

## **FINDINGS**

### **Conditional Use Permit CUP18-0009/El Dorado Senior Resort Planning Commission/May 23, 2019**

#### **1.0 CEQA FINDINGS**

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgement of the County, has been completed in compliance with the California Environmental Quality Act (CEQA), and is adequate for this proposal.
- 1.2 The Initial Study identifies that this project proposes a less than significant impact on the environment with specific mitigation outlined with the Biological Resources, Noise, and Transportation categories. By including mitigation for these categories, the effects on the Mandatory Findings of Significance section are also reduced below a level of significance for this project.
- 1.3 The documents and other materials that constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Building Department at 2850 Fairlane Court, Placerville, CA, 95667.

#### **2.0 GENERAL PLAN FINDINGS**

##### **2.1 The project is consistent with General Plan Policy 2.1.1.7**

The purpose of General Plan Policy 2.1.1.7 requires that development projects in Community Regions and elsewhere be limited in some cases until such times as adequate roadways, utilities, and other public service infrastructure become available.

Rationale: The project is within the Community Region of El Dorado where public infrastructures such as road and utility exist. The project would construct, extend and/or upgrade on- and off-site infrastructures necessary to serve the proposed development.

##### **2.2 The project is consistent with General Plan Policy 2.2.1.2.**

The site is designated under the General Plan as both Multifamily Residential (MFR) and Commercial (C). The MFR land use designation identifies those areas suitable for high-density, single family, and multifamily design concepts such as apartments, single-family attached dwelling units, and small-lot single-family detached dwellings. Lands identified as MFR shall be in locations with the highest degree of access to transportation facilities, shopping and services, employment, recreation, and other public facilities. The minimum allowed density is five dwelling units per acre, with a maximum density of 24 dwelling units per acre. Except as provided in Policy 2.2.2.3, this designation is considered

appropriate only within Community Regions and Rural Centers. The Commercial land use designation identifies those areas suitable for full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. Mixed use development of commercial lands within Community Regions and Rural Centers which combine commercial and residential uses shall be permitted. Commercially designated parcels shall not be developed within a residential use as the sole use of the parcel unless the residential use is either (1) a community care facility as described in goal HO-4 or (2) part of an approved mixed use development as allowed by Policy 2.1.1.3 and 2.1.2.5, within an area zoned to allow for a mix of uses. Numerous zone districts shall be utilized to direct specific categories of commercial uses to the appropriate area of the County. This designation is considered appropriate within Community Regions, Rural Centers and Rural Regions.

**Rationale:** The project proposed the construction of a 64-multifamily residential apartment complex and 9 single-family attached residential units. The Multifamily General Plan land use designation permits a density range of 5 dwelling units to 24 dwelling units per acre. The project site is 8.2 acres. The project would be at a net MFR density of 13.74 dwelling units per acre, which meets the prescribed gross density for the Multifamily Land Use Designation of the General Plan. The site is within the El Dorado community region of the county. The proposed project is compatible with the land use designation, and the growing need for senior residential care in El Dorado County. The project is consistent with the Commercial (C) land use designation of the subject site as defined by the General Plan Policy 2.2.1.2 (Exhibit C). The project proposes a community care facility and two commercial buildings consistent with the Commercial land use designation. According to the project narrative and traffic study (Exhibit Q and Attachment 4), the proposed commercial buildings will include a restaurant and a professional office building with some retail component. The commercial buildings intend to serve both the residents of the senior living facility and surrounding local community. The senior living development project is a mixed-use development in that it combines both residential and commercial uses on a single site as an integrated development project with significant functional interrelationships and a coherent physical design. The assisted living/memory care facility or commercial community care facility will be complemented by residential uses all on one project site; therefore, it will be consistent with the combined MFR and C land use designation.

### **2.3 The project is consistent with General Plan Policy 2.2.5.2.**

All applications for discretionary projects of permits including, but not limited to, General Plan amendments, zoning boundary amendments, tentative maps for major and minor land divisions, and special use permits shall be reviewed to determine consistency with the policies of the General Plan. No approvals shall be granted unless a finding is

made that the project or permit is consistent with the General Plan. In the case of General Plan amendments, such amendments can be rendered consistent with the General Plan by modifying or deleting the General Plan provisions, including both the land use map and any relevant textual policies, with which the proposed amendments would be inconsistent.

