

**A14-0001/Z14-0001/SP86-0002-R/PD94-0004-R-2/El Dorado Hills Apartments** – As approved by the Board of Supervisors on December 2, 2014

**Findings**

A. **INTRODUCTION AND PROCEDURAL HISTORY:**

1. The Spanos Companies (“Applicant”) filed an Application for entitlements for the El Dorado Hills Apartments seeking approval of a 250 unit apartment project built around a parking structure on a 4.565 acre site located within the Town Center East Planned Development (“TCEPD”), Assessor’s Parcels Nos. 121-290-060, 61 and 62 (the “Project”). The Project site is currently approved for the development of a hotel with no less than 100 rooms, conference facility, full service restaurant and retail uses. All the approvals for this project have been granted and only ministerial permits are required before commencement of construction. The Project will replace and supersede the prior original approved project.
2. The entitlements required are a General Plan Amendment; an Amendment to the El Dorado Hills Specific Plan; a rezone of the project site from General Commercial-Planned Development (CG/PD) to Multi-Family Residential-Planned Development (RM-PD) and revisions to the RM-Zoned District Development standards applicable to the proposed 250 unit apartment complex; and approval of a revision to the approved Town Center East Development Plan approving, among other things, new The El Dorado Hills Town Center East Urban In-Fill Residential Area Residential Design Guidelines (the “Residential Design Guidelines”). These entitlements are collectively referred to in these findings as the “Entitlements”.
3. This Board considered a Pre-Application/Conceptual Review for the Project at a public hearing on December 10, 2013 to assist in identifying potential project issues and solutions and to provide the applicant with early feedback prior to formal development application.
4. In accordance with the California Environmental Quality Act (“CEQA”) and the County’s Environmental Manual for Implementation of the California Environmental Quality Act (“County CEQA Guidelines”) County Staff caused to be prepared a Subsequent Initial Study/Mitigated Negative Declaration entitled Subsequent Initial Study/Mitigated Negative Declaration, A14-001, Z14-002-R, PD94-0004R-2/El Dorado Hills Apartments, May, 2014 (“MND”) in accordance with CEQA Guidelines § 15162 and the County CEQA Guidelines. The MND was tiered off of prior environmental analysis performed by the County in the form of a program EIR prepared at the time of approval of the El Dorado Hills Specific Plan (“EDHSP”). In August 1995, the Board of Supervisors approved the Development of the Town Center East Project by adopting a negative declaration of environmental significance tiered off of the EDHSP EIR. The

following documents and analysis constitute the Town Center East Environmental analysis (“TCE Environmental Evaluation”) off of which the current environmental analysis of the Project is tiered:

- (a) The El Dorado Hills Specific Plan EIR, prepared for and certified by this Board upon the approval of the El Dorado Hills Specific Plan (“EHSP EIR”) State Clearinghouse No. 86122912; and
- (b) The Negative Declaration of Environmental Significance, Environmental Evaluation File No. PD94-04, El Dorado Investors, Inc. dated May 19, 1995.

In reviewing the environmental impacts of the current Project in the MND, Staff reviewed those impacts against impacts previously evaluated in the TCE Environmental Evaluation and identified project modifications and mitigation measures required to address impacts not specifically identified and mitigated into insignificance under the TCE Environmental Evaluation.

5. On June 11, 2014, the County and the Applicant held a Public Meeting to present and discuss the Project.
  6. The Entitlements were considered at public hearings before the Planning Commission on June 26, 2014 and on September 11, 2014. The Planning Commission recognized the value and desirability of the Project but recommended denial based primarily upon the Project density.
  7. The Entitlements were considered by the Board of Supervisors at a public hearing on November 4, 2014 and this Board by a vote of 4 to 1 conceptually approved the Entitlements and the MND subject to the Conditions of Approval recommended by staff to the Planning Commission and further subject to appropriate CEQA and other findings being brought back to the Board at a subsequent meeting for adoption.
- B. ADOPTION OF FINDINGS: This Board hereby, based upon sufficient evidence contained in the public record, hereby approves the Project, including all Entitlements; and the MND and finds and declares as follows:

## 1.0 CEQA FINDINGS

The Board hereby makes and adopts the following findings to comply with the requirements of CEQA, the CEQA Guidelines and the County Environmental Guidelines.

