

FINDINGS

Planned Development PD17-0002/Diamond Springs Village Apartments Planning Commission/June 28, 2018

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 judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal. The project would impact Air Quality, Biological and Transportation resources.
- 1.2 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 their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.3 The documents and other materials which 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 2.2.1.2.

Policy 2.2.1.2 identifies that the Multifamily Residential (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 allowable 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.

Rationale: The project proposes the construction of ten multifamily residential buildings consisting of a total 80 residential units as well as a community building with one site manager unit. The project would be at a density of 11 units per acre. The site is within the Diamond Springs community region of the county. The proposed project is compatible with the land use designation and existing similar uses in the area.

2.2 The project is consistent with General Plan Policy 2.2.3.1.

General Plan Policy 2.2.3.1, the Planned Development overlay, shall allow residential, commercial, and industrial land uses consistent with the density specified by the underlying zoning district with which it is combined. Primary emphasis shall be placed on furthering uses and/or design that (1) provide a public or common benefit on- or off-site, (2) cluster intensive land uses or lots to conform to the natural topography, (3) minimize impacts on various natural and agricultural resources, (4) avoid cultural resources where feasible, (5) minimize public health concerns, (6) minimize aesthetic concerns, and (7) promote the public health, safety, and welfare.

Except as otherwise provided, residential Planned Developments shall include open space lands comprising at least 30 percent of the total site which may be owned in common, by easement or fee title, by the homeowners or may be dedicated to a public agency. The following are exempt from the open space requirement:

- A. Condominium conversions,
- B. Residential Planned Developments consisting of five or fewer lots or dwelling units,
- C. Infill projects within Community Regions and Rural Centers on existing sites 3 acres or less are exempt from the open space requirement,
- D. Multi-Family Residential developments, and
- E. Commercial/Mixed Use Developments

Rationale: The project is a multifamily residential development, thus precluding the project from the open space requirements. The project was reviewed by the Diamond Springs El Dorado Community Advisory Committee on April 20, 2017 (Exhibit L), during which no aesthetic or architectural concerns were made. No cultural resources have been identified on site and no public health concerns were acknowledged. The project is an affordable housing development with an art room and two playgrounds, thus the project supports public health, safety, and welfare.

2.3 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.

Rationale: The project site is surrounded by to the east, west and south by multi-unit residential developments similar to the proposed planned development. The proposed residential densities are similar to those surrounding the site, and use is consistent and compatible with the development pattern in the immediate surroundings.

2.4 **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 project 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, peak hour 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 project is a planned development to construct 11 buildings consisting of 80 multifamily residential units plus one on-site managerial unit. A transportation impact study dated March 2017 (Exhibit K) was prepared for the project by Fehr & Peers. The transportation impact study identifies two intersections currently operating at Level of Service (LOS) F that would be significantly worsened by the project. The project is required to mitigate the impacts to the worsened intersections as seen in TR-1 and TR-2. The project does not add any road segments to U.S. Highway 50 or to any of the roads listed in Table TC-2. On February 14, 2017 the Board of Supervisors awarded the project a Traffic Impact Mitigation (TIM) Fee Offset for Affordable Housing in the amount of up to \$1,463,200, which represents 100 percent of the TIM Fee amounts for the applicable zone. The TIM Fee Offset for Affordable Housing is valid for two years from approval.

2.5 The project is consistent with General Plan Policy TC-Xd.

General Plan Policy TC-Xd identifies that 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 except as specified in Table TC-2.

Rationale: The project is within the Diamond Springs Community Region. Identified by Table TC-2, there are two roads within the project vicinity that are allowed to operate at LOS F, Pleasant Valley Road from El Dorado Road to State Route 49, and Missouri Flat Road from U.S. Highway 50 to China Garden Road. With the exception Missouri Flat Road and Pleasant Valley Road, the project would not significantly worsen any county roads to below LOS E.

2.6 The project is consistent with General Plan Policy TC-Xf.

General Plan Policy TC-Xf requires that all discretionary projects that worsen traffic on the County road system, the County shall condition the project to construct all road improvements necessary to maintain or attain adequate Level of Service standards.

Rationale: Pursuant to the project transportation impact study prepared by Fehr & Peers dated March 2017 (Exhibit K), the project would significantly impact the Racquet Way/Pleasant Valley Road and Missouri Flat Road/China Garden Road. Mitigation measures have been incorporated to reduce the impacts to the Racquet Way/Pleasant Valley Road intersection by connecting Racquet Drive to Black Rice Road, and widening and improving Black Rice Road to Highway 49 (Mitigation Measure TR-1). A traffic signal light is proposed to be constructed at the Missouri Flat Road/Industrial Drive intersection, which removes the necessity of a light signal at the Missouri Flat Road/China Garden Road intersection. Impacts to the Missouri Flat Road/China Garden Road intersection are identified in the TIS with or without the project. Payment of the County's Traffic Impact Mitigation Fees, through the Traffic Impact Mitigation Fee Offset Program for Affordable Housing, is considered the projects fair share towards mitigation.