Rationale: The project has been reviewed in accordance with General Plan Policy 2.2.5.2 and has been found to be consistent with all applicable policies of the General Plan. As conditioned, the proposal is consistent with the intent of the General Plan, as determined within the General Plan Findings.

#### 2.4 **The project is consistent with General Plan Policy 2.2.5.9**

General Plan Policy 2.2.5.9 recognized the need to allow for certain types of extended family support services and institutional uses in area in which residential uses are allowed on the General Plan land use map. This policy recognized the need to provide for support services adjacent to residential areas by only allowing the establishment of such support services with a special use permit. This will require a finding that the establishment of the use will have no significant adverse effect on surrounding property or the permitted uses thereof.

Rationale: The project site is designated as both Multifamily Residential and Commercial within the community region of El Dorado/Diamond Springs. As a community care facility, the El Dorado Senior Resort facility is an appropriate use for parcels with this designation and provides specialized medical service in support of the existing uses in the community. The facility has been designed compatible with the existing development as it involves site planning, access, and preservation of resources.

#### 2.5 **The project is consistent with General Plan Policy 2.2.5.21.**

General Plan Policy 2.2.5.21 requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses. Development projects that are potentially incompatible with existing adjoining uses shall be designed in a manner that avoids any incompatibility or shall be located on a different site.

Rationale: The proposed El Dorado Senior Resort was designed in a manner that is similar to, and consistent with, the surrounding residential and commercial land uses. The surrounding land uses are mostly single-family residences, commercial buildings, and undeveloped commercial property. A single-family residential neighborhood exists to the south and west of the project site. To the north and east of the project site consists of both developed and undeveloped commercial properties. The project site provides a transitional land use buffer because it is located in between residential and commercial land uses. The single-family attached residences and

apartment complex are closest to the south and west of the site, and the community care facility and buildings are closest with the north of the project site. In the vicinity of the project site is a mix of commercial and residential uses. The proposed use is considered consistent and compatible with the development pattern in the immediate surroundings. The proposed facility requires review under this Conditional Use Permit application and conditions are needed in order to maintain compatibility with the surroundings, as such, the proposed commercial and residential uses blend within the context of the surrounding area. The proposed development plan is required to provide adequate landscaping, lighting, site circulation, and other development features to be consistent with the General Plan and Zoning Ordinance.

**2.6 The project is consistent with General Plan Policy 5.2.1.2.**

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

Rationale: The project was reviewed by the County Department of Transportation, Diamond Springs El Dorado Fire Protection District, and the El Dorado Irrigation District (EID) for adequate public services capacity. The applicants propose to connect to existing water and sewer service from EID. A Facility Improvement Letter (FIL) (Exhibit O) dated August 8, 2018 was submitted by the project applicant. The project will be served by EID public water and wastewater services and all other utilities are located in Pleasant Valley Road and Koki Lane; therefore, an extension of facilities of adequate size must be constructed for the project to receive service. The FIL letter also indicated that the property is not within the EID's district boundary and will require annexation before service can be obtained.

Although outside EID's district the project site is within EID's sphere of influence; therefore, the project will require LAFCO approval for annexation into EID prior to receiving water and/or sewer services from EID. The project will not exceed the service abilities of the facilities and utilities in the area. The development would be required to improve and connect to these infrastructures in order to obtain the service. Facility Improvement Plans, which details the necessary facility improvements for the project, would be required subject to review and approval by EID. An EID meter award letter would be required as proof of rights to these services prior to issuance of building permit. Fire suppression standards and design shall be coordinated with the Diamond Springs El Dorado Fire Protection District prior to issuance of building permit.

