

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



**Agenda of:** June 28, 2018

**Staff:** Evan Mattes

**PLANNED DEVELOPMENT**

**FILE NUMBER:** PD17-0002/Diamond Springs Village Apartments

**APPLICANT/OWNER:** Sergei Oleshko

**ENGINEER:** Jerry Beck

**REQUEST:** Planned Development Permit for the construction of ten multi-unit residential buildings and one community building totaling 80 multifamily residential units and one on-site manager unit.

**LOCATION:** South side of Black Rice Road, approximately 1000 feet west of the intersection with Highway 49, in the Diamond Springs area, Supervisorial District 3 (Exhibit A).

**APN:** 051-461-59 (Exhibit B)

**ACREAGE:** 10.7 acres

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

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

**ENVIRONMENTAL DOCUMENT:** Mitigated Negative Declaration (Exhibit N)

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

1. Adopt the Mitigated Negative Declaration, based on the Initial Study prepared by staff;

2. Adopt the Mitigation Monitoring Reporting Program in accordance with California Environmental Quality Act Guidelines Section 15074(d), incorporated as Conditions of Approval; and
3. Approve Planned Development PD17-0002, based on the Findings and subject to the Conditions of Approval as presented.

## **EXECUTIVE SUMMARY**

Approval of this Planned Development 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 is zoned Residential Estate Five-Acres (RE-5) (Exhibit D), with a Medium Density Residential (MDR) land use designation (Exhibit C). The proposed project would occur only within the RM zoned section of the parcel. Staff has determined that the proposed project is consistent with the MFR land use designation and the RM zone, as well as other applicable El Dorado County General Plan policies and Zoning Ordinance requirements, as discussed in the Findings.

## **PROJECT HISTORY**

The Planning Commission originally approved the project on June 22, 2017. The project was appealed by Sue Taylor, on behalf of Save our County, within ten working days of approval, citing project violations of the provisions of Measure E, inconsistency with the California Environmental Quality Act (CEQA), applicable General Plan and zoning laws, inadequate public notification, and potential project financial instability. On August 29, 2017, the project was heard by the Board of Supervisors to determine whether to approve the appeal, reversing the Planning Commission's decision. The Board of Supervisors deliberated on the appeal and referred the item back to the Planning Commission.

The project returned to the Planning Commission on September 28, 2017 to provide clarification on project access, Measure E, installation of physical sign postings, exploration of the need for parks in the area. At the September 28, 2018 Planning Commission the project applicant provided evidence of a physical sign posting and a further discussion about Measure E and the effects of recent court decisions upon Measure E. At the meeting new public comments brought into question the project's rights to access the neighboring internal subdivision roads. The project was continued off-calendar with the applicant directed to either show access rights to the internal subdivision or alternative access. Since the September 28<sup>th</sup> hearing the project applicant has submitted evidence of access rights through the neighboring subdivision (Exhibit O). Previous issues regarding Measure E and installation of physical sign postings were addressed at the hearing and are no longer identified as project issues. The project applicant identified that they are not pursuing the development of a park on the RE-5 portion of the property. Development of

the RE-5 portion of the parcel for park purposes would need to be acquired by the County at fair market value. No changes to the original project description are proposed.

#### **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. Large lot single-family residences exist north of the project site across Black Rice Road. The project is traversed by two roads, Deuce Drive and Service Way.

**Project Description:** The Planned Development 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. 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 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 (Exhibit F). On-site landscaping would include planting of (Exhibit H) Interior Live Oak (*Quercus wislizeni*), Red Maple (*Acer rubrum*), 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 areas will serve the project.

Two existing roads, Deuce Drive and Service Way, traverse the property. The project would require road improvements both on-site and off-site, such as installation of sidewalks and improvements to existing intersections. The resulting project would require connection into an existing El Dorado Irrigation District's (EID) water and sewage system. The parcels would be accessed from Deuce Drive and Service Way, an existing privately-maintained road (Exhibit F).