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

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

Rationale: The project is a multi-unit residential development within the Community Region of Diamond Springs.

2.8 The project is consistent with General Plan Policies HO-1.6 and HO-18.

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

Rationale: The project has obtained approval from the Board of Supervisors of a Traffic Impact Mitigation (TIM) Fee Offset for Affordable Housing on February 14, 2017. The offset is an incentive for affordable housing projects and was awarded in the amount of up to \$1,463,200, which represents the entirety of the TIM Fee for the applicable TIM fee zone.

2.9 The project is consistent with General Plan Policies HO-1.7 and HO-1.16.

These General Plan Policies establish that affordable housing projects shall be given discretionary priority and minimized discretionary review requirements.

Rationale: The project has been subject to flexible development standards with regards to setbacks delineated by the Affordable Housing Density Bonuses and Planned Development sections in the El Dorado County Zoning Ordinance and the General Plan.

2.10 The project is consistent with General Plan Policy HO-1.9.

General Plan Policy HO-1.9 establishes that the county shall work with local community, neighborhood, and special interest groups in order to integrate affordable workforce housing into a community.

Rationale: On April 20, 2017 the project was reviewed by the Diamond Springs-El Dorado Community Advisory Committee. Concerns regarding site design and safety were taken into consideration and integrated into the project.

2.11 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 would connect to existing EID public water system. A Facilities Improvement Letter (FIL) dated March, 21, 2017, identified an 8 inch EID water line traversing the property and within Black Rice Road. A connection would need to be constructed to these water facilities.

2.12 The project is consistent with General Plan Policy 6.2.2.2.

Policy 6.2.2.2, Wildland Fire Hazards, requires that the County preclude development in high and very high wildland fire hazard areas unless such development can be adequately protected from wildland fire hazards, as demonstrated in a Fire Safe Plan and approved by the local Fire Protection District and/or CALFIRE.

Rationale: The property is located in a Moderate Fire Hazard Zone, therefore a fire safe plan is not required and the project is in compliance with this policy. Additionally, the project has been reviewed by the Diamond Springs El Dorado Fire Protection District and has been conditioned appropriately.

2.13 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: Both the El Dorado County Sherriff Department, Diamond Springs Fire District and CALFIRE reviewed the application materials and would not require additional site access or improvement to the existing roads. The project is in compliance with this policy.

2.14 The project is consistent with General Plan Policy 6.7.2.5.

Policy 6.2.3.2, upon reviewing projects, the County shall support and encourage the use of and facilities for alternative-fuel vehicles to the extent feasible.

Rationale: The project has been reviewed by the Air Quality Management Division and is required to have a minimum of three percent of the total parking spaces, to be capable of supporting future electric vehicle supply equipment as delineated by Condition of Approval 53.

2.15 The project is consistent with General Plan Policy 6.7.4.6.

Policy 6.7.4.6 states that the County shall regulate wood-burning fireplaces and stoves in all new development.

Rationale: As shown in Condition of Approval 52, wood-burning fireplaces, woodstoves and woodstove inserts shall be prohibited.

2.16 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 new development is in an area that is relatively flat and avoids any steep slopes of 30 percent. The project is in compliance with the policy related to steep slopes.

2.17 This project is consistent with General Plan Policy 7.4.4.4.

General Plan Policy 7.4.4.4 requires all new non-exempt development project that would result in impacts to oak resources must adhere to the standards of the Oak Resources Management Plan (ORMP).

Rationale: The proposed project includes the removal of individual oak trees. The project applicant submitted an Oak Woodland Survey prepared by Natural Investigations Inc. dated March 17, 2017 and an updated report to analyze the project under the ORMP prepared by Acorn Arboricultural Services Inc. dated May 2, 2018. The plan identifies appropriate preservation and mitigation measures for oak resources according to the standards of the ORMP (see Finding 3.6).

3.0 ZONING FINDINGS

3.1 The proposed use is consistent with Title 130.

The parcel is zoned Multi-unit Residential (RM). The project has been analyzed in accordance with Zoning Ordinance Section 130.28.210 (Development Standards) for minimum lot size, widths and building setbacks.

Rationale: The proposed project is consistent with the Multi-unit Residential-Planned Development (RM-PD) zoning designation. The project has been analyzed in accordance with Zoning Ordinance Section 130.24.030 (Development Standards) for minimum lot size, dimensions, height and building setbacks. Standard setbacks within the RM zone are 20 feet for the front setback, five feet for the side setback, and 10 feet for the rear setback. For parcels that are one acre in size or greater there is an applicable fire safe setback of 30 feet from all roads and property lines. The planned development overlay allows use of flexible development standards, which would allow the project to lower the applicable setbacks along the roads and southern, eastern and western property lines to be reduced to 15 feet as shown on the submitted site plan (Exhibit F). The project has been analyzed by the Diamond Springs-El Dorado Fire Protection District and due to the urban nature of the project a lessened setback has been recommended. The project, as proposed and conditioned, is consistent with the Zoning Ordinance, because the planned development has been designed to comply with the applicable development standards of the RM-PD as provided within Section 130.24.30 of the County Code.

