

**COUNTY OF EL DORADO PLANNING AND BUILDING
DEPARTMENT
PLANNING COMMISSION
STAFF REPORT**



Agenda of: September 26, 2019
Staff: Evan Mattes

PLANNED DEVELOPMENT PERMIT

FILE NUMBER: Planned Development PD19-0003/Diamond Village Apartments

APPLICANT/OWNER: Sergei Oleshko

ENGINEER: Gerry Beck

REQUEST: Planned Development Permit for the construction and operation of ten multi-unit residential buildings and one community building totaling 80 multifamily residential units and one on-site manager unit in accordance with Senate Bill 35 (Government Code Section 65913.4)

LOCATION: South side of Black Rice Road, approximately 1,000 feet west of the intersection with Highway 49, in the Diamond Springs area, Supervisorial District 3 (Exhibit A).

APN: 051-461-059 (Exhibit B)

ACREAGE: 10.7 acres

GENERAL PLAN: Multifamily Residential (MFR) & Medium Density Residential (MDR) (Exhibit C)

ZONING: Multi-unit Residential-Planned Development (RM-PD) & Residential Estate 5-Acres (RE-5) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Statutorily Exempt pursuant to Section 15268, Ministerial Projects, of the CEQA Guidelines

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

1. Find the project to be Statutorily Exempt pursuant to Section 15268, Ministerial Projects, of the California Environmental Quality Act Guidelines; and
2. Find the project to be consistent with the provisions of Senate Bill 35; and

3. Approve Planned Development Permit PD19-0003, based on the Findings and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY

Approval of this Planned Development Permit would allow for the construction of ten multifamily residential buildings consisting of a total 80 residential units as well as a community building with one on-site manager unit. The proposed buildings would be two stories and would range in size from 3,667 square feet to 36,880 square feet. The cumulative square footage would be 78,401 square feet (Exhibit F). The project is proposed on a split zoned 10.7 acre site, of which 7.3 acres is zoned Multi-unit Residential (RM) (Exhibit D) with a Multifamily Residential (MFR) land use designation (Exhibit C). The remaining 3.4 acres, which is zoned Residential Estate Five-Acres (RE-5) (Exhibit D) consistent with the Medium Density Residential (MDR) land use designation, would not be included as part of the project. The proposed project would occur only within the RM zoned section of the parcel. The project is being applied under the provisions of Senate Bill 35 (SB 35). Under SB 35 the project would be considered ministerial, with only objective conditions being placed upon the project. Staff has determined that the proposed project is consistent with the MFR land use designation and the RM zone, the requirements of SB35, as well as other applicable El Dorado County General Plan policies and Zoning Ordinance requirements, as discussed in the Findings.

BACKGROUND

The project site has an active adopted Development Plan under Planned Development Permit PD17-0002 that was approved by the Board of Supervisors on August 14, 2018. The neighboring Courtside Manor Homeowners Association filed a petition for writ of mandate challenging the Board's approval of the project and that case has currently been stayed to allow for settlement discussions. The project applicant has submitted this Planned Development permit for the property subject to the provisions of Senate Bill SB 35 (see discussion below). If approved, the project site would have two approved Planned Development permits, however only one Planned Development Permit could be exercised and built.

OTHER CONSIDERATIONS

Affordable Housing: On February 14, 2017, the El Dorado County Board of Supervisors awarded the developer a Traffic Impact Mitigation Fee Offset for Affordable Housing (Board Policy B-14) for an 80 unit multifamily development (Exhibit N). The offset is in the amount of up to \$1,463,200, which represents 100 percent of the TIM Fee for the applicable TIM fee zone for the 80 affordable housing units. This offset is contingent upon a Rent Limitation Agreement and a Residential Anti-Displacement Agreement, which would restrict 80 residential units for 55 years, for very-low and low-income tenants, earning 50 percent to 80 percent of Area Median Income.

Senate Bill 35: Senate Bill 35 (SB 35) (Exhibit Y) is a bill streamlining affordable housing construction within California jurisdictions that fail to meet their Regional Housing Need Allocations (Exhibit Q), such as El Dorado County. Additionally, as discussed in the Findings projects need to meet certain qualifications to qualify for processing under SB 35 (Exhibit X). Projects that qualify for SB 35 are considered ministerial and subject to streamlining requirements. Projects that qualify for SB 35 are Statutorily Exempt from CEQA pursuant to

Section 15268, Ministerial Project of the CEQA Guidelines. As such no discretionary mitigation measures may be imposed on the ministerial project. SB35 does allow for public oversight to be conducted by the local government's planning commission or any equivalent board or commission, which is how this Planned Development permit is being presented. The public oversight shall be objective and strictly focused and limited on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective design standards published and adopted by ordinance or resolution (Exhibit Y). The project is subject to streamlining provisions under SB 35. Should an approving authority find that a project of 150 units or fewer is in conflict with any of the objective planning standards, the approving authority must provide written documentation of which standard or standards the development conflicts with, and an explanation for the reason the development conflicts with that standard within 60 days of project submittal. This timeline has been extended by mutual consent to September 26, 2019 with provisions for time extensions in the event that the actions on the project is appealed (Exhibit Z).

