

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



**Date:** September 9, 2021

**Staff:** Bianca Dinkler

**DESIGN REVIEW**

**FILE NUMBER:** DR21-0006/Courtside Apartments, Phase II

**APPLICANT/AGENT:** CTA Engineering & Surveying/Greg Stedfield

**REQUEST:** Design Review Permit in accordance with the provisions of California Senate Bill No. 35 (SB 35) (affordable housing streamlined approval) for a 24-unit, six-building addition to an existing three building apartment complex (Courtside Manor Apartments). Proposed improvements include 82 off-street parking spaces, landscaping, and open space/common areas.

**LOCATION:** Located on the west side of Racquet Way, approximately 300 feet south of the intersection with Black Rice Road in the Diamond Springs Area, Supervisorial District 3. (Exhibits A, B, C)

**APN:** 051-461-067 (Exhibit D)

**ACREAGE:** 4.5 Acres

**GENERAL PLAN:** Multifamily Residential (MFR) (Exhibit E)

**ZONING:** Multi-unit Residential (RM) with a Design Review Community (DC) Combining Zone (Exhibit F)

**ENVIRONMENTAL DOCUMENT:** Statutorily Exempt pursuant to Section 15268, Ministerial Projects, of the California Environmental Quality Act (CEQA) Guidelines and Government Code section 65913.4(k).

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

1. Certify the project to be Statutorily Exempt pursuant to Section 15268, Ministerial Projects, of the CEQA Guidelines;

2. Find that the project is consistent with the provisions of SB 35; and
3. Approve Design Review Permit DR21-0006, based on the Findings and subject to the Conditions of Approval as presented.

## **EXECUTIVE SUMMARY**

Approval of this streamlined ministerial Design Review Permit would allow construction and operation of Courtside Apartments, Phase II, an affordable housing development consisting of six multi-unit residential buildings (proposed buildings No. 1, 2, 3, 4, 5, and 6) with a total of 24 two-bedroom rental units, targeted to serve households earning 50%-80% of the [Area Median Income](#) (AMI). 12 of the 24 units created would also qualify as senior housing. Each building would be 3,158 square feet with each unit size 969 square feet. The project includes 82 off-street parking spaces (27 existing and 55 new) with associated parking lot lighting and landscaping, and open space/common areas between buildings. Approximately 1.95 acres of the 4.5 acre parcel is covered with oak woodland (43.2% of the site). The total oak woodland proposed for removal is 1.74 acres (89.2% of the oak woodland). There are two Valley Oaks located outside of the property that would not be impacted from the project. Access to the project site would be provided via two proposed driveways along Racquet Way. Public water and sewer service would be provided by the El Dorado Irrigation District (EID) via extensions to connect to existing water and sewer infrastructure lines on or immediately adjacent to the project site. Electric service would be provided by Pacific Gas and Electric (PG&E) via existing PG&E infrastructure also adjacent to the project site. Solid waste service would be provided by the local County waste franchisee, El Dorado Disposal. The project is consistent with the permit streamlining provisions of SB 35, the General Plan Multifamily Residential (MFR) Land Use designation, the RM-DC zone development standards as well as all other applicable, objective County General Plan policies and Title 130 of the County Ordinance Code (Zoning Ordinance) development standards, as discussed in the Analysis section below and more fully described in the Findings. (Exhibits K, L, M and S).

## **BACKGROUND/HISTORY**

An existing housing development Courtside Manor Apartments Phase I was approved by Design Review Permit DR15-0003 on September 7, 2017. The project is three multi-unit residential buildings with 12 affordable-units and associated site improvements. On December 15, 2020, the applicant submitted a Pre-Application, PA20-0007, in order to solicit public and agency comments prior to formal submittal of an SB 35 affordable housing project. Pre-Application preliminary plans were distributed to applicable agencies and organizations including Caltrans, PG&E, Department of Transportation (DOT), the Diamond Springs and El Dorado Fire Protection District (Fire District), the County Air Quality Management District (AQMD), the County Environmental Management Division (EMD), the El Dorado Local Agency Formation Commission (LAFCO), the California Department of Forestry and Fire Protection (CalFire), El Dorado Irrigation District (EID), and the Diamond Springs and El Dorado Community Advisory Committee (DSED CAC). None of the agencies and organizations that received the Pre-Application expressed any issues or concerns with the project and recommended standard, non-discretionary requirements that could be incorporated as conditions of approval (COAs) into the

project, as warranted.

