

Findings

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 El Dorado County finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with the corresponding permit monitoring requirement, is hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.4 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

- 2.1 The project is consistent with the Multifamily Residential (MFR) land use designation of the subject site as defined by General Plan Policy 2.2.1.2, because the MFR land use designation includes apartments as compatible uses. Further, the MFR land use designation allows 5 to 24 units per acre and the project includes 4 additional units for a total project parcel density (three buildings, 12 total units) of 11.56 units per acre. The density is appropriately (rounded up to 12 because 42 percent of all the units (four newly proposed and one existing) are proposed restricted to meet the County's "affordable" housing criteria).
- 2.2 The proposal is consistent with the intent of the following General Plan Policies:
 - a. 2.2.1.2 (MFR uses) because it allows the appropriate density and multifamily uses; and
 - b. 2.2.5.21 (compatibility with surroundings) because it has been designed in substantial compliance with the Community Design Guidelines;

- c. 5.2.1.2 and 5.3.1.1 because the submitted El Dorado Irrigation District Facility Improvement Letter states that with sufficient upgrades of the existing water and sewer facilities, the project can have adequate potable water, water pressure, and sewer capacity to allow the proposed uses;
- d. 6.5.1.7 (noise) because the outgoing air conditioner noises would be at levels less than the General Plan noise standards.

Because of the project's provisions of adequate access, site design, and attention to architectural design features that fit within the context of the surrounding uses, it is consistent with the General Plan policies identified above.

3.0 ZONING FINDINGS

- 3.1 The project is consistent with the Zoning Ordinance designation of Multifamily Residential-Design Community (RM-DC) because the proposed project provides multifamily residential uses pursuant to Section 17.28.100.B of the Zoning Code, and has demonstrated consistency with the Community Design Guidelines.
- 3.2 The project, as proposed and as Conditioned in Attachment 1, is consistent with the El Dorado County Zoning Ordinance Development Standards because design consistency with the Community Design Guidelines is being addressed with a Design Review application, and the proposed buildings meet the development standards pursuant to Section 17.28.120 of County Code for setbacks, maximum building coverage, building height, and density.
- 3.3 The project complies with the process of Design Review, Zoning Ordinance Chapter 17.74 because the project has a Design Community (DC) overlay; made application for DR12-0002 on February 7, 2012 and complies with 17.74.040 Community Design Review Districts.

Conditions of Approval

Planning Services

- 1. This Design Review is based upon and limited to compliance with the project description, the staff report exhibits as follows, and conditions of approval set forth below:

Exhibit F-1	Site Plan, Sheet S1; July 2012
Exhibit F-2	Floor Plans, Sheet 1
Exhibit F-3	Elevations with Exterior Materials and Colors Labeled
Exhibit F-4	Preliminary Grading and Drainage Plan, Sheet G1; June 2012
Exhibit G.....	Colored Elevations

Exhibit H.....Exterior Wall Light

Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project approval allows the following for the 1.03-acre parcel identified by Assessor's Parcel Number 109-410-08:

- a. Rezone from Professional Office Commercial-Design Community (CPO-DC) to Multifamily Residential-Design Community (RM-DC); and
- b. The construction of a two-story, fourplex apartment building and associated landscaping, parking, and sidewalks located. The 1.03-acre parcel currently contains two existing apartment buildings with four apartments each.

The project consists of a four unit (fourplex) apartment buildings with two stories totaling 4,246.4 square feet.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased, or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape, Lighting, and Special Status Plant Species Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

Conditions from the Mitigated Negative Declaration

The following Mitigation Measure is required as a means to reduce potential significant environmental effects to a level of insignificance:

2. **BIO-1: Protective Fencing Required:** The building site and adjacent construction area shown in the Preliminary Grading and Drainage Plan dated June 2012 (grading limit line), shall be fenced with orange construction fencing prior to the initiation of any construction allowed by a building and/or grading permit for the new apartment building subject of application DR12-0002 approval. The fence shall prevent personnel and vehicles from encroaching into the main population of rare plants. The fencing shall remain until after building and grading permit finals.

Monitoring Responsibility: Development Services

Monitoring Requirement: Development Services shall check to see if the final building and grading permit plans have noted the protective fencing as shown on the Preliminary Grading and Drainage Plan dated June 2012 (grading limit line). Development Services inspectors shall ensure that the fencing is maintained as required at each inspection. Development Services shall confirm with a site visit, that the fencing prevented any disturbance to the area shown outside the existing and new development areas prior to building and grading permit final.