**Modified Development Standards:** The project is allowed modifications of site development standards and zoning ordinance requirements as a planned development and an affordable housing development subject to Section 130.31.020.C.1 (Affordable Housing-Incentive or Concessions) of the Zoning Ordinance. The project has been designed with access coming from internal roads and drive aisles, which all buildings front. The project would have a setback of 15 feet on all sides of the Multi-unit Residential (RM) portion of the property as opposed to the 30 foot fire safe setback required for properties one acre in size or larger. The project has been analyzed by the Diamond Springs-El Dorado Fire Protection District and due to the urban nature of the project a lessened setback has been recommended. Table 130.16.070.1a of the Zoning Ordinance identifies sign standards for Multi-unit Residential (RM) zoned properties within Community Regions. The project is proposing two, six foot high and eight feet wide signs, in excess of the one 12 square foot sign typically allowed within the RM zone.

**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 a 80 unit multifamily development (Exhibit M). The offset is in the amount of up to \$1,463,200, which represents the entirety of the TIM Fee for the applicable TIM fee zone. 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.

**Circulation:** This planned development request is consistent with Measure E, specifically General Plan Policies TC-Xa, TC-Xe, TC-Xf, 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.

The project will connect Racquet Way to Black Rice Road, which will be improved, to offset the impacts to the Racquet Way/Pleasant Valley Way intersection as seen in Mitigation Measure TR-1. Impact 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 would be payed 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 K) and mitigated properly according to the Initial Study Mitigated Negative Declaration (Exhibit P) and the Conditions of Approval.

At the September 28, 2018 Planning Commission, the project access rights through the adjacent subdivision roads were brought into question. The Planning Commission directed the project applicant to either propose a different point of access or demonstrate proof of access rights through the adjacent subdivision. The project applicant has submitted a title report and preceding parcel maps (Exhibit O) demonstrating access through the adjacent subdivision roads.

**Consistency:** As discussed in the Findings, staff has determined that the proposed project, as conditioned, is consistent with the Multifamily Residential (MFR) land use designation and other applicable policies in the El Dorado County General Plan, as well as the provisions of the Multi-Unit Residential (RM) zone and other Zoning Ordinance requirements.

#### **ENVIRONMENTAL REVIEW:**

Staff has prepared an Initial Study (Exhibit P). Staff has determined that there is no substantial evidence that the proposed project would have a significant effect on the environment, therefore a Mitigated Negative Declaration has been prepared and a Notice of Determination (NOD) will be filed. A \$50.00 filing fee for the NOD is required and the NOD must be filed within five working days from the project approval.

The filing of the NOD begins the statute of limitations time period for when litigation may be filed against the County's action on the project. If the NOD is filed the statute of limitations ends 30 days from its filing. If no NOD is filed, it ends 180 days from the date of final action by the County.

In accordance with California Fish and Wildlife Code Section 711.4, the project is subject to the current fee after approval, but prior to the County filing the Notice of Determination of the project. This fee plus the \$50.00 filing fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The fee is forwarded to the State Department of Fish and Wildlife and is used to help defray the cost managing and protecting the State's fish and wildlife resources.

## SUPPORT INFORMATION

Findings

Conditions of Approval

Exhibit A.....	Location Map
Exhibit B.....	Assessor's Map
Exhibit C.....	General Plan Land Use Map
Exhibit D.....	Zoning Map
Exhibit E.....	Aerial Map
Exhibit F.....	Site Plan, Floor Plans and Elevations; Dated 05-01-2018
Exhibit G.....	Preliminary Grading and Drainage Plan
Exhibit H.....	Landscaping Plan
Exhibit I.....	Photometric Study and Fixtures
Exhibit J.....	Diamond Springs-El Dorado Fire Protection District Conditions
Exhibit K.....	Transportation Impact Study
Exhibit L.....	Diamond Springs El Dorado CAC Minutes
Exhibit M.....	TIM Fee Offset Award Letter
Exhibit N.....	Arborist Report; May 2, 2018
Exhibit O.....	Access Easement Documentation
Exhibit P.....	Proposed Mitigated Negative Declaration and Initial Study