On June 11, 2021, the applicant filed the current Design Review Permit application, DR21-0006, under the provisions of California SB 35. The project plans are substantially consistent with the preliminary plans reviewed under PA20-0007. Due to extremely short project approval deadlines under SB 35 (see below for details) and substantial consistency with the plans previously circulated under PA20-0007, final project plans were re-distributed to the same agencies that reviewed the Pre-Application, however with a much shorter review time. As with the Pre-Application, none of the agencies or organizations expressed any issues or concerns with the project and recommended standard non-discretionary COAs that could be incorporated into the project, as warranted. For details, see additional discussion under the Conditions of Approval section below.

## OTHER PROJECT CONSIDERATIONS

### Senate Bill 35 Streamlined Approval Process:

In 2017, the California Legislature approved SB 35, codified in 2018 as Government Code Section 65913.4 (Exhibit G) that provided for streamlined affordable housing construction within California jurisdictions that fall short of their Regional Housing Need Allocation (RHNA) (Exhibit H), such as El Dorado County. While SB 35 amended existing code sections and added new ones, the primary code section enacted to provide for streamlined ministerial approval for affordable housing projects is Government Code section 65913.4. While El Dorado County has met a portion of its RHNA requirements, housing units Above Moderate household incomes (household incomes above 120% of the AMI, the County falls short of the RHNA requirements for Moderate (household incomes at or below 100% AMI), Low (household incomes at or below 80% AMI) and Very Low income households (households with incomes at or below 50% AMI). Therefore, 50% or more of the proposed units must be deed restricted for household incomes at or below 80% AMI to qualify under SB 35. 2021 state income limits for El Dorado County, based on household size, are shown in Table 1 below.

**Table 1. 2021 State Income Limits for El Dorado County\***

Income Category		Number of Persons in Household							
		1	2	3	4	5	6	7	8
Extremely Low Income	30% AMI	\$18,150	\$20,750	\$ 23,350	\$ 26,200	\$ 30,680	\$ 35,160	\$ 39,640	\$44,120
Very Low Income	50% AMI	\$30,250	\$34,550	\$38,850	\$ 43,150	\$46,650	\$50,100	\$ 53,550	\$57,000
Low Income	80% AMI	\$48,350	\$55,250	\$62,150	\$ 69,050	\$74,600	\$80,100	\$ 85,650	\$91,150

<b>Median Income</b>	<b>100% AMI</b>	<b>\$60,400</b>	<b>\$69,050</b>	<b>\$77,650</b>	<b>\$ 86,300</b>	<b>\$93,200</b>	<b>\$100,100</b>	<b>\$ 107,000</b>	<b>\$113,900</b>
<b>Moderate Income</b>	<b>120% AMI</b>	<b>\$72,500</b>	<b>\$82,850</b>	<b>\$93,200</b>	<b>\$103,550</b>	<b>\$111,850</b>	<b>\$120,100</b>	<b>\$ 128,400</b>	<b>\$136,700</b>

Source:<http://hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits.shtml>  
 \*Current as of 7/16/2021

As discussed in detail in the Findings section below, affordable housing projects need to meet additional specific criteria to qualify for processing under SB 35 (Exhibit I). Projects that qualify for SB 35 are considered ministerial and subject to streamlining requirements. Further, projects that qualify for SB 35 are Statutorily Exempt from the CEQA pursuant to Section 15268, Ministerial Project, of the CEQA Guidelines. SB 35 further provides, “The determination of whether an application for a development is subject to the streamlined ministerial approval process provided by subdivision (b) is not a “project” as defined in Section 21065 of the Public Resources Code.” (Gov. Code, § 65913.4.) As such, no discretionary environmental mitigation measures may be imposed on the ministerial project.

