is in actuality a General Plan designation would render my property to be unbuildable and in non-compliance with the City's General Plan and could be viewed as a capricious and arbitrary taking of private citizen's land. Therefore, for the City to tell a private land owner such as myself as the City's Community Development Director that it is merely a "planning overlay" and doesn't directly impact my property when in actuality the City would be creating a General Plan Designation, identifying my property in an ordinance and proposing a future R-5 requirement is disingenuous, as such a General Plan Designation would be a back door method of rendering my parcel's existing R-3-AO zoning in non-compliance and non-conformance with the General Plan designation and force a rezone for a much higher density which the subject property does not support, thereby rendering it unbuildable and constituting a legal taking.

The other issue being proposed by City staff through the ordinance is that of people desiring attached apartment style living. My experience in rehabbing homes in the Placerville and other local rental markets is that occupants are desperate to get out of low income style apartments and to get into single family detached residential home -- not the other way around as the ordinance proposes to require R-2, R-3 and R-4 projects to seek a Conditional Use Permit for detached SFR projects. What may be deemed affordable by the City is not really what the market demands.

I find it odd that out of the City's own identified 225.97 acres of vacant land shown in its vacant land inventory, that a small 1 acre lot on the outskirts of Placerville near the southerly boundary line of the City limits representing 0.004 percent of the City's vacant land, lacking pedestrian access and public transportation, which steep terrain doesn't support such development is a good candidate for 20-26/DU per acre high density, low income residential -- it is not.

Therefore, I object to the City's placing any R-5 zoning or General Plan designation on my subject parcel and I respectfully request that the City remove my parcel from any future such proceedings. I propose the City's previous R-3/R-4 GP Designation and subsequent zoning, as the subject site does not support a site density of 22-26/DU per acre, twice that of any project that has been built in the City to date.

Sincerely,


James McGuire

Enclosures: Photos of Steep Slopes on Subject Site
Attachment: List of potential R-5 parcels
Letter from Becker, Runkle, Laurie & Mahoney dated August 28, 2014

cc: David Becker, Esq., Becker, Runkle, Laurie & Mahoney
Cleve Morris, City Manager
John Driscoll, Esq., City Attorney
City Planning Commissioners
City Council members
Earl McGuire, P.E., McGuire Engineering

BECKER RUNKLE
LAURIE & MAHONEY
ATTORNEYS AT LAW

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ROBERT A. LAURIE

August 28, 2014

Pierre Rivas
Director of Planning
City of Placerville
3101 Center Street
Placerville, CA 95667

Re: Amendments to City Zoning Ordinance for Multi-Family Uses

Dear Mr. Rivas:

Please be advised that this office represents James McGuire, the owner of an undeveloped lot within the City identified as 3607 Cedar Ravine Road (APN: 051-505-011; hereinafter referred to as "the Subject Property").

The Planning Commission has recently taken action upon and has forwarded a proposal to the City Council, to amend the language in your R5 Zone to mandate a minimum of 20 units per acre as opposed to a maximum of 20 units per acre. It is also the City's intent to rezone the Subject Property from its current designation of R-3/AO to R5. In addition, the proposal would eliminate the ability to construct a single-family dwelling on a parcel zoned R5.

This office knows, understands and respects the need of the City to become compliant with state housing mandates. However, the current proposal has the potential of making the Subject Property unbuildable due to both physical and economic constraints; specifically the relative steep slope of the Subject Property and the difficulties in obtaining financing for apartment units. It serves no positive purpose except perhaps to allow the City meet the state housing mandate, to limit the Subject Property to a 20 units/acre development if such a project can never be actually constructed due to the aforementioned constraints. Such action could actually amount to a taking of the Subject Property.

Accordingly, it is recommended that language be included in the R5 Zone to allow for the mandate to construct to a 20 units per acre density be waived upon a showing of physical and/or financial infeasibility. In such an instance, the property would be permitted the flexibility to construct to any less multi-family density. Further, the R5 Zone should be clarified to specifically permit detached dwelling construction (townhomes or garden/patio homes).