El Dorado County Planning Services

3. **Expiration:** Pursuant to County Code Section 17.22.250, implementation of the project must occur within twenty-four months of approval of this permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval.
4. **Conditions Compliance:** Prior to issuance of a building permit or commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to issuance of a Certificate of Occupancy or Building Permit final for any Building Permit for verification of compliance with applicable Conditions of Approval.
5. **Site Improvements:** Building design, colors, building placement, and parking lot improvements shall be completed in conformance with the plans submitted and in conformance with the conditions of approval herein and shall substantially comply with Exhibits F-1 to H. Minor variations are allowed, however, any major changes in the design and location of buildings, air conditioner location, trash enclosures, sidewalks, lighting, landscaping, access driveways, and parking, shall require review and approval by the Planning Services prior to project modifications. Materials and colors shall include the following:

BUILDING/STRUCTURE COMPONANTS	MATERIAL	STYLE/COLOR
Roof	Composition asphalt shingles	Light brown
Building walls	Eight-groove plywood	Gray
Balcony railings	Metal	Matte Black
Wall and window trim	1" by 6" Masonite	Army green
Fascia gutters	5" metal	Army green

All ground level mechanical equipment shall be shielded from view by walls or evergreen landscape shrubs. The trash enclosure, (as shown in Exhibit F-1, Site Plan), shall be enclosed with six-foot tall chain link fencing with slats installed.

6. **Lighting:** One outdoor wall light (Exhibit H) is approved. Outdoor lighting shall conform to Section 17.14.170 of the Zoning Ordinance, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. External lights used to illuminate a sign, side of a building, or wall shall be shielded in order to prevent light from shining off the surface to be illuminated.

The applicant shall schedule a site inspection with Planning Services, prior to issuance of final occupancy for a building permit. Should the final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services.

7. **Parking:** Parking shall be improved consistent with Chapter 17.18 of the County Code. The accessible parking spaces shall be improved in accordance with Title 24 of the current California Building Code. Parking shall be provided in substantial compliance with Exhibit F-1 and provide a minimum of 24 standard parking spaces and three guest parking spaces. Of the 27 spaces, a minimum of two shall be accessible spaces compliant with Title 24 of the current Building Code.
8. **Water Meter Award Letter:** The project shall connect to EID services for water and waste water services. The applicant shall submit an EID Water Meter Award Letter or similar document to Planning Services prior to issuance of a building permit and/or grading permit.
9. **Development Services Processing Fees:** The applicant shall make the actual and full payment of all Development Services processing fees for the Zone Change and Design Review applications prior to any building permit final.
10. **Fish and Game Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,101.50 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued until said fees are paid.
11. **Cultural Resources:** If human remains are discovered at any time during the improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the applicants shall retain an archaeologist to evaluate the resource.

If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the applicants, archaeologist, and

Planning Services shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the applicants and shall be subject to review and approval by Planning Services.

12. **Hold Harmless Agreement:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, or employees from any claim, action, or proceedings against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a rezone and design review, which action is brought within the time period provided for in Section 66499.37.

County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

El Dorado County Department of Transportation

13. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
14. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the County of El Dorado inspector prior to being used.
15. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.
16. **Import/Export Grading Permit:** Any import, or export to be deposited or borrowed within the County of El Dorado, shall require an additional grading permit for that offsite grading.
17. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees at issuance of building permit.

Air Quality Management District

18. The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM10) in the form of dust. AQMD Rules 223 and 223.1, which address the regulations and mitigation measures for fugitive dust emissions mitigation, shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223 and 223.1. In addition, a Fugitive Dust Mitigation Plan (DMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction.
19. Project construction may involve road development and should adhere to AQMD Rule 224 Cutback and Emulsified Asphalt Paving Materials.
20. Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
21. The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
22. All portable combustion engine equipment with a rating of 50 horsepower or greater shall be permitted by the California Air Resources Board (CARB). A copy of the current portable equipment permit shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, daily hours of operations of each piece of equipment

Hazardous Materials & Solid Waste Division

23. The applicants shall provide sufficient space for both trash and recycling dumpsters. All solid waste, including animal waste shall be stored in trash containers with tight fitting lids and hauled from the site at least once every seven days for proper disposal. Any and all infectious medical waste and sharps shall be properly handled, stored, transported and disposed of in accordance with the California Medical Waste Management Act.

El Dorado County Health and Human Services Agency

24. At least ~~ten~~ 42 percent of the total units shall be designated as affordable housing for low income households. Income levels are defined as those households earning between 50 to 80 percent of the median family income as established for El Dorado County. Deed restrictions for these specific affordable units shall be recorded prior to approval of the final map.

25. 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 Health and Human Services Agency and Planning Services prior to occupancy of the first unit.
26. 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 El Dorado County Health and Human Services Agency and the existing tenants at least two years prior to the conversion of the affordable rental housing units to market rate. For-sale units are subject to a Buyers Agreement as part of the housing plan Developer's Agreement.

Office of the County Surveyor

27. Situs addressing for the project shall be coordinated with the El Dorado County Fire Protection District and the County Surveyors Office prior to issuance of a Building Permit.

El Dorado County Fire Protection District

28. Fire Flow for this project is a minimum of 1,500 gallons per minute @ 20psi residual. The applicant shall provide documentation from water purveyor to show that the system will meet required fire flow for this project.
29. Buildings on this project will require an engineered fire sprinkler system and monitored fire alarm system.
30. The 20 foot wide all weather access road as shown will require "No Parking" on the south and west sides of the road.