SB 35 further provides, “design review or public oversight shall not in any way inhibit, chill, or preclude the ministerial approval provided by this section or its effect.” (Gov. Code, § 65913.4.)

**SB 35 Definition of Ministerial Projects:**

As discussed above, SB 35 requires qualifying projects be considered ministerial and non-discretionary.

According to the California Department of Housing and Community Development Guidelines for implementing the SB 35 Streamlined Ministerial Approval Process, “ministerial processing or approval” is defined as follows: “...a process for development approval involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely ensures that the proposed development meets all the “objective zoning standards,’ “objective subdivision standards,’ and “objective design review standards” in effect at the time that the application is submitted to the local government, but uses no special discretion or judgment in reaching a decision.” (California Department of Housing and Community Development, Division of Housing Policy Development, Streamlined Ministerial Approval Process Guidelines, November 29, 2018, p. 4)

Further, the County General Plan Glossary similarly defines “ministerial” as follows: “A governmental decision involving little or no judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision. A ministerial decision involves only the use of fixed standards or objective measurements, and the public official cannot use personal, subjective judgment in deciding whether or how the project should be carried out.”(El Dorado County 2004 General Plan Glossary, p. 244)

Examples of ministerial projects routinely reviewed by the County Planning and Building Department include building permits, grading permits and business licenses.

Strict Design Review Limitations for SB 35 Projects:

Under SB 35, such design review or public oversight shall be objective and strictly focused on and limited to compliance with state criteria required for SB 35 processing (Exhibit I), as well as any reasonable objective design standards published and adopted by ordinance or resolution by the local jurisdiction (e.g. Zoning Ordinance development standards). 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. Under the provisions of SB 35, a final decision shall be made on a qualifying project within 90 days of project submittal.

**Board of Supervisors Resolution No. 211-2021  
(County Approval Authority for SB 35 Streamlined Ministerial Projects):**

While SB 35 applications are considered ministerial and non-discretionary, SB35 does allow for public oversight to be conducted by a local government’s planning commission or any equivalent board or commission. Accordingly, Planning Division staff provided an informational presentation on SB 35 legislation to the Board of Supervisors (Board) on February 9, 2021 (Legistar File No. 20-1559) and requested the Board provide direction to staff regarding the Board’s desired level of public oversight and approval authority for SB 35 projects. At this meeting, the Board approved Resolution No. 211-2021 (Exhibit J) requiring SB 35 projects be processed as follows: 1) All SB 35 applications will be decided by the Planning Commission, 2) The public does not have a right to appeal decisions on SB 35 projects, and 3) Subsequent modifications to SB 35 projects after approval, if any, shall be processed at the staff level with Planning Director approval.

Design Review Permit DR21-0006 was filed on June 11, 2021 and deemed consistent with the streamlining criteria of SB 35 as of June 16, 2021. Therefore, under the provisions of SB 35 and as directed by the Board under Resolution No. 211-2021, County approval of this application is required within 90 days of application filing. Therefore, the Planning Commission must grant final approval prior to September 16, 2021. The decision of the Planning Commission shall be final and not appealable.

**Off-Street Parking:**

Chapter 130.35 (Parking and Loading) of the Zoning Ordinance establishes off-street parking and loading requirements for all uses. However, the SB 35 legislation (Government Code Section 65913.4(2)(e)(1)) (Exhibit G), states that projects consistent with the provisions of SB 35 are not subject to local parking standards when located within one-half mile of public transit. There is an El Dorado Transit stop located approximately 600-feet south of the project site at Pearl Place and Courtside Drive. Further, the Phase II project would add 55 new off-street parking spaces to the 27 existing parking spaces from Phase I, for a total of 82 parking spaces.