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Zoning Amendments

Absent such flexibility, any unbuildable R5 zoned parcel will sit idle having become a net detriment to both the owner and the City; in which case Mr. McGuire must respectfully object to the rezoning of the Subject Property. This office would look forward to further discussion regarding alternative methods of meeting the state imposed affordable housing mandated.

Thank you for your attention to this matter.

Respectfully submitted,

A handwritten signature in cursive script that reads "Robert A. Laurie".

ROBERT A. LAURIE

cc: Council Members

Other potential R-5/Low Income properties

APN	Address	General Location	Current Zoning	Entitlements Expiration	Notes
325-300-02	300 Forni Rd	Ray Lawyer Comm Sub	27.55 C		7 Lot commercial subdivision, one lot could be designated R-5
325-310-94	3091 Lo Hi Way	End of Lo Hi Ct	4.91 NA		Currently has only Mobile Home
323-580-23	Placerville Drive	Bet 680/696 Placerville Dr	6.29 R3		Vacant Land
323-400-16	Placerville Drive	Ray Lawyer/Placerville Dr	48.26 C / R1A		Oetting Property
325-310-27	200 Briw Ridge Ct	End of Briw Road	4.99 SFR	1/15/2016	Large Flat Parcel next to commercial/apartments
001-071-16	Quartz Mt. Drive	2700 Bedford Ave	8.4 R1-20		Expired Subdivision, had Sr. Apartment project proposed
001-071-10	Quartz Mt. Drive	2700 Bedford Ave	10.21 R1-20		Expired Subdivision, had Sr. Apartment project proposed
050-600-08	Poverty Hill Dr	Poverty Hill Drive	11.28 R1A		Expired Golden Eagle Subdivision
002-011-32	Poverty Hill	2840 Pleasant St	2.68 R1A		
050-590-18	Golden Eagle Dr	Golden Eagle Drive	2.864 R1A		Expired Golden Eagle Subdivision
002-011-33	Golden Eagle Dr	Golden Eagle Drive	6.74 R1A		Expired Golden Eagle Subdivision
002-071-28	2800 Miller Way	Clay Street area	7.17 R1-6		Large central parcel next to existing apartments
325-280-34	161 Fair lane	Near Fairgrounds/Govt Ctr	6.645 HWC / RE		
325-280-36	227 Fair lane	Near Fairgrounds/Govt Ctr	4.14 RE		
049-280-08	260 Wiltse Road	Lumsden	128.3 R-3 / R1-20 / AO		Portion could be GP designated for R-5 use
051-330-57	Cedar Ravine	Cedar Bluffs Subdivision	6.91		Portion of Former Cedar Bluffs Subdivision project
051-630-06	Cedar Ravine	End of Brendan/Barret Dr	41		Former Cedar Bluffs Subdivision project
049-170-07	1676 Broadway	Hangtown Motel	3.41 R3-AO		Being used as low cost/long-term motel/apartment housing
049-170-15	1700 Broadway	Upper Broadway	15.98 R3-AO		Vacant Land
049-350-24	1890 Broadway	Upper Broadway	7.52 R3-AO		Already used as Multi-Family w/11 nonconforming units
048-350-47	3051 Texerna Ct.	Upper Broadway	2.08 R1-20		Surrounded by Apartments
048-360-08	2060 Broadway	Upper Broadway	3.5 NA		Could be easily annexed into City
048-360-07	2082 Broadway	Upper Broadway	1.82 NA		Could be easily annexed into City
002-111-52	Mosquito Road	Unused illegal parking lot	0.79 CG		City owned. Seldom used. Flat, center of town
002-111-54	Mosquito Road	Unused abutting parcel	0.9 CG		City owned, center of town
002-111-29	Mosquito Road	Unused abutting parcel	0.1 CG		City owned, center of town
			1.79 Total		
002-091-14	2812 Mosquito Rd		3.24		Under-utilized residential
050-300-12	9801 Mosquito Rd	Between Carson/Mosquito	7.74 NA		Across from Schnell School Rd/Woodman Circle Apartments
002-221-19	1361 Carson Rd		1.67 R1-6		
002-061-10	2872 Mosquito Rd	Ferrari Ranch behind EID	24.69 R1A/R1-10		
002-061-12	No Address	Next to Ferrari Ranch	20.89 NA		Parcel between Cottonwood Sub & Ferrari Ct/EID
048-350-58	2100 Ferndale Ct.	Point View Dr. Area	4.13 HWC/AO	8/3/2016	Apartment Project entitlements expiring

