



COMMUNITY DEVELOPMENT SERVICES

PLANNING AND BUILDING DEPARTMENT

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TO: Planning Commission Agenda of: September 28, 2017

FROM: Evan Mattes, Assistant Planner

DATE: September 8, 2017

RE: PD17-0002/Diamond Springs Village Apartments

Recommendation

Staff recommends the Planning Commission take the following actions:

1. Adopt the Mitigated Negative Declaration (Legistar Attachment G), based on the Initial Study prepared by staff;
2. Adopt the Mitigation Monitoring Reporting Program in accordance with California Environmental Quality Act Guidelines Section 15074(d), incorporated as Conditions of Approval (Legistar Attachment 2C);
3. Approve Planned Development PD17-0002, based on the Findings (Legistar Attachment 2B) and subject to the Conditions of Approval (Legistar Attachment 2C) as approved by the Planning Commission on June 22, 2017; and
4. Add new Condition of Approval to state: "The applicant shall offer to dedicate, in fee, the entire or part of the 3.4 acre Residential Estate Five-Acre (RE-5) zoned section of the property for the development of parkland. This condition is to be satisfied prior to project occupancy."

Background

The Planning Commission originally approved the project on June 22, 2017. The project was appealed by Sue Taylor, on behalf of Save our County, within ten working days of approval, citing project violations of the provisions of Measure E, inconsistency with the California Environmental Quality Act (CEQA), applicable General Plan and zoning laws, inadequate public notification, and potential project financial instability. On August 29, 2017, the project was heard by the Board of Supervisors to determine whether to approve the appeal, reversing the Planning Commission's decision. The Board of Supervisors deliberated on the appeal and referred the item back to the Planning Commission to address specific items involving: 1) consistency with Measure E; 2) clarification of project access to Black Rice Road 3) installation of physical sign

postings for project notification; 4) exploring the need for parks in the area; and 5) maintenance of the two proposed playgrounds. No changes are proposed from the original project application.

Analysis

Staff provides the following analysis in response to the Board of Supervisors directions:

1. Measure E

The project has been reviewed for consistency with Measure E provisions. The proposed planned development would “worsen” traffic at two intersections, China Garden Road/Missouri Flat Road and Racquet Way/Pleasant Valley Road, by increasing peak traffic by two percent, creating an increase of 10 peak hour trips, or creating an increase of 100 average daily trips as identified by the Transportation Impact Study (Exhibit D). The project identified two mitigation measures, Mitigation Measure TR-1 and Mitigation Measure TR-2, which would lessen the Level of Service impacts to an acceptable level. As such the project is consistent with Measure E.

2. Black Rice Road

The project is conditioned, by Mitigation Measure TR-1, to provide a public road connection to Diamond Road (Highway 49), by way of Black Rice Road. The access to Black Rice Road would be provided through a connection of Racquet Way to Black Rice Road. As Black Rice Road is not a County maintained road it would be the responsibility of the applicant to acquire the necessary right-of-way onto Black Rice Road. If the applicant cannot negotiate access to Black Rice Road, condemnation of that section of Black Rice Road may be required by the County.

3. Physical Sign Posting

Notification for the June 22, 2017, Planning Commission consisted of 1,000 foot radius mailings and a published Mountain Democrat public notice, with no physical sign posting. Notification for Planned Developments requires a physical sign posting on all streets that the proposed project fronts. For the purposes of the September 28, 2017, Planning Commission, the project is being notified through the mailing of notifications for 1,000 foot radius, a notification to be published in the Mountain Democrat, and three physical sign postings fronting Service Drive, Deuce Drive and Black Rice Road in compliance with the Board of Supervisor’s adopted notification requirements (Exhibit B).

4. Parks

At the August 29, 2017, Board of Supervisors meeting it was discussed that the project is located in an area that is underserved by park facilities. The Board of Supervisors identified the potential for a section of the planned development to be developed into a park and the possibility of placing conditions of approval on the project to require the dedication of parkland.