This is consistent with Zoning Ordinance Table 130.35.030.1 (Schedule of Off-Street Vehicle Parking Spaces) as shown in Table 2 below.

**Table 2. Required Off Street Parking Spaces For Multi-Unit Residences  
(From Table 130.35.030.1 – Schedule of Off-Street Vehicle Parking Requirements)**

Unit Type	Parking Requirement	Spaces Required	Spaces Provided
Studio/1 bedroom	1.5 spaces/unit	N/A	N/A
2 or more bedrooms	2/unit (minimum 1 covered)	49 (24 covered)	49 (24 covered)
Guest Parking	1 space/4 units	6	6

**Other Approved SB 35 Housing Projects to Date:**

To date there have been two SB 35 affordable housing projects approved by the County as described below:

Approved SB 35 Design Review Permit DR20-0001 (El Dorado Senior Village):

On August 27, 2020, the Planning Commission approved the first SB 35 affordable housing development in the County. The approved project consisted of a 149-unit age-restricted apartment complex and two commercial buildings located in the El Dorado area, approximately 1.78 miles west of the current project. For project details, please refer to the Planning Commission Legistar Calendar File for August 27, 2020:

<http://eldorado.legistar.com/gateway.aspx?m=l&id=/matter.aspx?key=28241>

Approved SB 35 Design Review Permit DR21-0003 (Mercy Haven Apartments):

On June 10, 2020, the Planning Commission approved DR21-0003 (Mercy Haven Apartments). The approved project consisted of a five-unit residential apartment buildings with a total of 65 one-, two- and three-bedroom rental units located in the Diamond Springs area, approximately 1.78 miles west of the current project. For project details, please refer to the Planning Commission Legistar Calendar File for June 10, 2020:

<https://eldorado.legistar.com/LegislationDetail.aspx?ID=4968777&GUID=8FC84092-3CE2-4EE4-A5E1-DBC2D89C7F7A>

**ANALYSIS**

**Site Description:**

The subject parcel is 4.5-acres located on the on the west side of Racquet Way, approximately 300 feet south of the intersection with Black Rice Road in the community of Diamond Springs. The site is partially developed with an existing multifamily residential development, Courtside Manor Apartments Phase I, which is a three building apartment complex with 12 affordable-units. Vegetation on-site includes nonnative annual grasses, mixed chaparral shrubs, Blue Oak,

Interior Live Oak, Black Oak, and pine. There are approximately 1.95-acres of oak woodland on the 4.5-acre parcel (43.2% of the site). The total oak woodland proposed for removal for Phase II is 1.74-acres (89.2%). As described in the Arborist Report for Oak Woodland Resources prepared by California Tree and Landscape Consulting, Inc. dated June 16, 2021, there is one Blue Oak of 32-inches that would be impacted by development. There are no Heritage Trees or Valley Oaks on the subject parcel. There are two Valley Oaks located outside of the property at the west property line along Happy Lane, however these trees would not be impacted by the project. The parcel elevation ranges from approximately 1,778 to 1,800 feet above sea level. The terrain is moderately sloped in an east to west direction with the lowest elevations being located along Racquet Way. Access would be provided via two proposed driveways along Racquet Way which would share access with the existing Courtside Manor Apartments. The project site has a General Plan land use designation of MFR and a corresponding zoning of RM with a DC overlay (Exhibits E and F). Surrounding land uses include undeveloped lands zoned Single-Unit Residential (R1) to the north, single-family residences on lands zoned Multifamily Residential (MFR) to the east, single family residences on lands zoned One-Acre Residential (R1A) and commercial businesses on lands zoned Commercial Main Street (CM) to the south, and single-family residences on lands zoned R1A to the west. Although not immediately adjacent to the project site, the El Dorado County Materials Recovery Facility (MRF) is located approximately 1,400-ft north/west of the project site.