**2.7 The project is consistent with General Plan Policy 6.2.3.2.**

Policy 6.2.3.2, Adequate Access for Emergencies, requires that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Rationale: The County Department of Transportation, Diamond Springs El Dorado Fire Protection District, and Long Range Planning Division reviewed the application materials and site plan for adequate access for emergencies. The project was required to address the adequacy of vehicle parking for anticipated demand, vehicle types, and zoning requirements. It was determined by the traffic study (Attachment 4) that the project would have and adequate turn radius for a firetruck. As such, the proposed project is considered to allow for adequate access and on-site circulation for emergency vehicles. The fire department review of plans associated with building permit would ensure compliance with these standards. A Wildland Fire Safe Plan (Attachment 5) was prepared for the project, which requires an adequate fire system for purpose of fire protection with items such as, fire sprinkler and firefighting water, fire hydrants, residential sprinkler systems, and specific building materials. The implementation of the Wildland Fire Safe Plan will uphold consistency with General Plan Policy 6.2.3.2. As conditioned, the project would provide the required access. The project complies with the General Plan Policy.

**2.8 The project is consistent with General Plan Policy TC-Xa.**

According to Policy TC-Xa, the following policies shall remain in effect indefinitely, unless amended by voters:

1. Traffic from residential development projects of five or more units or parcels of land shall not result in, or worsen, Level of Service F (gridlock, stop-and-go) traffic congestion during weekday, peak-hour periods on any highway, road, interchange or intersection in the unincorporated areas of the county.
2. The County shall not add any additional segments of U.S. Highway 50, or any other highways and roads, to the County's list of roads from the original Table TC-2 of the 2004 General Plan that are allowed to operate at Level of Service F without first getting the voters' approval.
3. Developer paid traffic impact fees combined with any other available funds shall fully pay for building all necessary road capacity improvements to fully offset and mitigate all direct and cumulative traffic impacts from new development during peak hours upon any highways, arterial roads and their intersections during weekday, peakhour periods in unincorporated areas of the county. This policy shall remain in effect until December 31, 2018.
4. intentionally blank (Resolution 159-2017, October 24, 2017)

5. The County shall not create an Infrastructure Financing District unless allowed by a 2/3rds majority vote of the people within that district.
6. intentionally blank (Resolution 159-2017, October 24, 2017)
7. Before giving approval of any kind to a residential development project of five or more units or parcels of land, the County shall make a finding that the project complies with the policies above. If this finding cannot be made, then the County shall not approve the project in order to protect the public's health and safety as provided by state law to assure that safe and adequate roads and highways are in place as such development occurs.

Rationale: The Traffic Impact Analysis (Attachment 4) indicates that the LOS would not be significantly impacted by the proposed project. The project would generate approximately 787 total new daily trips, with 41 new trips occurring during the AM peak-hour, and 62 new trips occurring during the PM peak-hour based on trip generation rates contained in the *Trip Generation Manual 9<sup>th</sup> Edition*, published by the Institute of Transportation Engineers (ITE). Access to the site is proposed via a proposed project driveway from Koki Lane, which is a County-maintained road. The study found that the project would not create or exacerbate hazards in the area, nor were there any hazards that might impact the project, as long as project landscaping and trees be placed in such a manner so as not to obstruct sight distance along Koki Lane. According to the project site plan there appears to be adequate sight distance on-site to facilitate safe and orderly circulation. The generated project trips are insignificant to the project driveway at Koki Lane. The transportation impact study identifies one nearby intersection currently in operation at Level of Services (LOS) F that would be significantly worsened by the project. The project required to mitigate the impacts to the worsened intersection, as indicated by M1, M2, and M3 within the Conditions of Approval. The project does not add any road segments to U.S. Highway 50 or to any of the roads listed in TC-2.

## 2.9 **The project is consistent with General Plan Policy TC-Xd.**

Level of Service (LOS) for County-maintained roads and state highways within the unincorporated areas of the county shall not be worse than LOS E in the Community Regions or LOS D in the Rural Centers and Rural Regions except as specified in Table TC-2. The volume to capacity ratio of the roadway segments listed in Table TC-2 shall not exceed the ratio specified in that table. Level of Service will be as defined in the latest edition of the Highway Capacity Manual (Transportation Research Board, National Research Council) and calculated using the methodologies contained in that manual. Analysis periods shall be based on the professional judgment of the Department of Transportation which shall consider periods including, but not limited to, Weekday Average Daily Traffic (ADT), AM Peak Hour, and PM Peak hour traffic volumes.

