

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



Date: January 9, 2025

Staff: Spencer McKenna

DESIGN REVIEW PERMIT

FILE NUMBER: DR24-0008/Diamond Springs Village Apartments – Phase II

APPLICANT/AGENT: Millennium Planning & Engineering/Robert Wood

REQUEST: Design Review Permit in accordance with the provisions of California Senate Bill 35 (SB-35) (affordable housing streamlined approval) for a four (4) building affordable housing project, consisting of 31-units including one (1) manager’s unit, one (1) office/community room, 61 off-street parking spaces, landscaping, and open space/common areas.

LOCATION: Located on the south side of Black Rice Road, approximately 1,100 feet east of the intersection with State Route 49, in the Diamond Springs Area, Supervisorial District 3 (Exhibit A & B).

APN: 051-461-069 (Exhibit C)

ACREAGE: 5.71 Acres

GENERAL PLAN: Multi-Family Residential (MFR) and Medium-Density Residential (MDR) (Exhibit D)

ZONING: Multi-Unit Residential-Planned Development (RM-PD) and Residential Estate Five-Acre-Planned Development (RE-5-PD) (Exhibit E)

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

RECOMMENDATION: Staff recommends 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 and Government Code section 65913.4(c);

2. Find that the project is consistent with the provisions of SB-35; and
3. Approve Design Review Permit DR24-0008, based on the Findings and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY

Approval of this streamlined SB-35 ministerial Design Review Permit would allow construction and operation of Phase II of the Diamond Springs Village Apartments, an affordable housing development consisting of four (4) multi-unit residential buildings with a total of 31 rental units, with 100 percent of the units to be affordable for households at 80 percent or less of the Area Median Income (AMI). The project would also include an office/community room and 61 off-street parking spaces with associated improvements.

BACKGROUND/HISTORY

On August 14, 2018, the Board of Supervisors approved Planned Development project PD17-0002, Phase I of the Diamond Springs Village Apartments, at a neighboring parcel to the west at 6018 Service Drive. This included 10 multi-unit residential buildings and one (1) community building, totaling 80 multi-family residential units and one (1) on-site manager unit. In June 2022, through Parcel Map P21-0011, the original 10.7-acre site was split into two (2) parcels, Assessor's Parcel Number (APN) 054-461-068 to the west, and the current parcel, APN 051-461-069. A Parcel Map Waiver was applied for and approved.

On March 20, 2024, the applicant submitted a Pre-Application (PA24-0006) 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. Comments were received from the El Dorado County Commission on Aging, Pacific Gas and Electric (PG&E), El Dorado County Environmental Management Department (EMD), El Dorado County Department of Transportation (DOT), the El Dorado County Sheriff's Office, the Surveyor's Office, and Stormwater. The Diamond Springs and El Dorado Community Advisory Committee (CAC) also reviewed the preliminary plans at an in-person meeting on May 16, 2024, and expressed concern for the project's effect on traffic in the area. Members of the public requested that the traffic from this project be directed toward the new Diamond Springs Parkway and were concerned that traffic could otherwise back up at Missouri Flat Road and Fowler Lane. A December 19, 2024, Diamond Springs and El Dorado CAC meeting is planned to address minor updates to details of this DR24-0008 project.

On November 14, 2024, the applicant filed the current Design Review Permit application under the provisions of California SB-35 (Streamlined Ministerial Approval of Affordable Housing). The project was deemed complete November 25, 2024. The project is vested with the standards at the time it was deemed complete. As the project was deemed complete prior to January 3, 2025, the project is not required to meet the newly adopted Interim Design Standards. SB 35 projects

moving forward will be held to the Interim Design Standards, with a Planning Director approval authority.

SPECIFIC SB-35 PROJECT CONSIDERATIONS

SB-35 Streamlined Approval Process:

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.

Design Review Limitations for SB-35 Projects:

Under SB-35, design review shall be objective and focused on and limited to compliance with State criteria required for SB-35 processing (Exhibit F), 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 inconsistent 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.