### **Project Description:**

A request for a Design Review Permit DR21-0006 for Courtside Apartments, Phase II, an affordable housing development to serve households earning 50%-80% of the AMI. The project consists of six multi-unit residential apartment buildings at 3,158 square feet each (proposed buildings No. 1, 2, 3, 4, 5, and 6) with a total of 24-units at 969 square feet each with two bedrooms, two bathrooms, a kitchen, and a living room. 12 lower level units would be designated as senior housing. The Phase II development is designed to match Phase I with architectural features including stucco exterior with grey colored walls and army green colored trim, army green fascia gutter, covered front entry way with second story iron railing painted matte black, and composite roofing. The project includes 82 off-street parking spaces total (27 existing parking spaces, 55 new) including Americans with Disabilities Act (ADA) compliant spaces, access drive aisles, pedestrian walkways and stairways, perimeter and interior landscaping throughout the site, trash enclosures, drainage improvements, parking lot lighting and landscaping, and open space/common areas between buildings. Although not required for SB 35-compliant proposals, the development complies with the RM zone district development standards for minimum lot size, minimum lot width, setbacks, and maximum building height. Approximately 1.95 acres of the 4.5 acre parcel is covered with oak woodland (43.2% of the site). The total oak woodland proposed for removal is 1.74 acres (89.2%). The remaining oak woodland would be protected from development and retained on site as detailed in the project Arborist Report for Oak Woodland Resources (Exhibit N). Proposed Oak Resources removal and retention, including payment of mitigation fees for removal of Oak Resources, if applicable, would be consistent with all applicable development standards of Chapter 130.36 (Oak Resources Conservation) and project-specific requirements in the project Arborist Report for Oak Woodland Resources. Access to the project will be via two proposed driveways along Racquet Way. Public water and sewer service would be provided by the EID via extensions to

connect to existing water and sewer infrastructure lines on or immediately adjacent to the project site. Electric service would be provided by PG&E, via existing PG&E infrastructure also adjacent to the project site. Solid waste service would be provided by the local County waste franchisee, El Dorado Disposal. The project is consistent with the permit streamlining provisions of California SB 35, the General Plan MFR land use designation, the RM-DC zone development standards as well as all other applicable, objective County General Plan policies and Zoning Ordinance development standards, as discussed in the Analysis section below and more fully described in the Findings. (Exhibits K, L, M and S).

### **Building Design:**

The project is located in a DC Combining Zone, which requires discretionary development proposals for multi-family and commercial structures be designed consistent with the County's Community Design Standards as adopted December 15, 2015; however, consistency with the Community Design Standards is not required for SB 35- compliant proposals. Nevertheless, the applicant has designed Phase II to match Phase I (Phase I was approved via a discretionary review, Design Review Permit, DR15-0003) with architectural features including stucco exterior with grey colored walls and army green colored trim, army green fascia gutter, covered front entry way with second story iron railing painted matte black, and composite roofing (Exhibit L).

### **Lighting and Landscaping:**

Preliminary landscaping plans (Exhibit M), including plant types and sizes, landscaped buffer areas, parking area shade requirements and water efficiency documentation have been deemed consistent with the County's objective landscape standards including Chapter 130.33 (Landscaping Standards) and the 2015 California Model Water Efficiency Landscape Ordinance (MWELo), adopted by the County on August 27, 2019 (Resolution 139-2019) as an additional requirement to ensure compliance with the state's 2015 water efficiency standards. Final submitted landscaping plans will be required to demonstrate consistency with all applicable provisions of both Chapter 130.33 and the MWELo prior to issuance of a building permit. The project also includes outdoor lighting for both parking and other on-site uses. As proposed and conditioned, all light fixtures will be fully shielded to prevent excess light and glare and overall light levels will be consistent with applicable provisions of Chapter 130.34 (Outdoor Lighting).