Rationale: This project is within the El Dorado/Diamond Springs Community Region. Identified by Table TC-2, the closest road segment of Pleasant Valley Road from El Dorado Road to State Route 49 is approximately 0.42 miles west of the project site, which operates at a Level of Service of F. As analyzed by the Traffic Study prepared for the project, it has been determined that the nearby intersection of State Route 49 at Pleasant Valley Road currently operates at LOS F in the AM peak-hour without the project, and the project would contribute more than 10 peak-hour trips to the intersection during the AM peak-hour. This is a significant impact; however, with implementation of mitigation measures M1, M2, and M3 the impact would be decreased to a **less than significant** level.

#### 2.10 **The project is consistent with General Plan Policy TC-Xe.**

For the purposes of this Transportation and Circulation Element, “worsen” is defined as any of the following number of project trips using a road facility at the time of issuance of a use and occupancy permit for the development project:

- A. A 2 percent increase in traffic during the a.m. peak hour, p.m. peak hour, or daily, or
- B. The addition of 100 or more daily trips, or
- C. The addition of 10 or more trips during the a.m. peak hour or the p.m. peak hour.

Rationale: Pursuant to the project transportation impact study prepared by Kimley-Horn dated October 2018, the project would contribute more than 10 peak-hour trips to the intersection (SR 49 @ Pleasant Valley Road) during the AM peak-hour. Mitigation is required to bring project impacts to less than significant level. According to the Traffic Study, the intersection warrants a traffic signal; however, Caltrans has specifically stated that they do not want such improvement at this time. The County will monitor this intersection through the Intersection Needs Prioritization Process of the Capital Improvement Program (CIP). The mitigation measures are outlined in findings 2.10 below and Conditions of Approval for this Project.

#### 2.11 **The project is consistent with General Plan Policy TC-Xf.**

For all other discretionary projects that worsen (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain Level of Services standards detailing in this Transportation and Circulation Element; or (2) ensure the construction of the necessary road improvements are included in the County’s 20-year CIP.

Rationale: The Traffic Impact Analysis analyzed that the project would significantly impact the SR 49 @ Pleasant Valley Road intersection that is located

approximately 0.42 miles west of the project site, which already operates at a Level of Services of F. The project shall pay traffic mitigation fees to satisfy the project's fair share obligation towards the improvement of a traffic signal for SR 49 @ Pleasant Valley Road intersection. Payment of standard traffic impact mitigation (TIM) fees shall be required prior to issuance of the building permits. These mitigation measures (M1, M2, and M2) were also included as part of the conditions of approval for this project.

**2.12 The project is consistent with General Plan Policy HO-1.5.**

General Policy HO-1.5 directs higher density residential development to Community Regions and Rural Centers.

Rationale: The project site has a Multi-Family Residential (MFR) General Plan Designation. The MFR land use designation permits a density range of 5 dwelling units to 24 dwelling units per acre. The project site is 8.2 acres. The proposed project would be at a net density of 13.74 dwelling units per acre, which meets the prescribed gross density for the Multi-Family Land Use Designation of the General Plan. The development is also within the Community Region of El Dorado/Diamond Springs.

According to a memo from County's Housing, Community and Economic Development Program (HCED) dated October 30, 2018 (Exhibit Q), in response to a request for project review comments. The location of the proposed project has been identified by its General Plan Land Use Designation as a prime area to include affordable multi-family residential housing due to the proposed project site proximity to amenities such as transportation, medical, and retail services. The project site with APN 331-221-32 was initially identified in the Housing Element of the General Plan as a site that could offer 40 units of affordable housing within the very-low/low (VL/L) category. The offer to restrict 20% of the entire multi-family residential housing units as affordable was not accepted by the applicant. The County's affordable housing program is not mandatory. Therefore, it is recommended that this project's final conditions of approval require at least 10% of the units to be developed as affordable to moderate and/or low income households.