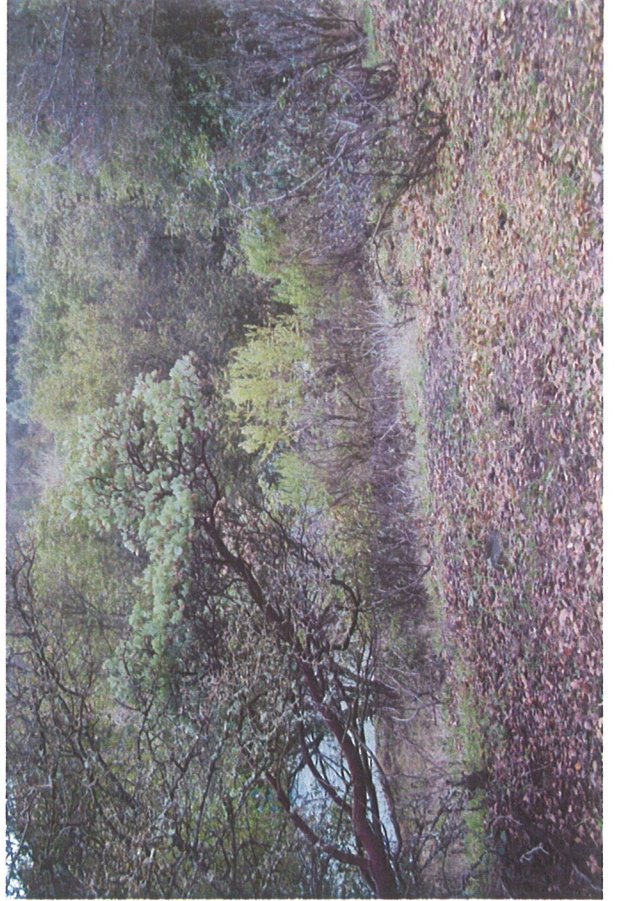
3607 Cedar Ravine - Pictures Page 1



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3607 Cedar Ravine - Pictures Page 3