ANALYSIS

Site Description: The project site is vacant and consists of 10.7 acres and is located at approximately 1,700 feet above mean sea level (Exhibit E). The primary on-site biological communities include oak woodlands, annual grasses and shrubs. The site is surrounded to the east, west and south by multi-unit residential developments, similar to the proposed project. Larger parcel single-family residences exist north of the project site across Black Rice Road. The project site is traversed by two non-county maintained roads, Deuce Drive and Service Way.

Project Description: The Planned Development Permit would construct ten multifamily residential buildings consisting of a total 80 residential units as well as a community building with one on-site manager unit. Facilities included within the community building include, a laundry room, an art room, a community room, two bathrooms and a food prep area. Additionally, two playgrounds would be constructed with this project. Two playgrounds are proposed as part of the project, one for children between the ages of 2 and 12 and another for minors between the ages of 13 and 17. The project would provide 182 parking spaces, of which 61 would be covered, seven would be compact and 12 would be accessible parking. Two playgrounds, one in the north and one in the south of the project site, would be constructed as part of the project. The project proposes three trash enclosures, two along Deuce Drive and one along Service Drive. On-sites sidewalks are proposed along road frontages and along the rear of the buildings (Exhibit F). Lighting is being proposed throughout the parking lot, along pathways and on buildings (Exhibit J).

Building Design: The project would occur on a 7.3 acre portion of a 10.7 acre site, with five 4,733 sf buildings, two 6,056 sf buildings, two 3,697 sf buildings, one 6,056 sf building and one 3,841 community building, with a cumulative building impact of 78,401 square feet. All buildings would be 33 feet tall. The buildings contain elements of craftsman style architecture and would typically contain composition roofing, stucco wall finishes, stone veneer accents, composite entry doors and fiber cement trims and fascias (Exhibit F).

Grading & Drainage: The project proposes grading to accommodate the building pads and road improvements. There will be an approximate cut of 13,480 cubic yards (cy) and an approximate fill of 2,350 cy of soil (Exhibit G). Oak trees not to be impacted will be preserved in accordance

to the submitted arborist report (Exhibit O). All non-exempt oak trees to be removed shall be mitigated in accordance with Chapter 130.39 Oak Resources Conversation of the El Dorado County Zoning Ordinance (Exhibit O). Onsite drainage will be collected in a series of storm water drainage systems and treated through infiltration treatment devices located under the proposed parking lot. Overflow drainage will either connect to the existing storm drain system or will discharge into its natural pre-existing drainage pattern (Exhibit G).

Landscaping: On-site landscaping would include planting of (Exhibit I) Interior Live Oak (*Quercus wislizeni*), Red Maple (*Acer rebrum*), and various fruit trees (*Cercis canadensis*) along with drought tolerant shrubs and grasses. There will be two lawn areas for the project and two non-illuminated signs. Three trash receptacle areas will serve the project.

Utilities: The resulting project would require connection into El Dorado Irrigation District's (EID) water and sewage system existing in the immediate area. EID has identified that the existing lines have adequate capacity to support the project and deliver required fire flow (Exhibit H). The project will need to install onsite fire hydrants at a spacing of no less than 300 feet. Placement of the hydrants will be approved by the Diamond Springs Fire Department prior to issuance of build permits (Exhibit K). A meter award letter will be issued prior to final occupancy.

Circulation: Two existing non-county maintained roads, Deuce Drive and Service Way, traverse the property and provide access to the project site (Exhibit F). The project would require both on-site and off-site road improvements. The project will include internal drive aisle connecting to Service Drive and Deuce Drive, as well as an emergency vehicle access (EVA) onsite connection to Black Rice Road. The EVA connection will have a gate to prevent public access to and from Black Rice Road. A turnaround is being proposed on Black Rice Road after the EVA connection. At the terminus of the turnaround a gate is being proposed to restrict access further into Black Rice Road.

The project will connect Racquet Way to Black Rice Road, and improve Black Rice Road from the County right of way to the new intersection, to offset the impacts to the Racquet Way/Pleasant Valley Way intersection as seen in Transportation Impact Study (Exhibit L). Two live oaks (*Quercus wislizeni*), which are exempted from mitigation for affordable housing projects, would be removed as part of this improvement (Exhibit O). Existing traffic congestion issues to the Missouri Flat Road/China Garden Road intersection are identified in the Traffic Impact Study with or without the project. The project would increase the number of trips to the Missouri Flat Road and China Garden Road intersection by 16 trips, and would contribute approximately one percent of all trips at that intersection. Payment of the County's Traffic Impact Mitigation (TIM) Fees is considered to be the project's fair share towards mitigation. The TIM Fees for the 80 affordable housing units would be paid as part of the County's TIM Fee Offset Program for Affordable Housing, which establishes a fund for which to provide incentives for low and very low income housing. The impacts to these two intersections were analyzed in the Transportation Impact Study (Exhibit L) conditioned appropriately in accordance with General Plan Policy TC-Xa.