### **Access and Circulation:**

Primary access to the project site would be provided via two proposed driveways along Racquet Way (Exhibit K). Both the County DOT and the Fire District have reviewed the project plans and with incorporation of recommended conditions of approval, the project would be consistent with all applicable codes, standards and regulations for vehicular and emergency vehicle access and circulation. For additional details, please refer to project comments from the Fire District, attached as Exhibit P.

### **Site Improvements:**

Proposed site improvements include grading, earth movement to accommodate the building



pads, on-site private driveway, parking lot improvements and underground installation of utilities including water, sewer and electric service. There will be an approximate cut of 3,635 cubic yards (cy) and an approximate fill of 835 cy of soil and excavated material would be used for onsite fill placement as shown on the Preliminary Grading and Drainage Plan (Exhibit M). An excerpt from a Geotechnical Engineering Study prepared by Youngdahl Consulting Group, Inc. dated December 11, 2014 was provided with the application (Exhibit O) detailing the nature of the soils on-site. A Drainage Report prepared by CTA Engineering & Surveying dated June 2021 was also provided with the application. According to the post-construction water quality section of the Drainage Report, there are measures incorporated into the design and construction of the project to ensure the quality of the water is maintained. Design standards of the project will adhere to Section 4.5 of the Storm Water Management Plan. All drain inlets will be stamped with “NO DUMPING! FLOWS TO RIVER”, or equivalent message. Runoff of the proposed driveway will be drained towards an inlet or outflow to Racquet Way, which follows historic drainage paths.

### **Proposed Freestanding Sign:**

Chapter 130.36 (Signs) provides parcel-specific requirements for sign location, size, number, type and design based on location within the County and based on the individual zone district(s) of each parcel. Table 130.36.070.1a (Community Region Area Signage Standards for Permanent On-Site Signs - Residential and Agricultural Zone Districts) summarizes allowed sign types, number and sizes as allowed in various zone districts within Community Regions. According to this table, the RM zone district allows one 12-square foot, non-illuminated freestanding sign on-site per each subdivision or neighborhood. The proposed project is not proposing a freestanding sign. The only signage proposed would be on individual buildings as an identifier for emergency responses. The proposed Signage Plan (Exhibit S) states that “each building will have attached to the lower right front an address sign at least 8-inches in height as required by the Fire District. Each of the four units in each of the six buildings will be designated as units A, B (downstairs), and C, D (upstairs). Each unit will have a sign attached to the front door with the appropriate designation. Handicap parking spaces will be signed with appropriate signage as required by code, as signed on the existing buildings.”

### **CONSISTENCY ANALYSIS**

#### **SB 35:**

As proposed, the project has been reviewed by staff and found consistent with all applicable qualifying criteria for the SB 35 streamlined ministerial approval process. The applicant has also certified compliance with SB 35 regulations as evidenced by a signed SB 35 application checklist (Exhibit I). Current qualifying criteria include but are not limited to the minimum number of multifamily housing units (2 or more units), unit income restrictions, urban infill requirements, successful completion of a preliminary consultation with applicable Native American tribal organizations, zoning and General Plan consistency, consistency with applicable “objective zoning standards” as identified in the provisions of SB 35 and project location outside specific environmental resource areas identified in the provisions of SB 35 including but not

limited to earthquake fault zones, hazardous waste sites, coastal zones and prime farmland. For additional details, please refer to the Findings section below.

**General Plan:**

The project is consistent with General Plan policies applying to SB 35 streamlined approvals, specifically those policies containing objective development and design standards for new development or those policies addressing affordable housing. Policies reviewed for consistency include Policy 2.2.1.2. (MFR land use designation), Policy 2.2.5.21 (project compatibility with adjoining land uses), Policy 5.2.1.2 (adequate quantity and quality of water for all uses, including fire protection), Policy 6.2.3.2 (adequate access for emergencies), Policies 6.5.1.2, 6.5.1.3 and 6.5.1.11 (acceptable noise levels), and Policy 7.4.4.4 (impacts to oak resources). Further, the project was found consistent with Transportation and Circulation Element Policies TC-Xa through TC-Xi (roadway levels of service and roadway improvement requirements/impact fees for new development). Additionally, the project was deemed consistent with Economic Development Policy 10.2.1.5 (public facilities and services financing plan).