- 1.1 The MND was prepared by the County as a subsequent environmental analysis in accordance with the provisions of CEQA Guideline §§ 15162 and 15063(c), tiered off of the TCE Environmental Evaluation. The Board has reviewed the impacts of the Project

against the environmental impacts previously identified and evaluated in the TCE Environmental Evaluation, together with the comments received during the public review process, and hereby finds and determines that with the implementation of project modifications and adherence to identified mitigation measures imposed as conditions of approval, the Project will not have a significant effect on the environment. The MND reflects the independent judgment of the County as the Lead Agency and has been completed in accordance with the provisions of CEQA and the County Environmental Guidelines and is adequate to analyze all of the environmental impacts of the Project.

- 1.2 The MND was approved by the County and dated May 21, 2014 and circulated to all appropriate state and other regulatory agencies for review and comment. Extensive public and other comments were received up to the close of the comment period. Although CEQA does not require a written response to comments received on the MND, County Staff prepared responses in a document hereby incorporated into and made a part of the MND, entitled “Formal Responses to Public Comment on Subsequent Mitigated Declaration for El Dorado Hills Apartment Project” (“Formal Response to Comments”), consisting of an extensive matrix identifying each comment received during the comment period and responding to it. That Formal Response to Comments was considered by both the Planning Commission and the Board of Supervisors and is a part of the Administrative Record in this matter.
  
- 1.3 For the purposes of CEQA, CEQA Guidelines section 15091(e) and these findings, the record of proceedings for the Project consists of the following documents, at a minimum:
  - (a) The EDHSP EIR and the TCE Environmental Evaluation;
  - (b) The MND, including the Formal Response to Comments;
  - (c) All comments and correspondence submitted by public agencies or members of the public during the public review and comment period on the MND;
  - (d) All comments and correspondence submitted by public agencies or members of the public received following the expiration of the comment period on the MND, prior to the adoption of these findings;
  - (e) All written and oral comments received or made at Planning Commission or the Board of Supervisors’ hearings;
  - (f) The Mitigation Monitoring and Reporting Plan (“MMRP”);
  - (g) All final reports, studies, memoranda, maps, staff reports or other planning documents relating to the project prepared by the County, its consultants or responsible or trustee agencies with respect to the County’s compliance with the requirements of CEQA and with respect to the County’s actions on the Project;
  - (h) All documents timely submitted to the County by other public agencies or members of the public in connection with the Project;
  - (i) Minutes and/or verbatim transcripts of all public hearings held by the County in connection with the Project;
  - (j) Matters of common knowledge to the County, including, but not limited to, federal, state and local laws and regulations;
  - (k) Any documents expressly cited in these findings, in addition to those cited above; and

- (l) Any materials required to be in the record of the proceedings by Public Resources Code section 21167.6(e). The custodian of documents comprising the record of proceedings shall be the County of El Dorado, Development Services Division – Planning Services, 2850 Fairlane Court, Placerville, California.

1.4 County is the Lead Agency with respect to the Project pursuant to Section 15367 of the CEQA Guidelines. The following findings of fact support the approval of the MND and the Project:

- (a) The County has complied with CEQA and CEQA Guidelines. The MND is an accurate and objective statement that fully complies with CEQA and CEQA Guidelines.
- (b) No evidence of new significant impacts requiring “substantial revision,” as defined by CEQA Guidelines Section 15073.5, has been received by the County after circulation of the MND which would require recirculation.
- (c) The Project is consistent with the development analyzed in the MND.
- (d) The MND was presented to this Board, which reviewed and considered the MND. The MND reflects the County independent judgment and analysis as the Lead Agency for the Project.
- (e) The MND identified potentially significant effects that could result from Project implementation. This Board finds that feasible mitigation measures identified in the MND will reduce all of those effects to less-than-significant levels.