This planned development request is consistent with Measure E, specifically General Plan Policies TC-Xa, TC-Xe, and TC-Xg. The project would "worsen" traffic at two intersections, Racquet Way/Pleasant Valley Way and China Garden Road, as defined by General Plan Policy

TC-Xe by increasing peak traffic by two percent, creating an increase of 10 peak hour trips, or creating an increase of 100 average daily trips. TC-Xf would not apply to the project as TC-Xf is limited to approval of certain tentative maps and discretionary projects. As discussed below the project is considered a ministerial project under Senate Bill 35, not a discretionary project.

Agency Review: The project was distributed for agency review including Diamond Springs Fire Protection District (Exhibit K), Environmental Management, Transportation Department, and Air Quality Management District and local review by the Diamond Springs-El Dorado Community Advisory Committee (DS-ED CAC) (Exhibit M). Comments received were incorporated as conditions of approval as applicable under the guidelines of SB 35.

CONSISTENCY

General Plan Consistency: The project is located within the Diamond Springs-El Dorado Community Region with the General Plan designating the project site as Multifamily Residential (MFR) (Exhibit C). As proposed, the project would be consistent with the standards established by the MFR land use designation, such as minimum and maximum density requirements. Staff has determined that the proposed project is consistent with the applicable policies and requirements of the El Dorado County General Plan, such as discussed below in Section 2.0 of the Findings.

Zoning Ordinance Consistency: The project site is zoned Multi-unit Residential-Planned Development (RM-PD) (Exhibit D). Section 130.24.030 of the Zoning Ordinance establishes development standards for project within the RM zone, including setbacks and maximum building height. As proposed, the project would be consistent with the development standards of the RM zone district. The PD combining zone provides innovative planning and development techniques that allow the use of flexible development standards. The project is not proposing to utilize the flexible development standards allowable through the PD combining zone. Staff has determined that the proposed project is consistent with the applicable policies and requirements of the El Dorado County Zoning Ordinance as discussed below in Section 3.0 of the findings.

ENVIRONMENTAL REVIEW:

This project has been found to be Statutorily Exempt from the requirements of CEQA pursuant to Section 15268 Ministerial Projects. As discussed in Section 4.0 of the findings staff has found the project consistent with the requirements to qualify for SB 35 streamlining. Projects consistent with SB 35 are considered ministerial projects which are considered Statutorily Exempt from the requirements of CEQA.

Pursuant to Resolution No. 240-93, a \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption. The filing of the Notice of Exemption is optional; however, not filing the Notice extends the statute of limitations for legal challenges to the project from 30 days to 180 days.

SUPPORT INFORMATION

Attachments to Staff Report

Findings
Conditions of Approval

Exhibit A.....	Location Map
Exhibit B.....	Assessors Map
Exhibit C.....	General Plan Land Use Designation Map
Exhibit D.....	Zoning Designation Map
Exhibit E.....	Aerial Map
Exhibit F.....	Site Plan, Floor Plans and Elevations; October 2017
Exhibit G.....	Preliminary Grading, Drainage Plan
Exhibit H.....	Facility Improvement Letter; March 21, 2017
Exhibit I.....	Landscape Plan; March 21, 2017
Exhibit J.....	Photometric Study and Fixtures
Exhibit K.....	Diamond Springs-El Dorado Fire Protection District-Project Planning Comments Letter; May 4, 2017
Exhibit L.....	Transportation Impact Study; March 2017
Exhibit M.....	Diamond Springs and El Dorado Community Advisory Committee Minutes; August 15, 2017
Exhibit N.....	Traffic Impact Mitigation (TIM) Fee Offset Award Letter; February 15, 2017
Exhibit O.....	Arborist Report; May 2, 2018
Exhibit P.....	Access Easement Documentation
Exhibit Q.....	SB 35 Statewide Determination Summary
Exhibit R.....	Urbanized Area Reference Map: Sacramento
Exhibit S.....	Farmland Map
Exhibit T.....	Flood Zone Map
Exhibit U.....	Fire Hazard Map
Exhibit V.....	Biological Resources Report and Wetland Delineation; November 19, 2012
Exhibit W.....	Multifamily Housing Project-SB 35 Streamlined Approval Process Eligibility Checklist
Exhibit X.....	Senate Bill (SB) No. 35 Summary
Exhibit Y.....	SB 35 Extension Agreement Letter; July 1, 2019