In addition, the project was also deemed consistent with applicable Housing Element Policies HO-1.5 (directs higher density development to Community Regions or Rural Centers), HO-1.7 (priority permit processing for low and very low income households) and HO-1.18 (incentive programs/partnerships to encourage private development of affordable housing). For additional details, please refer to the Findings section below.

**Zoning Ordinance:**

Staff has determined that the project, as proposed and conditioned, is consistent with all applicable objective development and design standards of the Zoning Ordinance including Chapter 130.24.020 (Matrix of Allowed Uses), Chapter 130.24.030 (Residential Zone Development Standards) including building setbacks and building height, Chapter 130.36 (Signs), Chapter 130.33 (Landscaping Standards), Chapter 130.34 (Outdoor Lighting), 130.37 (Noise Standards) and Chapter 130.39 (Oak Resources Conservation). Further details are discussed in the Findings section below.

**PUBLIC AND AGENCY REVIEW**

**Public outreach:**

No formal public outreach was conducted, and a public outreach plan was not required for this project pursuant to the Zoning Ordinance or pursuant to the provisions of SB 35. However, as directed by the Board under Resolution No. 211-2021 (Exhibit J) the project was duly noticed for a Planning Commission hearing, to include the posting of a legal notice in applicable local newspapers and the mailing of hearing notices to surrounding property owners within a 1000-foot radius from the project parcel consistent with Zoning Ordinance Section 130.51.050 (Public Notice Requirements and Procedures). In addition, project notification was also sent to the Commission's agenda email subscription list. No physical sign posting is required for Design Review Permits.

**Public and agency comments:**

The project was distributed to all applicable local, County and state agencies, committees and commissions for review and comment. Comments were received from EID, County DOT, the Fire District, the County AQMD, the County EMD, the County's Housing, Community and Economic Development Programs Analyst, the County Surveyor's Office, the Shingle Springs Band of Miwok Indians, and the United Auburn Indian Community of the Auburn Rancheria (Auburn Rancheria). None of the agencies or organizations expressed any site-specific issues or concerns regarding this project. Several of these agencies recommended standard non-discretionary COAs in order to notify the applicant of standard requirements of law that apply to ministerial projects of this type. All agency-recommended COAs have been incorporated into the project as applicable. For details, please refer to the following COA section of this report. A detailed discussion of comments are included below.

**Diamond Springs and El Dorado Community Advisory Committee (CAC):**

Section 130.52.030(C) (Design Review Committee) requires discretionary projects located within a DC Combining Zone, with an established design review committee, be reviewed by that designated committee for conformance to adopted design standards or guidelines, as applicable, and said committee shall submit appropriate design-related recommendations to applicable decision-makers prior to final action on the project. The project is located within a DC Combining Zone and a typical, non- SB 35 discretionary project would be submitted to the CAC for review and advisory comments regarding project consistency with the County's Community Design Standards. However, as mentioned CAC advisory recommendations are not required for this application. Nevertheless, in the interest of the community, staff submitted preliminary project plans to the CAC for review of the Pre-Application, PA20-0007. In addition, the County also distributed project plans for this Design Review Permit DR21-0006 to the CAC. To date, no CAC comments have been received.

**Comments from Local Native American Tribes (SB 35 Consultation)**

Although SB 35 projects are exempt from CEQA and associated tribal notification/consultation, AB 168, enacted in 2020, created a new process for tribal scoping consultation for housing proposals seeking review under the provisions of SB 35. Under Assembly Bill 168 (AB 168), the County is now required to make preliminary application information available to affected Native American tribes and successfully conclude consultation with any interested tribe(s) prior to accepting a formal SB 35 development application. If during the tribal consultation process, a Tribal Cultural Resource (TCR) is identified on the site or if the County and affected tribe(s) cannot agree on whether a TCR is present on site or if affected tribe(s) and the County cannot reach a mutual agreement regarding treatment of potential TCRs, the project is not eligible for streamlined processing under SB 35.