The project was analyzed by planning staff and found that the local population would not be increased to a level so as to significantly impact existing county park facilities, so as to require mitigation. Section 130.28.050 of the El Dorado County Zoning Ordinance established on-site open space requirements for Planned Developments to either be commonly owned or publicly dedicated. Commonly owned Open Space may include land developed or set aside for recreational purposes, such as parks, ball fields, golf courses, or picnic areas. Section 130.28.050.B identifies several exemptions to the on-site open space requirements, which includes Residential Multi-Family (RM) zoned projects. As the project site is zoned RM-PD, the multi-family planned development would be exempt from the on-site open space requirements, and therefore no parks are required of the project.

It is the intention of the applicant to apply to the California Tax Credit Allocation Committee for tax credit financing insuring the project would remain affordable to very-low to low-income households for 55 years. Newly constructed or rehabilitated affordable housing projects with 55-year affordability restrictions would enable the County to access grant dollars through the State Housing Related Parks Program for the creation and renovation of parks and community recreation facilities. Upon completion of the project up to approximately \$279,000 may be available to provide parks and recreation services to the Diamond Springs community.

The project applicant has expressed interest in addressing the on-going needs for parks in the Diamond Springs-El Dorado area and would open to discussion about providing the 3.4 acre Residential Estate Five-Acres (RE-5) zoned portion of the parcel for the purposes of a park. To address the broader lack of park facilities, as recognized by the Board of Supervisors, Planning Staff is recommending a Condition of Approval requiring the following; "The applicant shall offer to dedicate, in fee, the entire or part of the 3.4 acre Residential Estate Five-Acre (RE-5) zoned section of the property for the development of parkland. This condition is to be satisfied prior to project occupancy." The development of a park does not fall within the scope of the proposed project and would need to be analyzed as a separate project in the future that would involve coordination with the County Parks and Trails Department and the community of Diamond Springs.

5. Playgrounds

Two playgrounds are being proposed as part of the project. The project is not proposing a division of land, and the proposed playgrounds would be maintained as part of general maintenance of the apartment complex by the operators.

SUPPORT INFORMATION

Attachments to Staff Memo:

- Exhibit ABoard of Supervisors August 29, 2017 Minute Order
- Exhibit BProject Notification Requirements

Exhibit A



County of El Dorado

Minute Order

Board of Supervisors

Shiva Frentzen, Chair, District II
Michael Ranalli, Vice-Chair, District IV
Sue Novasel, Second Vice-Chair, District V
John Hidahl, District I
Brian K. Veerkamp, District III

James S. Mitrison, Clerk of the Board of Supervisors
Don Ashton, Chief Administrative Officer
Michael J. Ciccozzi, County Counsel

Board of Supervisors
Department
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Placerville, California
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Tuesday, August 29, 2017

8:00 AM

330 Fair Lane, Placerville, CA

46. 17-0651

HEARING - To consider a request submitted by Sue Taylor, Save Our County, appealing the Planning Commission's June 22, 2017, approval of Planned Development PD17-0002/Diamond Springs Village Apartments on property identified by Assessor's Parcel Number 051-461-59, consisting of 10.7 acres in the Diamond Springs area; and Planning staff recommending the Board take the following actions:

- 1) Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff (Attachment G);
- 2) Adopt the Mitigation Monitoring Reporting Program in accordance with the California Environmental Quality Act Guidelines Section 15074(d), incorporated as Conditions of Approval (Attachment 2C); and
- 3) Deny the appeal, thereby upholding the Planning Commission's June 22, 2017, approval of Planned Development PD17-0002 based on the Findings (Attachment 2B) and subject to the Conditions of Approval (Attachment 2C). (Supervisory District 3) (Est. Time: 30 Min.)

Public Comment: K. Payne, J. Samboceti, L. Brent-Bumb, L. Parlin, J. Davies, K. Wild

Supervisor Frentzen opened the public hearing.