The project site consists of two parcels. One of the parcels has been identified in the County General Plan Housing Element as sites suitable for the development of housing for very-low to low income households. The parcel with Assessor's Parcel Number (APN) 331-221-32 consists of 2.31 acres and was attributed as a reasonable capacity for the development of 40 units for very low- to low (VL/L) income households. (See General Plan Table B-3; APN 331-221-32, 40 units- VL/L)



Codified on January 1, 2018 as California Government Code §65863, SB 166 is known as the “No Net Loss” law. The law prohibits jurisdictions, with certain exceptions, from permitting a development at a density lower than what was specified for the site in that jurisdiction’s housing element. The law does make certain exceptions. For example, in certain circumstances, if a jurisdiction has adopted a Housing Element that is in compliance with state law, it may make written findings supported by substantial evidence that the reduction in density is consistent with the adopted general plan, including the Housing Element, and that the remaining sites are adequate to accommodate the jurisdiction’s share of the regional housing need. A local jurisdiction that can successfully make these findings may be able to lower residential density on certain sites, as long as there is “No Net Loss” of density. The law defines “lower residential density” in multiple ways, depending on the circumstances, such as whether the site has been or will be rezoned. Typically, “lower residential density” will be defined as a lower residential density than what is identified in the Housing Element.

The County’s land inventory in the 2013-2021 Housing Element Update to support the Regional Housing Needs Assessment (RHNA) allocation of housing, including projects approved prior to the 2013 update and the potential development of vacant parcels and development on underutilized parcels, exceeds the net remaining RHNA in the lower income categories. In other words, the County has identified a surplus of available land inventory for development opportunities for all income categories. Approval of this project at the proposed density and affordability level should not result in a net loss of affordable housing for lower income categories, however, full analysis has not been completed for development projects between 2013-Present. The quantifiable analysis is limited to the data collected from 2013. Table HO28 (see below) indicates the west slope has a land inventory of 2,134 in the very-low/low (VL/L) category and removal of the project’s 40 VL/L would result in 2,094 VL/L category. In addition, the RHNA does identify a projected surplus of 1,740 VL/L from 2013-2021.

Table HO28  
**2013 Land Inventory Summary –El Dorado County**

	Income Category			
	VL/L	Mod	Above	Total
Units approved or under construction	108	2	124	234
Entitlements (lots)*	--	--	5,762	5,762
Vacant land - residential	2,338	764	10,151	13,253
- West Slope	2,134	675	6,720	9,529
- East Slope	204	89	3,431	3,724
Vacant land – commercial/mixed use	257	--	--	257
Underutilized land – residential	925	148	0	1,073
Potential second units**	406	0	0	406
<b>Subtotal</b>	<b>4,034</b>	<b>914</b>	<b>16,037</b>	<b>20,985</b>
<b>RHNA (net 2013-2021)</b>	<b>1,740</b>	<b>821</b>	<b>1,633</b>	<b>4,194</b>
<b>Surplus (Deficit)</b>	<b>2,294</b>	<b>93</b>	<b>14,404</b>	<b>16,791</b>

Source: El Dorado County Community Development Agency. 7/2013  
 \* Includes Approved Specific Plans, Tentative and Parcel maps west slope only  
 \*\* Estimated 4% of Vacant land – residential, "Above"

Housing element law specifies that jurisdictions must identify adequate sites (vacant and surplus lands that are appropriate for residential development) to be made available to encourage the development of a variety of housing types for all economic segments of the population. In evaluation the residential growth potential, the County of El Dorado has reviewed vacant sites in the unincorporated areas identified for residential use, which are summarized in the vacant land survey of the Housing Element, Appendix B.

**2.13 The project is consistent with General Plan Policies HO-1.6, HO-1.7 (see below) and HO-1.18.**

General Plan Policies establish that the county shall encourage and establish incentive programs for very-low, low, and moderate income affordable housing.

Rationale: A Memo from Housing, Community and Economic Development Programs (HCED) dated October 30, 2018 (Exhibit Q) outlines the benefits the applicant could receive if 10 percent of the multi-family residential units were made affordable to moderate and/or low income households. The memo further states that if 20 percent of the units are set aside for affordable, the project may be eligible for TIM Fee Offsets under Board Policy B-14 (TIM Fee Offset for Development with Affordable Housing) as well as priority fast-track process of the discretionary project.