1.5 This Board hereby concurs in the determination set out in the MND that the following impacts, examined in accordance with the Initial Study, were within the scope of and adequately analyzed and mitigated in the TCE Environmental Evaluation and, therefore, required no additional analysis or mitigation:

Agricultural/Forestry resources, cultural resources, geology/soils, hazards/hazardous materials, hydrology and water quality, mineral resources and recreation.

This Board concurs in the determination in the MND that the Project will result in a less than significant or no impact on these subjects and that such impacts were analyzed and addressed by mitigation measures contained in the TCE Environmental Evaluation.

1.6 This Board concurs in the determination in the MND that the following subject areas examined in the Initial Study present possible impacts that have not been fully analyzed nor fully mitigated by the TCE Environmental Analysis:

Aesthetics, air quality, biological resources, greenhouse gas emissions, land use planning, population and housing, public services, transportation and traffic, and utilities/service systems.

This Board concurs in the determination contained in the MND that the implementation of the Project Conditions of Approval and project revisions/mitigation measures set out in

the MND and described in the Mitigation Monitoring and Reporting Plan (MMRP) attached to these Findings will fully and completely mitigate these identified impacts into insignificance. This Board hereby incorporates into these findings, as if set out in full, the contents of the MND and specifically, Sections I, Aesthetics; III, Air Quality; IV, Biological Resources; VII, Greenhouse Gas Emissions; X, Land Use Planning; XIII, Population and Housing; XIV, Public Services; XVI, Transportation and Traffic; and XVII, Utilities and Service Systems. This Board hereby adopts the contents and analysis contained in the MND and specifically in the above mentioned sections as this Board's reasoning and rationale for determining that all of the identified possible significant impacts have been mitigated into insignificance and that through the imposition of Conditions of Approval and mitigation measures as set out in the MMRP, changes or alterations have been incorporated into the Project which avoid the possible significant environmental effects identified in the MND.

- 1.7 This Board further finds and determines that all of the public comment received during the comment period on the MND were adequately and accurately responded to in the Formal Response to Comment.
- 1.8 This Board has specifically considered a number of issues raised during the Project processing and makes the following specific findings and determinations relative thereto:
  - (a) Water Supply: This Board concurs in the determination contained in Section XVII of the MND on p. 44 that the El Dorado Irrigation District ("EID"), the water supplier for this Project, has as of 2013 approximately 4,687 EDUs of water available in the El Dorado Hills water supply region. The MND estimates that the Project will require 191.5 EDUs of water supply and the Memorandum dated October 28, 2014 prepared by TSD Engineering Inc. entitled "Town Center-Development Center Scenario-Water Demand Estimate" refines the estimate of water demand for the Project and determines it to be approximately 25,000 gallons per day (exclusive of irrigation which will be accomplished with reclaimed water). This estimate is less than that contained in the EID Facility Improvement Letter and is significantly less than the water demand estimated for the approved hotel/commercial/retail use currently approved on the Project site. The demand for this hotel/commercial/retail use is estimated to be approximately 28,200 gallons per day. Based on all of the substantial evidence contained in the Administrative Record, this Board finds and determines that adequate water supply exists for the Project.
  - (b) Sewer Capacity: This Board concurs in the determination set out in the MND that the Project would require approximately 187.5 EDUs of sewer service and that mitigation measure MMUT-1 requiring the applicant to pay their fair share portion of the planned CIP Improvements for the El Dorado Hills Boulevard Trunk Sewer Line Improvement and the associated EID connection costs will guarantee that impacts relating to sewer capacity are less than significant.