A motion was made by Supervisor Veerkamp, seconded by Supervisor Ranalli to refer this item back to the Planning Commission for further discussion including exploring the possibility of dedication of park land.

Yes: 5 - Veerkamp, Frentzen, Ranalli, Novasel and Hidahl



ORDINANCE NO. 5026

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES
ORDAIN AS FOLLOWS:**

Section 1. El Dorado County Ordinance Code Part B-Land Development Code, Title 120-SUBDIVISIONS, Subpart 1.-Major Land Divisions, Chapter 120.24 Tentative Maps; and Subpart II- Minor Land Divisions, Chapter 120.48 Tentative Maps are hereby amended to read as follows:

**SUBPART 1. MAJOR LAND DIVISIONS
CHAPTER 120.24 / TENTATIVE MAPS**

Section 120.24.085. - Notice requirements and procedure.

- A. Action by the Planning Commission pursuant to Section 120.24.075.A shall be made after a public hearing for which notice has been given as follows:
1. Mailed or delivered at least ten days prior to the hearing to the applicant and all owners of real property as shown on the latest equalized assessment roll within one thousand feet (1,000') of the property which is the subject of the hearing excluding condominium conversions. Expanded notice would be required as follows:
 - a. 2,640 feet (half a mile) notice for residential applications creating between 300 through 999 lots;
 - b. 5,280 feet (one mile) notice for residential applications creating 1,000 lots or more;
 2. Physical posting of notice on the property proposed for development so as to be visible to the public;
 3. For land development with 300 dwelling units and larger, the project application shall require a public outreach plan, as determined by the Development Services Division Director, to be conducted by the applicant to further provide early public notice and input on the development application, subject to review and approval by the Development Services Division Director; and
 4. Published once in at least one newspaper of general circulation at least ten (10) days prior to the hearing.

**SUBPART II.-MINOR LAND DIVISIONS
CHAPTER 120.48 / TENTATIVE MAPS**

Section 120.48.065. - Notice requirements and procedure.

- A. Action by the Development Services Division Director pursuant to Section 120.48.060.A shall be made after a public hearing for which notice has been given as follows;
1. Mailed or delivered at least ten (10) days prior to the hearing to the applicant and all owners of real property as shown on the latest equalized assessment roll within one thousand feet (1,000') of the property which is the subject of the hearing with the exception of condominium conversions.
 2. Published once in at least one (1) newspaper of general circulation at least ten days prior to the hearing.

Section 2. El Dorado County Ordinance Code Part B-Land Development Code, Title 130 ZONING, Subpart 1.-Planned Developments, Chapters 130.04-Procedure, and Subpart II-General Land Use Zoning, Chapter 130.10-Amendments, and Chapter 130.22-Land Use Permit Procedures Article III.-Permit Approval or Disapproval are hereby amended to read as follows:

Section 130.04.015. - Notice requirements and procedure.

- A. Action by the Planning Commission pursuant to Section 130.04.005.B.1 shall be made after a public hearing for which notice has been given as follows:
1. Mailed or delivered at least ten (10) days prior to the hearing to the applicant and all owners of real property as shown on the latest equalized assessment roll within one thousand feet (1,000') of the property which is the subject of the hearing or:
 - a. 2,640 feet (half a mile) notice for residential applications creating between 300 through 999 lots;
 - b. 5,280 feet (one mile) notice for residential applications creating 1,000 lots or more;
 2. Physical posting of notice on the property proposed for development so as to be visible to the public;
 3. For land development with 300 dwelling units and larger, the project application may require a public outreach plan as determined by the Development Services Division Director, to be conducted by the applicant, to further provide early public notice and input on the development application, subject to review and approval by the Development Services Division Director; and
 4. Published once in at least one newspaper of general circulation at least ten (10) days prior to the hearing.

Section 130.10.020. - Commission hearing.