The offer to restrict some of the units as affordable was accepted at 10 percent only by the applicant. The County's affordable housing program is not mandatory.

The project developer has expressed intentions to offer 10 percent of the multi-family units as affordable to moderate and/or low-income households. HCED recommends that conditions for project approval should require the applicant:

*The applicant shall provide an affordable housing plan, to include but not be limited to financing arrangements, monitoring program, and 20-year deed restrictions, shall be established by the applicant through a Developer's Agreement with the County of El Dorado. A copy of the affordable housing plan shall be submitted to the Planning and Building Department prior to the final occupancy of the first multi-family unit.*

*In accordance with General Plan Policy HO-3.9, the property owner(s) shall provide notice to the California Department of Housing and Community Development, the County Department of Housing Services, and the existing tenants at least two years prior to the conversion of the affordable rental housing units to market rate.*

The project is consistent with General Plan Policy HO-1.6 and HO-1.18 when the above mentioned conditions are added to the Conditions of Approval.

**2.14 The project is consistent with General Plan Policy HO-1.7.**

The County shall give highest priority for permit processing to development projects that provided housing affordable to very low- or low-income households.

Rationale: The project developer has expressed intention of offering 10 percent of the multi-family units as affordable to moderate and/or low-income households; therefore, priority processing has been given to this project. The application was submitted on September 20, 2018 and the processing of this application was prioritized over other projects of equal or longer submittal date.

**2.15 The project is consistent with General Plan Policy HO-4.1.**

The development of affordable housing for seniors, including congregate care facilities, shall be encouraged.

Rationale: The proposed project is consistent with this policy as it targets all three goals within the policy of providing an affordable housing component, congregate care facility, and housing for seniors.

**2.16 The project is consistent with General Plan Policy 10.2.1.5.**

Policy 10.2.1.5 A public facilities and services financing plan that assures that costs burdens of any civic, public, and community facilities, infrastructure, ongoing services, including operations and maintenance necessitated by a development proposal, as defined below, are adequately financed to assure no net cost burden to existing residents may be required with the following development applications:

- A. Specific plans; and
- B. All residential, commercial, and industrial projects located within a Community Region or Rural Center which exceed the following thresholds:
  - 1. Residential.....50 units
  - 2. Commercial.....20 acres or 100,000 square feet
  - 3. Industrial.....20 acres or 250,000 square feet

Rationale: Although the proposed project exceeds the residential 50-unit threshold, it is worth mentioning this economic development policy includes the word “may” versus the word “shall.” The implementation of this policy becomes voluntary, due to its language. The proposed project has included a 10 percent affordable housing component; therefore, requesting the project applicant to submit a financing plan would become burdensome to a project that is already agreeing of providing an affordable housing component. Staff made a determination to explore an alternate process for implementing this policy by coming up with a condition of approval that will compensate the cost of providing ambulance services to the proposed age-restricted community. The applicant shall establish and agree to pay CSA7, which is an additional special tax established by the Joint-Powers Authority (JPA) in an amount not to exceed \$25 per unit, prior to issuance of building permits. Thus, the project is consistent with General Plan Policy 10.2.1.5 when the above mentioned condition #12 is added to the Conditions of Approval.

**2.17 The project is consistent with General Plan Policy 7.1.2.1.**

General Plan Policy 7.1.2.1 directs that development or disturbance shall be restricted on slopes exceeding 30 percent unless necessary for access.

Rationale: The area proposed for the senior living development is in an area that is relatively flat and avoids steep slopes of 30 percent. The project complies with the policy related to steep slopes.

**2.18 This project is consistent with General Plan Policy 7.4.4.4.**

For all new development project or actions that result in impacts to oak woodlands and/or individual native oak trees, including Heritage Trees, the County shall require mitigation as outlined in the El Dorado County Oak Resources Management Plan (ORMP). The ORMP functions as the oak resources component of the County's biological resources mitigation program, identified in Policy 7.4.2.8.

Rationale: The proposed project includes the removal of individual oak trees. The project applicant submitted an Oak Resources Technical Report prepared by Sycamore Environmental Consultants, Inc. dated August 30, 2018 (Attachment 2). The plan identifies appropriate preservation and mitigation measures for oak resources according to the standards of the ORMP.