Native American tribal consultation was successfully concluded pursuant to the provisions of AB 168, as specified in Government Code Sections 65913.4(b)(3)(A) through 65913.4(b)(3)(D). The County solicited tribal consultation with interested Native American tribal organizations on December 30, 2020, and sent SB 35 project notification, via certified mail, to affected tribes on

the then-current Native American Heritage Commission (NAHC) tribal contact list. Of the seven tribal organizations included in the County's solicitation letter, two tribal organizations, the Shingle Springs Band of Miwok Indian and the Auburn Rancheria, responded with a request to consult regarding the project. The County responded by submitting a copy of a recent archaeological records search to the Tribes on February 9, 2021. The Shingle Springs Band of Miwok Indian and Auburn Rancheria responded concurring with the County that the project would be unlikely to affect TCRs and also provided a recommended COA in the unlikely event any inadvertent discoveries of TCRs are found. This tribal-recommended COA is included as COA No. 6, further discussed below.

## **CONDITIONS OF APPROVAL**

Of the commenting agencies that reviewed the project, several County agencies or departments recommended standard non-discretionary COAs to notify the applicant of site-specific requirements of law applying to this project. These COAs have been incorporated into the project as follows: The Auburn Rancheria (Condition No. 6 regarding inadvertent discovery of TCRs), the County Surveyor's office (Conditions No. 10 through 12 regarding project addressing, boundary monumentation and easement abandonment), the EMD (Conditions No. 13 through 16 regarding solid waste and recycling regulations), the County AQMD (Conditions No. 17 through 24 regarding regulations to reduce or eliminate mobile and point sources of toxic emissions and reduce emission of greenhouse gases), EID (Condition No. 25 regarding project-specific development requirements to establish water and sewer service, as described in the current EID Facility Improvement Letter [FIL]), the Fire District (Conditions No. 26 through 49 regarding regulations to protect public safety and prevent or reduce damage to proposed structures as a result of wildland or structure fires), and Storm Water Coordinator - West Slope (Condition No. 50).

## **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 below, staff has found the project consistent with the requirements to qualify for SB 35 streamlining. Projects consistent with SB 35 are ministerial and considered Statutorily Exempt from the requirements of CEQA.

Pursuant to Resolution No. 240-93, a \$50.<sup>00</sup> processing fee is required by the County Recorder to file the Notice of Exemption. 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.....	Vicinity Map
Exhibit B.....	Location Map
Exhibit C.....	Site Aerial Photo
Exhibit D.....	Assessor's Parcel Map
Exhibit E.....	General Plan Land Use Map
Exhibit F.....	Zoning Map
Exhibit G.....	SB 35 Bill Text
Exhibit H.....	2021 El Dorado County Regional Housing Needs Allocation (RHNA)
Exhibit I.....	Applicant's SB 35 Eligibility Checklist
Exhibit J.....	Board of Supervisors Resolution No. 211-2021
Exhibit K.....	Project Site Plan
Exhibit L.....	Architectural Building Elevations
Exhibit M.....	Preliminary Landscape, Grading and Drainage Plans
Exhibit N.....	Arborist Report
Exhibit O.....	Geotechnical Engineering Study Update
Exhibit P.....	Diamond Springs and El Dorado Fire Protection District Comments
Exhibit Q.....	El Dorado Irrigation District Facility Improvement Letter (FIL)
Exhibit R.....	Environmental Noise Assessment
Exhibit S.....	Signage Plan
Exhibit T.....	2010 U.S. Census Bureau Urbanized Area Reference Map
Exhibit U.....	Biological Resources Evaluation
Exhibit V.....	County HCED Programs Analyst Comments
Exhibit W.....	Transportation Impact Study (TIS) Waiver
Exhibit X.....	DR15-0003-S, Phase I