3.2 The proposed project is consistent with Chapter 130.28: Planned Developments.

Chapter 130.28 of the Zoning Ordinance establishes standards for Planned Developments.

Rationale: The project has been analyzed in accordance with Section 130.28.050 (Residential Development Requirements) of the Zoning Ordinance. Projects zoned Multi-unit Residential (RM) is exempt from the 30 percent on-site open space requirements. A lawn area is proposed for the project. The project is a multifamily residential development on a RM zoned parcel section, which precludes the project from the 30 percent on-site open space requirements.

3.3 The proposed project is consistent with Chapter 130.31: Affordable Housing Density Bonus.

Chapter 130.31 of the Zoning Ordinance identifies density bonuses, incentives and concessions for affordable housing developments.

Rationale: The project proposes to restrict 80 rental units for 55 years for very-low and low-income tenants (earning 50% to 80% of the Area Median Income). The project meets the minimum requirements to qualify as affordable housing, per Section 130.31.030, as the project provides at least five percent of the total number of proposed units for very low income households and at least 10 percent of the total number of proposed units for lower income households. This allows the project reductions in site development standards or a modification of the zoning code requirements.

3.4 The proposed 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 Proposed Fixtures (Exhibit I). Proposed light fixtures would be adequately shielded as shown in Condition of Approval 5.

3.5 The project is consistent with Chapter 130.35: Off-Street Parking and Loading.

Chapter 130.35 of the Zoning Ordinance establishes off-street parking and loading requirements for residential developments.

Rationale: Multi-unit residential developments are required a minimum of 1.5 parking spaces per unit for studio/one bedroom units. Two bedroom and greater units are required to provide two spaces, with a minimum of one covered, per unit, plus one guest parking space per every four units. The project proposes 20 one bedroom units and 61 units with two bedrooms or more. The project is required to provide 174 parking spaces, of which 61 must be covered. The project is proposing 182 spaces of which 61 will be covered. The amount of proposed parking exceeds the parking requirements and is consistent with the parking standards established in the zoning ordinance.

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

Chapter 130.39 of the Zoning Ordinance incorporates the provisions 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 exemption of mitigation fees for Affordable Housing Project based upon the percent of low-income and very low-income affordable housing units. As the project is proposing 100 percent of units to be made affordable to low-income and very low-income families, 100 percent of the oak tree impacts would be exempted with the exception of impacts to Valley Oaks (*Quercus lobata*) and heritage trees (oak trees 36 inches diameter at breast height or greater). The project is proposing impacts to seven valley oaks including three multi-trunk trees with cumulative diameters greater than 10 inches. Applicable in-lieu mitigation fees in the amount of \$11,169.00 will be collected prior to building and grading permit issuance (See Finding 2.17).

4.0 CALIFORNIA GOVERNMENT CODE

4.1 The project is consistent with California Government Code §65863.

California Government Code §65863: (a) Each city, county, or city and county shall ensure that its housing element inventory described in paragraph (3) of subdivision (a) of Section 65583 or its housing element program to make sites available pursuant to paragraph (1) of subdivision (c) of Section 65583 can accommodate, at all times throughout the planning period, its remaining unmet share of the regional housing need allocated pursuant to Section 65584, except as provided in paragraph (2) of subdivision (c). At no time, except as provided in paragraph (2) of subdivision (c), shall a city, county, or city and county by administrative, quasi-judicial, legislative, or other action permit or cause its inventory of sites identified in the housing element to be insufficient to meet its remaining unmet share of the regional housing need for lower and moderate-income households.

(b) (1) No city, county, or city and county shall, by administrative, quasi-judicial, legislative, or other action, reduce, or require or permit the reduction of, the residential density for any parcel to, or allow development of any parcel at, a lower residential density, as defined in paragraphs (1) and (2) of subdivision (g), unless the city, county, or city and county makes written findings supported by substantial evidence of both of the following:

(A) The reduction is consistent with the adopted general plan, including the housing element.

(B) The remaining sites identified in the housing element are adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584. The finding shall include a quantification of the remaining unmet need for the jurisdiction's share of the regional housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level.

Rationale: The project site consists of one parcel that was identified in the County General Plan 2008-2013- Housing Element as a site suitable for the development of housing for very-low to low income households. The parcel was not carried forward into the 2013-2021 Housing Element due to alternative projects submitted to the County for that site prior to 2013. Approval of this project as the proposed density and affordability level would result in a new gain of affordable housing for lower income categories.

Codified on January 1, 2018 as California Government Code Section 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 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. Approval of this project at the proposed density and affordability level would result in a net gain of affordable housing for lower income categories.