**3.0 ZONING FINDINGS**

**3.1 The proposed use is consistent with Title 130.**

The project site is zoned Multi-unit Residential (RM) and Commercial Main Street (CM) with combined zoning of Design Review—Community (-DC). The project has been analyzed in accordance with Zoning Ordinance Section 130.22.030 and 130.24.030 (Development Standards) for permitted uses, building height, and minimum building setbacks.

Rationale: The project site consists of two parcels. The parcel with APN 331-221-30 has a split zoning of CM-DC and RM-DC. The parcel with APN 331-221-32 is zoned RM-DC. The greater majority of the site is zoned RM-DC, and as indicated in *Table 130.24.020-Residential Zone Use Matrix*, uses such as community care facilities require a Conditional Use Permit. The Zoning Ordinance permits apartment complex and multi-family attached dwellings by right in RM zoned parcels. Likewise, the proposed commercial uses of restaurant and professional offices are permitted by right in the CM zoned parcels.

The El Dorado County zoning ordinance definition for Community Care Facilities allows for senior assisted living or memory care facilities, but excludes senior housing that does not include a service or care aspect. Large Senior-related facilities, including but not limited to congregate

care, skilled nursing, and assisted living, are allowed in the RM zone with a Conditional Use Permit.

The project has been analyzed in accordance with the site development standards for building height and minimum building setbacks. The maximum building height in both the RM and CM zone is 50 feet. The project proposes two-story buildings throughout with the community care facility and apartment complex being three-story buildings, which would be at a height of 37.5 feet. Standard setbacks for building structures within the RM zone are 20 feet for the front setback, five feet for the side setback, and 10 feet for the rear setback. Standard setbacks for building structures within the CM zone are a minimum of zero to max of 10 feet for the front setback, five feet for the side setback, and 10 feet for the rear setback. According to the propose site plan, all proposed structures would meet these requirements. The project, as proposed, is consistent with the Zoning Ordinance because the project will comply with building setbacks and other applicable design standards. Parking and loading was analyzed according to the use type, and the proposed parking will be sufficient for the proposed uses (see Finding 3.2). The proposed facility has been reviewed under a Conditional Use Permit and a set of conditions have been established for the project to maintain consistency with development standards.

### 3.2 **The project is consistent with Chapter 130.34: Outdoor Lighting.**

Chapter 130.34 of the Zoning Ordinance identifies standards for the elimination of excess nighttime light and glare.

Rationale: The project has prepared a Photometric Study and Lighting Plan (Exhibit N). Proposed light fixtures would be adequately shielded as shown in Condition of Approval # 6.

### 3.3 **The proposed use is consistent with Chapter 130.36: Signs.**

The proposed signs for the project must comply with Chapter 130.36 of the Zoning Ordinance, Signs. According to *Table 130.36.070.1a—Community Region Area Signage Standards for Permanent On-Site Signs* no building attached signs are permitted and freestanding signs in the Residential Zone District are limited to 12 square feet of max signage area with no more than 12 feet in height for freestanding signs. According to *Table 130.36.070.1b—Community Region Area Signage Standards for Permanent On-Site Signs*, building attached signs are limited to 50 square feet of max signage area and freestanding signs in the Commercial Zone District are limited to 80 square feet of max signage area with no more than 20 feet max height for integrated development.

Rationale: A preliminary signage program has not been submitted for the proposed development; however, landscaping notes found in the preliminary landscaping plan (Exhibit M) indicate the type of signs that will be submitted as a separate building permit submittal. The notes indicate that commercial building #1 and #2 will have building attached signs of no more than 50 square feet max, which is consistent with the standards for commercial zoned parcels. The notes also indicate a monument sign at the entrance of the project site that will face Koki Lane, a monument sign near the assisted living facility, and a monument sign near the apartment complex. The proposed monument sign at the entrance of the project site is allowed to be at a maximum of 80 square feet due to its proposed location in the commercial zoning district. The other two monument signs propose 12 square feet for each, which is consistent with the standards for residential zoned parcels. Overall, the proposed sign description found in the notes of the landscaping plan (Exhibit M) are consistent with title 130.36, based on the split zoning and placement location for each individual sign.