- (c) Traffic Impacts: This Board concurs in the determinations contained in Section XVI of the MND relating to transportation/traffic and specifically finds that the determination set out in both the MND and in the Memorandum prepared by Fehr & Peers dated October 29, 2014 entitled El Dorado Hills Town Center-Town Center Roadways, that the trip generation provided by the Project at project build out in 2035 will be significantly less than the impacts of the approved hotel/commercial/retail project during the crucial p.m. peak hour trip measurement period, when most of the commercial activities within Town Center East are open and operating. This Board finds that with the implementation of mitigation measures MM TR-1 to 3, all of the traffic/transportation impacts of the Project will be mitigated into insignificance.
  - (d) Noise Impacts: This Board concurs in the analysis of noise impacts contained in Section X(ii) of the MND and in the Environmental Noise Analysis prepared by J.C. Brennan & Associates, Attachment D to the MND. That analysis determined that no mitigation measures are required and that noise levels in the apartments will be below those required under County noise thresholds.
  - (e) Law Enforcement: This Board determines that the El Dorado County Sheriff has indicated that development of the Project may require more law enforcement staffing not because of increased crime or disturbance caused by the residents of the Project but because the Project residents may complain more frequently about existing noise, crime and other impacts already occurring. The Board finds that these impacts are not the kind that are appropriate for mitigation on a project by project basis and further finds that there is no nexus between the development of the Project and the need for additional law enforcement services.
- 1.9 Adoption and Approval of Mitigation Monitoring Program: The Mitigation Monitoring and Reporting Program attached as Attachment A is hereby approved and adopted and the Board finds that the mitigation measures associated with the potentially significant impacts of the Project will be implemented through the MMRP which is the responsibility of the County, thereby ensuring that the Project will have no significant adverse environmental impacts.

## **2.0 GENERAL PLAN FINDINGS**

- 2.1 **General Plan (Land Use and Housing Element) Policies 2.1.1.2 (High Intensity Development in Community Region), 2.2.1.2 (Range of Land Uses), 2.1.1.3 (Mixed Use Development), 2.1.17 (Applicability to General Plan) 2.2.3.1.A (Residential Planned Development), 2.2.5.3 (Rezone), 2.2.5.7 (Zoning Consistency with General Plan) and HO-1.5 (High Density Development in Community Region)**

The project (including the proposed new General Plan policy) has been reviewed and verified for consistency with the specific policies identified involving the type of project and its compatibility within its environment. The project site is located within the

Community Region of El Dorado Hills in an area where a specific plan (El Dorado Hills Specific Plan) has been adopted. This region of the county is where the high-intensity, self-sustaining, compact urban-type development or suburban-type development is anticipated to occur in an area where public infrastructure and services including schools (Buckeye Union School District (elementary) and El Dorado High School District), fire (El Dorado Hills Fire Department), police (County Sheriff), parks and recreation (El Dorado Hills Community Services District), and water and sewer (El Dorado Irrigation District) exist.

The El Dorado Hills Specific Plan provides for a range of residential types and density and variety of commercial uses. Specifically, the site is within the adopted Town Center East Development Plan (Village T of the El Dorado Hills Specific Plan) that consists of a range of commercial uses that provide opportunities for employment, shopping, and entertainment to the residents of El Dorado Hills. Though it exceeds the maximum density, placing the project within the commercial area would promote the mixed-use development concept by concentrating various uses in proximity to public infrastructure and amenities and achieve efficiency and convenience.

The residential development has been designed to match and complement the existing architectural theme and features in the Town Center East. In addition to the amenities provided within the complex, future residents would have access to privately maintained infrastructure (private road and sidewalks) and on-site amenities (Town Center Lake and trails). The infrastructure and amenities connect to the other infrastructure (i.e., trails, sidewalks, road) outside of the TCE into neighboring residential and commercial development where other recreational, housing, and commercial opportunities exist.