- A. Following the filing of a verified petition as provided for in Section 130.10.010.A, the executive secretary of the Planning Commission shall designate the time and place of the public hearing on the petition as may be required by law, and shall give notice of the hearing as required by law, subject to the provisions under Section 130.10.040.

The failure of any property owner to receive such notice shall not invalidate the proceedings.

Section 130.10.040. - Board hearing.

- A. Upon receipt of the report from the planning commission, the clerk of the board of supervisors shall set the matter for public hearing after notice thereof and of the proposed amendment, given as provided by law, and in addition thereto shall give notice of the time and place of the hearing by mail to all property owners within one thousand feet of the property proposed to be rezoned, excluding condominium conversions, and:
1. 2,640 feet (half a mile) notice for residential applications creating between 300 through 999 lots;
 2. 5,280 feet (one mile) notice for residential applications creating 1,000 lots or more;
 3. Physical posting of notice on the property proposed for development so as to be visible to the public; and
 4. For land development with 300 dwelling units and larger, the project application may require a public outreach plan as determined by the County, to be conducted by the applicant, to further provide early public notice and input on the development application, subject to review and approval by the Development Services Division Director.

The notice shall state the location and present zoning of the property and the nature of the proposed amendment. The notice shall be mailed at least ten days prior to the date of the hearing. The failure of any property owner to receive the notice shall not invalidate the proceedings.

After the conclusion of the hearing, the board of supervisors may adopt the amendment or any part thereof as approved by the planning commission or take any other action it deems appropriate and consistent with the general plan.

Section 130.22.200. - Notice of hearings.

Notice for all hearings held pursuant to this chapter shall be given in accordance with the provisions of Government Code Section 65091 (Ord. 4589 §§2, 5, 2001) and as follows:

- A. Action by the approving authority shall be made after a public hearing for which notice has been given as follows:
1. Mailed or delivered at least ten (10) days prior to the hearing to the applicant and all owners of real property as shown on the latest equalized

- assessment roll within one thousand feet (1,000') of the property which is the subject of the hearing.
2. Published once in at least one newspaper of general circulation at least ten (10) days prior to the hearing.
 3. For Specific Plans the following notification applies:
 - a. 2,640 feet (half a mile) notice for residential applications creating between 300 through 999 lots;
 - b. 5,280 feet (one mile) notice for residential applications creating 1,000 lots or more;
 - c. Physical posting of notice on the property proposed for development so as to be visible to the public;
 - d. For land development with 300 dwelling units and larger, the project application may require a public outreach plan as determined by the Development Services Division Director, to be conducted by the applicant, to further provide early public notice and input on the development application, subject to review and approval by the Development Services Division Director.

Section 3. This ordinance shall become effective thirty (30) days following adoption hereof.

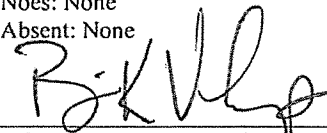
PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 15th day of September, 2015, by the following vote of said Board:

Ayes: Michael Ranalli, Shiva Frentzen, Ron Mikulaco, Brian K. Veerkamp, Sue Novasel

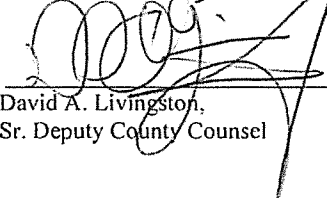
Noes: None
Absent: None

ATTEST
JAMES S. MITRISIN
Clerk of the Board of Supervisors

By 
Deputy Clerk


Brian K. Veerkamp, Chair, Board of Supervisors

APPROVED AS TO FORM
ROBYN TRUITT DRIVON
COUNTY COUNSEL


David A. Livingston,
Sr. Deputy County Counsel

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A
CORRECT COPY OF THE ORIGINAL ON
FILE IN THIS OFFICE

Date _____
ATTEST: JAMES S. MITRISIN, Clerk of the Board of
Supervisors of the County of El Dorado, State of California.

By _____
Deputy Clerk