#### 3.4 **The project is consistent with Chapter 130.35: Off-Street Parking and Loading.**

Section 130.35 of the Zoning Ordinance establishes off-street parking requirements for businesses.

Rationale: This Conditional Use Permit request proposes buildings that consist of commercial and residential uses. For this reason, parking requirements are calculated based upon each type of use. An assisted living facility such as the El Dorado Senior Resort are classified as a long-term care facility within the parking ordinance and is required to have 1 space per 4 beds based on design capacity. Thus, the 74-unit assisted living/memory care facility in the main building requires 18.5 parking spaces, the apartment requires 131.5 parking spaces, the commercial buildings require 37.5 parking spaces, and the 9 single-family units require 18 parking spaces. Overall, parking requirements for the project site equals to 206 parking spaces. The project will provide approximately 228 parking spaces of which 128 of them will be located at the facility's underground parking garage. Additionally, the site provides passenger loading and unloading area underneath the proposed covered carport, which would reduce the need for parking. The amount of proposed parking exceeds the parking requirements and is consistent with the parking standards established in the Zoning Ordinance.

**3.5 The project is consistent with Chapter 130.37: Noise Standards.**

Chapter 130.37, Noise Standards, requires that noise created by new proposed non-transportation noise sources shall be mitigated so as not to exceed the noise level standards of Table 130.37.060.1 for noise-sensitive uses.

Rationale: The project is not expected to generate noise levels exceeding the performance standards contained within Chapter 6 of the 2004 General Plan. Noise generated during operation and any potential future construction will require to comply with the noise standards established in the Zoning Ordinance and meet prescribed mitigation measures and conditions of approval #16 as indicated by the project's Environmental Noise Assessment (Attachment 3). The noise associated with the project would be less than significant with the prescribed mitigation measures and conditions of approval.

**3.6 The project is consistent with Chapter 130.39: Oak Resources Conservation.**

Chapter 130.39 of the Zoning Ordinance incorporates the provision of the Oak Resources Management Plan (ORMP) and establishes conservation and mitigation measures to oak trees for all privately-owned lands within the unincorporated area of the County at or below the elevation of 4,000 feet where oak resources are present.

Rationale: The proposed project includes the removal of individual oak trees. The Oak Resources Management Plan (ORMP) allows for the removal of oak trees with applicable mitigation measures. The project would mitigate for removal of oak trees via payment of the in-lieu fees identified in the ORMP. The estimated project oak woodland in-lieu fee of \$122,120.90 plus the heritage tree in-lieu fee of \$108,783 equals the total in-lieu fee of \$230,903.90 shall be submitted to Planning Services prior to issuance of Building and Grading Permits as indicated by Condition of Approval # 11.

**4.0 CONDITIONAL USE PERMIT FINDINGS**

**4.1 The issuance of the permit is consistent with the General Plan.**

Rationale: As discussed above in Section 2.0, General Plan Findings, the Conditional Use Permit is consistent with the applicable policies and requirements in the El Dorado County General Plan.

**4.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.**

Rationale: The use will not significantly conflict with surrounding uses. The proposed use will comply with the Development Standards of the RM-DC and CM-DC zone district. The proposed use is consistent with the



surrounding land uses, which include single-family residences, commercial businesses, and vacant land. As conditioned, the project is not anticipated to result in significant environmental, visual, or noise affects to the surrounding residents.

**4.3 The proposed use is specifically permitted by Conditional Use Permit.**

Rationale: Large Community Care Facilities (serving seven or more) are specifically permitted in the Multi-unit Residential (RM) Zone with a Conditional Use permit pursuant to *Table 130.24.020- Residential Zone Use Matrix* of the County Zoning Ordinance. The subject property is located in the RM zone district. The *Residential Zone Use Matrix* of the Zoning Ordinance outlines the allowed uses and permit requirements for those uses that are permitted and those that require approval by a Conditional Use Permit in the RM zone district. This document includes residential uses and limited commercial uses, specifically community care facilities, are allowed with a Conditional Use Permit in the RM zone.