2.2 **General Plan (Public Services and Utility Element) Policies 5.1.2.1 (Adequacy of Public Services and Utilities), 5.2.1.2 (Adequacy of Water for Fire Protection), 5.2.1.6 (Infill Development), 5.3.1.1 and 5.3.1.7 (Connection to public wastewater), 5.4.1.1 (Storm Drainage), 5.6.2.1 (Energy Conserving Landscaping) 5.7.1.1 and 5.7.2.1 (Adequate Facilities for Fire Protection)**

The project has been reviewed and verified for consistency with the specific policies involving timing of necessary infrastructure to serve the development. The apartment complex would receive public and sewer water provided by EID. The project would be required to connect to existing facilities adjacent to the project site.

As part of the project design, storm drainage and runoff infiltration from the project site would be addressed with implementation of Low Impact Development (LID). Specifically, landscape design techniques and measures such as managing rainfall by materials that infiltrate, filter, store, evaporate, and/or detain runoff as close to its source as possible shall be applied. The site is surrounded by existing network of storm drain piping and inlets, which lead into Town Center Lake. The project shall be conditioned to adhere and implement all applicable standards and Best Management Practices (BMP) as

part of construction permit and plan, subject to review and approval by the Transportation Division.

The El Dorado Hills Fire Department has reviewed the project and provided recommendations for the implementation of fire protection measures and construction of necessary fire protection infrastructures, including fire hydrants, emergency access roads, and sprinklers. Enforcement and implementation of department conditions would ensure that the project is designed to allow for proper fire protection.

**2.3 General Plan (Conservation and Open Space Element) Policy 7.4.1.6 (Habitat Loss)**

Based on the results of database searches, known regional occurrences, and habitat present on the site, the only special-status species with the potential to occur on the project site are migratory birds protected under the Migratory Bird Treaty Act (MBTA). Mitigation measures applied as project conditions of approval shall require the applicant to monitor potential presence of these birds and their habitat. If construction activities occur during nesting season, the applicant shall conduct a necessary preconstruction survey and apply a protection buffer to minimize the potential impacts to the bird and its habitat.

**2.4 General Plan (Health, Safety and Noise Element) Policies 6.5.1.2 (Acoustical Analysis), 6.5.1.3 (Noise Mitigation Measures), 6.5.1.7 (Non-Transportation Sources), 6.5.1.8 (Noise Sensitive Uses), 6.5.1.9 (Transportation Sources)**

Potential noise impacts (both transportation and non-transportation sources) associated with project implementation were analyzed and determined to be less than significant. Standard building and construction materials that reduce impacts of noise will be utilized.

**2.5 General Plan (Transportation and Circulation Element) Policies TC-Xd (Level of Service), TC-Xf (Maintaining LOS), TC-Xg (Traffic Analysis), TC-Xh (Payment of Impact Fees), TC-4i (Trail Connectivity)**

A traffic impact analysis utilizing current standard protocols was prepared for the project and verified by the Transportation Division. Affected roadways have been determined to either have less than significant impact or impacts significant but reduced to less than significant impact subject to specific mitigation measures and conditions of approval.

Town Center East provides pedestrian and bicycle trails that connect to existing trails and sidewalks in the immediate area.

**2.6 General Plan (Air Quality Element Policies) Policies 6.7.7.1 and 6.7.6.2**

Air Quality and Greenhouse Gas impacts have been analyzed and determined to be less than significant with implementation of mitigation measures. Buildings designs would incorporate energy efficiency features, in accordance with the building code.



## 2.7 **General Plan (Economic Development Element) Policy 10.1.9.2**

This policy encourages specific plans and large planned developments in Community Regions and Rural Centers to include a broad mix of housing types that relate to local wage structure and achieve balance with existing and forecast resident household needs.

The apartment complex is anticipated to cater to future residents that cover a range of demographic, age, and income. In addition to housing opportunity, residents of the complex would have potential employment opportunities within the Town Center East or in the neighboring commercial endeavors.