Off-Street Parking:

SB-35 legislation (Government Code Section 65913.4(2)(e)(1)) (Exhibit F) 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 0.06 mile (350 feet) to the southwest of the project site (El Dorado Transit Route 30 at Pearl Place and Courtside Drive). No parking requirements can be imposed for the project; however, the project proposes 61 off-street, uncovered parking spaces.

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, SB-35 does allow for design review to be conducted by a local government’s Planning Commission or any equivalent board or commission. County Resolution No. 211-2021 (Exhibit I) requires 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 DR24-0008 was filed on November 14, 2024, and was deemed consistent with the streamlining criteria of SB-35. 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 February 12, 2025. The decision of the Planning Commission shall be final and not appealable.

ANALYSIS

Site Description:

The project site consists of 5.71 acres, located on the south side of Black Rice Road, approximately 1,100 feet east of State Route 49, in the Diamond Springs Community Region. The site is surrounded closely on the west and south sides by high-density residential development and single-family residential properties on the north and east. Most of the site consists of non-native grassland, with mixed woodland and meadow areas. The proposed project is located directly to the east of Phase I of Diamond Springs Village Apartments (PD17-0002), currently under construction, and to the north of Diamond Terrace Apartments.

Project Description:

Design Review Permit DR24-0008 consists of an affordable housing development under SB-35, consisting of four (4) multi-unit residential apartments with a total of 31 units, including one (1) manager's unit. This includes eight (8) two-bedroom units in Building 1, eight (8) one-bedroom units in Building 2, eight (8) three-bedroom units in Building 3, and six (6) two-bedroom units in Building 4. The project includes a manager's unit and an office/community room (Exhibits K and L). The project is income restricted to households earning 80 percent or less of the AMI. The project also proposes 61 off-street parking spaces with associated lighting and landscaping, with open space/common areas between buildings. Access to the project site would be provided via an existing paved non-County maintained private roadway ("Rest Lane") to Pleasant Valley Road/State Route 49. Public water and sewer service would be provided by the El Dorado Irrigation District (EID) via connections to existing water and sewer lines on or immediately adjacent to the project site. Electric service would be provided by PG&E via existing PG&E infrastructure adjacent to the project site. Solid waste service would be provided by the local County waste franchisee, El Dorado Disposal. One (1) eight-inch blue oak tree would be removed by the project. The remaining oak trees would be protected from development and retained on site as detailed in the project Biological Resources and Wetland Assessment Technical Memorandum (Exhibit N).

Building Design:

Multi-unit residential proposals are typically required to be designed consistent with the County's adopted Guide (Design Guide). However, as the El Dorado County Design Guidelines, does not contain objective design standards (e.g. building setbacks, specific color palette, or exterior

building treatment options), but instead uses subjective design recommendations based on photographic and descriptive examples. Therefore, consistency with the Design Guidelines has not been required for SB-35-compliant projects and is not required for this project (Exhibits K & L).

Lighting and Landscaping:

Proposed landscaping (Exhibit S) has been reviewed and determined to be consistent with the County’s objective landscape standards including Chapter 130.33 (Landscaping Standards). Final submitted landscaping plans will be required to demonstrate consistency with all applicable provisions of both Chapter 130.33 and the Model Water Efficient Landscape Ordinance (MWELO) prior to issuance of a building permit. Proposed outdoor lighting (Exhibit M) has been conditioned (Condition of Approval (COA) 2) for all light fixtures to be fully shielded to prevent excess light and glare and overall light levels are conditioned to be consistent with applicable provisions of Chapter 130.34 (Outdoor Lighting).

Access and Circulation:

Primary access to the project site would be provided via existing paved non-County maintained private roadways (“Black Rice Road” and “Deuce Drive”) to Golden Chain Highway/State Route 49. Both DOT and the Diamond Springs and El Dorado Fire Protection District (Fire District) have reviewed the project plans and determined that, as proposed, the project is consistent with all applicable codes, standards and regulations for vehicular and emergency vehicle access and circulation.