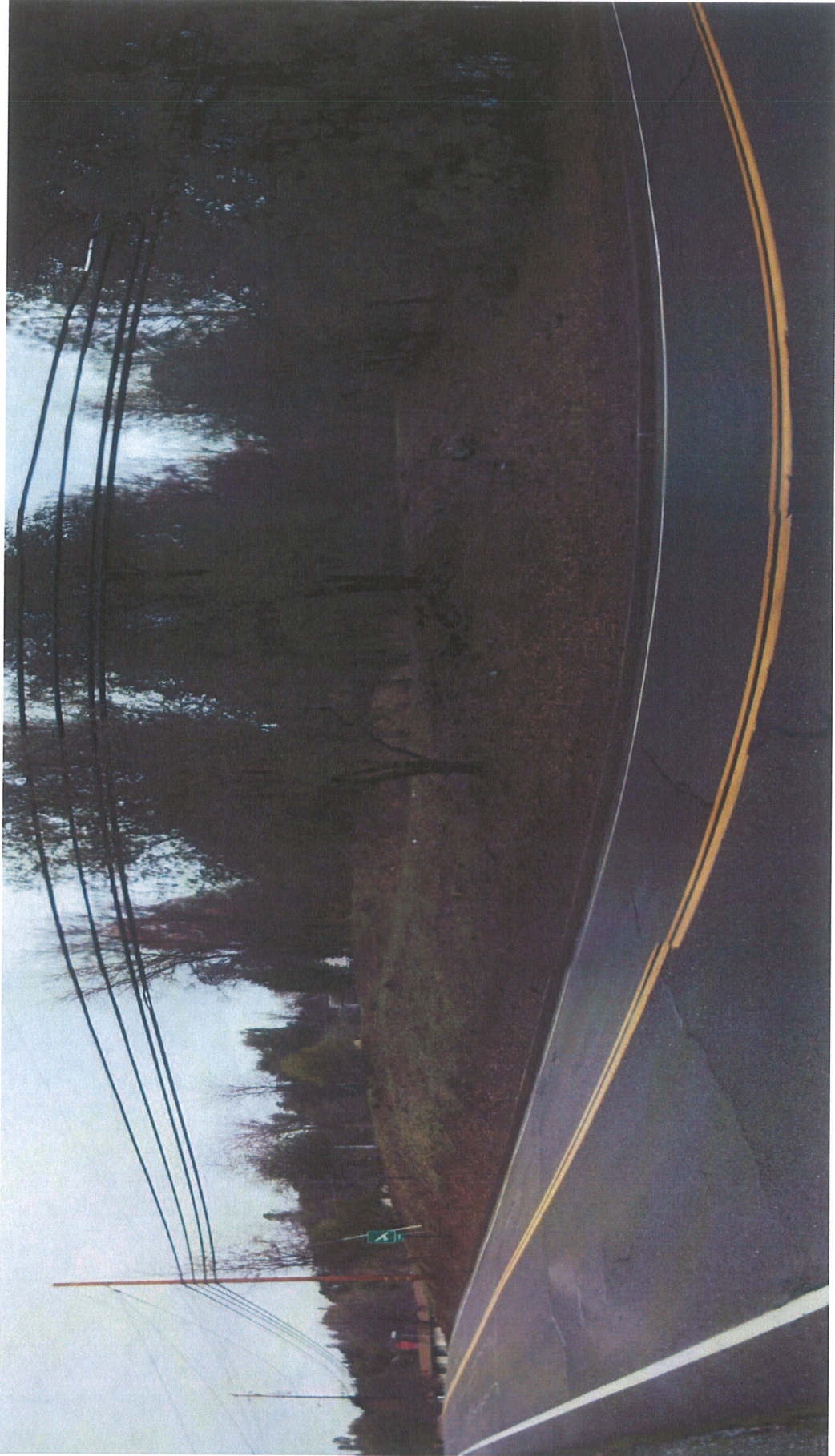
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3607 Cedar Ravine - Pictures Page 6





City of
Placerville

Andrew Painter <apainter@cityofplacerville.org>

Website Submission

1 message

karen walther [REDACTED]
To: "pv.planning@gmail.com" <pv.planning@gmail.com>

Wed, Jan 27, 2016 at 7:39 PM

ATTN: JOHN LIST, Vice Chairman, Placerville Planning Commission

THANK YOU FOR YOUR NO VOTE JANUARY 19TH ON THE R-5 ZONING AMENDMENT WHICH INCREASED THE MAXIMUM DENSITY FROM 20 TO 24 UNITS, A CHANGE THAT APPEARS NOT TO HAVE COME FROM A MANDATE IN THE LAW, BUT FROM THE FECKLESS BUREAUCRATS ATTEMPTING TO WIELD POWER THEY DO NOT HAVE.

I SINCERELY HOPE THAT THE COMMISSIONERS AND THE COUNCIL MEMBERS ARE READING AND UNDERSTANDING THE EGREGIOUS STATE LAW IN ITS ENTIRETY FROM WHICH ALL OF THE ACTIONS TAKEN IN REGARD TO HIGH DENSITY HOUSING ARE BASED. THE CITY AND THE CITIZENS OF PLACERVILLE ARE BEING SLOWLY RELIEVED OF THEIR RIGHT TO THE PURSUIT OF HAPPINESS SO REVERED IN OUR U. S. CONSTITUTION. AN ASSAULT ON PRIVATE PROPERTY RIGHTS IS AN ASSAULT ON THE PURSUIT OF HAPPINESS.

PHIL WALTHER

Placerville

Sent from Mail for Windows 10