## 2.8 **General Plan (Precedential Effect)**

The approval of this general plan amendment and this Project, in this location, does not set a precedent nor establish a predilection to approve similar projects in other areas throughout the County. The Project site is located within easy walking distance of extensive retail, restaurant, commercial and other development as a part of the Town Center East and its implementation will enable residents to avail themselves of these goods and services without having to resort to the automobile for transportation. The development of the Project in its proposed location is consistent with Government Code § 65890.1 and the County General Plan Housing element that encourages land use patterns that balance the location of employment generating uses with residential uses so that commuting is minimized. Given the unique aspects of the Project site, the Board's action does not indicate an intent to allow similar high-density residential development in other areas of the County.

## 3.0 **SPECIFIC PLAN FINDINGS**

The Project includes amendment to specific policy text and development standards in the adopted El Dorado Hill Specific Plan. In particular, the Specific Plan provides for various types of residential uses within the plan area ranging from custom homes to attached homes. Although apartments were not identified as a type of the residential use and the proposed project density exceeds the maximum identified in the Specific Plan, the proposed project meets the goals of the Specific Plan including providing a "mix of residential dwellings that appeal to a range of householders...who seek a full-service community with opportunities for shopping, leisure, and employment activity." The amendment to the Specific Plan would incorporate the apartment complex in the Village T area of the Specific Plan where the Town Center East Development Plan was adopted. The additional dwelling units will not exceed the total quantity of units approved for the Specific Plan. Given the density, construction of the apartment complex within the TCE would be appropriate in an area where shopping, employment, and recreational opportunities are available.

#### **4.0 ZONING FINDINGS**

The project would amend specific development standards under the Multifamily Residential (RM) zone district. Specifically, the density standards would be amended to match the proposed density of 55 dwelling units per acre as part of the amendment to the General Plan, El Dorado Hills Specific Plan, and Town Center East Development Plan exclusively for this site. The amendments to development standards including minimum setbacks, maximum building height, and building coverage would be allowable under the provisions of Sections 17.02 and 17.04 (Planned Development) of the El Dorado County Zoning Ordinance. Staff has evaluated these amendments and finds that due to the project's location within an intensely developed site that is supported by existing infrastructure and services the amended standards would be appropriate and suitable for this project.

#### **5.0 PLANNED DEVELOPMENT FINDINGS**

##### **5.1 The Planned Development zone request is consistent with the General Plan.**

The site is within the adopted El Dorado Hills Town Center East (TCE) Development Plan, which is a part of Village T of the adopted El Dorado Hills Specific Plan. The project would change the underlying zone (from General Commercial to Multifamily Residential) but would retain the Planned Development combining zone. The proposed revisions to the TCE Development Plan for the project are consistent with the General Plan.

##### **5.2 The proposed development is designed to provide a desirable environment within its own boundaries.**

The apartment complex has been designed with on-site amenities for use by future residents including a swimming pool, bocce court, and on-site parking within the 5-story parking garage. Ornamental landscaping, on-site lighting, and perimeter fencing provides aesthetic value consistent with the TCE.

##### **5.3 Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.**

Implementation of the project requires revision to the existing TCE Development Standards including minimum building setbacks and maximum building height to accommodate the proposed residential density. The revised standards are justified by the design of the project.

##### **5.4 The site is physically suited for the proposed uses.**

The site is physically suited for the apartment complex. The site has been previously disturbed and graded as part of the development within the TCE. As a result of the

development in the TCE, the project site has direct access to roads, water, sewer, drainage utility infrastructure.

**5.5 Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities.**

All required utilities are available for the proposed uses, including, but not limited to, water, sewer, roads, and electrical utilities.

**5.6 The proposed uses do not significantly detract from the natural land and scenic values of the site.**

There are no existing natural or scenic values on the site. The site is one of the remaining vacant sites within the commercial development in the TCE. Given the existing built environment surrounding the site, construction of the apartment complex would blend with the existing development in the TCE.