Site Improvements:

Proposed site improvements include grading, earth movement, and minor retaining walls to accommodate the building pads, on-site driveway, parking lot improvements and underground installation of utilities including water, sewer, and electric service. There will be an approximate cut of 10,670 cubic yards (cy) and an approximate fill of 3,080 cy of soil (Exhibit Q). On-site drainage will be collected through drain inlets located south of the proposed structures, directing run-off to the on-site existing drainage area as shown on the Preliminary Grading and Drainage Plan. This drainage area with associated riparian vegetation is mapped adjacent to the west of the project disturbance areas. This area was included as part of the review of the Phase I Project area and a California Department of Fish & Wildlife (CDFW) Streambed Alteration Agreement (LSA) Permit was finalized for that area and proposed impacts to the mapped riparian area. The mapped riparian area is not a “wetland” as it does not meet the federal criteria (U.S. Army Corps of Engineers or USFWS) according to the CDFW Qualified Biologist, Greg Matuzak.

CONSISTENCY ANALYSIS

SB-35 Criteria:

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

certified compliance with SB-35 regulations (Exhibit H). Current qualifying criteria include to the minimum number of multi-family housing units (two 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” 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.

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. (Multi-Family Residential [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 proposal is 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).

Zoning Ordinance:

Staff has determined that the project, as proposed and conditioned, is consistent with all applicable objective development and design standards of Title 130 of the County Ordinance Code (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).

PUBLIC AND AGENCY REVIEW

Public outreach:

No formal public outreach was conducted by the County beyond the CAC’s publicly noticed May 16, 2024 meeting. 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 I) 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 130.50.040 (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. As discussed, the Diamond Springs and El Dorado Community Advisory Committee held a public meeting on May 16, 2024 regarding the project.

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 El Dorado County Department of Transportation, El Dorado County Environmental Management Department, El Dorado County Office of County Surveyor, El Dorado County Stormwater Unit, and Pacific Gas & Electric Company. 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.

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

During the Pre-Application process (PA24-0006), 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 April 12, 2024 and sent SB-35 project notification, via certified mail, to affected tribes on the then-current California Native American Heritage Commission (NAHC) tribal contact list. Of the seven (7) tribal organizations included in the County’s solicitation letter, only two (2) tribal organizations, the United Auburn Indian Community (UAIC) and Shingle Springs Band of Miwok Indians, responded with a request to consult regarding the project. UAIC provided information on specific language to incorporate into the Tribal Cultural Resources Chapter of an initial study or other CEQA document. As this project is eligible for processing under SB-35, CEQA analysis is not required. The Single Springs band of Miwok Indians requested to be added as a consulting party in identifying any Tribal Cultural Properties (TCPs that may exist within the project’s Area of Potential Effects (APE). The applicant supplied biological report was provided to the Shingle Spring Band of Miwok Indians on June 7, 2024; however, no additional correspondence was received.

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.

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 considered ministerial projects which are considered Statutorily Exempt from the requirements of CEQA. Pursuant to Resolution No. 240-93, a \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption. The filing of the Notice of Exemption is optional; however, 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.....	Site Aerial Photo
Exhibit C.....	Assessor’s Parcel Map
Exhibit D.....	General Plan Land Use Map
Exhibit E.....	Zoning Map
Exhibit F.....	SB-35 Bill Text (Gov. Code Section 65913.4)
Exhibit G.....	2023 El Dorado County Regional Housing Needs Allocation (RHNA)
Exhibit H.....	Applicant’s SB-35 Eligibility Checklist
Exhibit I.....	Board of Supervisors Resolution No. 211-2021
Exhibit J.....	Preliminary Utility Plan
Exhibit K.....	Architectural Building Elevations
Exhibit L.....	Floor Plan
Exhibit M.....	Preliminary Lighting Plan
Exhibit N.....	Biological Resource & Wetland Assessment Technical Memorandum
Exhibit O.....	CalFire Fire Hazard Severity Zones 2023
Exhibit P.....	U.S. Census Bureau Urbanized Area Reference Map
Exhibit Q.....	Preliminary Grading & Drainage Map
Exhibit R.....	Preliminary Site Plan
Exhibit S.....	Preliminary Landscaping Plan
Exhibit T.....	Initial Study (P21-0011)