

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



Date: August 27, 2020

Staff: Tom Purciel

DESIGN REVIEW PERMIT

FILE NUMBER: DR20-0001/El Dorado Senior Village

APPLICANT/AGENT: Jim Davies

REQUEST: Request for a streamlined ministerial Design Review Permit in accordance with the provisions of California SB 35 (Streamlined Ministerial Approval of Affordable Housing) for a senior living village including a 149-unit apartment complex, two commercial buildings, a community club house and leasing office.

LOCATION: Located on the south side of Pleasant Valley Road, approximately 600 feet west of the intersection with Koki Lane in the El Dorado Area, Supervisorial District 3. (Exhibits A, B, C)

APNs: 331-221-030, 331-221-032 (Exhibit D)

ACREAGE: 8.2 Acres

GENERAL PLAN: Multifamily Residential (MFR), and Commercial (C) (Exhibit E)

ZONING: Multi-unit Residential (RM) and Commercial Main Street (CM) with Design Review-Historic (-DH) Combining Zone (Exhibit F)

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

DETERMINATION: 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;
2. Find that the project is consistent with the provisions of Senate Bill 35 (SB 35); and
3. Approve Design Review Permit DR20-0001, based on the Findings and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY

Approval of this streamlined ministerial Design Review Permit would allow construction and operation of the El Dorado Senior Village, an affordable, age-restricted community housing development consisting of 11 multi-unit residential buildings with a total of 149 rental units, 50% or more which will be affordable for households earning at or below 80% of the [Area Median Income](#) (AMI), a 7,500 square-foot commercial building and restaurant, a 2,500 square foot bed and breakfast country inn, a 3,500 square foot community clubhouse, a 500 square foot leasing office, 220 parking spaces, two freestanding signs and two wall signs and approximately 2.3 acres of landscape/active recreation areas. Approximately 6.69 acres of native oak woodland will be removed by the project, however, all existing Heritage Trees and 0.91 acres of native oak woodland will be retained on site. Access to the project site would be provided via private driveway to Koki Lane, a County maintained roadway. The project will require Local Agency Formation Commission (LAFCO) annexation into the El Dorado Irrigation District (EID) for public water and sewer service. Electric service would be provided by Pacific Gas and Electric (PG&E), utilizing existing PG&E infrastructure adjacent to the project site. Solid waste service would be provided by the local County waste franchisee, El Dorado Disposal. The project is consistent with the permit streamlining provisions of California Senate Bill 35 (SB 35), the General Plan Multifamily Residential (MFR) and Commercial (C) Land Use designations, the RM-DH and CM-DH zone development standards as well as all other applicable, objective County General Plan policies and Zoning Ordinance development standards, as discussed in the Analysis section below and more fully described in the Findings.

BACKGROUND/HISTORY

In September 2018, the applicant applied for a Conditional Use Permit (CUP18-0009) on the same site for an age-restricted housing and assisted living project called the El Dorado Senior Resort. CUP18-0009 was previously considered by the Planning Commission (Commission) on May 25, 2019. At that time, as a result of issues raised in public comments, the Commission deferred action on the project and ultimately continued this item off-calendar. Based on issues raised in public comments, the applicant withdrew CUP18-0009 in early October 2019 in order to pursue a revised proposal. On April 20, 2020, the applicant revised his previous proposal and submitted the current Design Review Permit application under the provisions of California Senate Bill (SB) 35 (Streamlined Ministerial Approval of Affordable Housing). In comparison with the previous proposal, major differences between this project and the now-withdrawn proposal include increased retention of oak woodland (almost one acre preserved) and retention of all Heritage (Oak) Trees, removal of a community care facility, removal of an underground parking facility and increased building setbacks to property lines from approximately 10 feet to 25-30 feet.

OTHER PROJECT CONSIDERATIONS

Senate Bill 35 Streamlined Approval Process: In 2017, the California Legislature approved Senate Bill 35 (SB 35), codified in 2018 as Government Code Section 65913.4 (Exhibit G) that provided for streamlined affordable housing construction within California jurisdictions that fall short of their Regional Housing Need Allocation (RHNA) (Exhibit H), such as El Dorado County. While SB 35 amended existing code sections and added new ones, the primary code section enacted to provide for streamlined ministerial approval for affordable housing projects is

Government Code section 65913.4. While El Dorado County has met a portion of its RHNA requirements, housing units Above Moderate household incomes (household incomes above 120% of the Area Median Income [AMI]), the County falls short of the RHNA requirements for both Low and Very Low income households (households with incomes at or below 80% of the Area Median Income [AMI]). Therefore, 50% or more of the proposed units (at least 75 units) must be deed restricted for household incomes at or below 80% AMI to qualify under SB 35. 2020 state income limits for El Dorado County, based on household size, are shown in Table 1 below.

Table 1. 2020 State Income Limits for El Dorado County

Income Category		Number of Persons in Household							
		1	2	3	4	5	6	7	8
Extremely Low Income	30% AMI	\$ 18,150	\$ 20,750	\$ 23,350	\$ 26,200	\$ 30,680	\$ 35,160	\$ 39,640	\$44,120
Very Low Income	50% AMI	\$30,250	\$34,550	\$38,850	\$ 43,150	\$46,650	\$50,100	\$ 53,550	\$57,000
Low Income	80% AMI	\$48,350	\$55,250	\$62,150	\$ 69,050	\$74,600	\$80,100	\$ 85,650	\$91,150
Median Income	100% AMI	\$60,400	\$69,050	\$77,650	\$ 86,300	\$93,200	\$100,100	\$ 107,000	\$113,900
Moderate Income	120% AMI	\$72,500	\$82,850	\$93,200	\$103,550	\$111,850	\$120,100	\$ 128,400	\$136,700

Source: <http://hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits.shtml>
 (Effective 4/30/2020)

As discussed in detail in the Findings section below, projects need to meet additional specific criteria to qualify for processing under SB 35 (Exhibit I). The SB 35 process allows for both residential and non-residential components within a qualifying project as long as at least two-thirds of the square footage of the development is designated for residential use. Projects that qualify for SB 35 are considered ministerial and subject to streamlining requirements. Further, projects that qualify for SB 35 are Statutorily Exempt from the CEQA pursuant to Section 15268, Ministerial Project, of the CEQA Guidelines. SB 35 further provides, “The determination of whether an application for a development is subject to the streamlined ministerial approval process provided by subdivision (b) is not a “project” as defined in Section 21065 of the Public Resources Code.” (Gov. Code, § 65913.4.)

As such, no discretionary environmental mitigation measures may be imposed on the ministerial project. SB 35 does allow for public oversight to be conducted by the local government’s planning commission or any equivalent board or commission, which is why this Design Review Permit is being presented to the Commission. Under SB 35, such design review or public oversight shall be objective and strictly focused on and limited to compliance with state criteria

required for SB 35 processing (Exhibit I), as well as any reasonable objective design standards published and adopted by ordinance or resolution by the local jurisdiction (e.g. Zoning Ordinance development standards). Should an approving authority find that a project of 150 units or fewer is in conflict with any of the objective planning standards, the approving authority must provide written documentation of which standard or standards the development conflicts with, and an explanation for the reason the development conflicts with that standard within 60 days of project submittal. Under the provisions of SB 35, a final decision shall be made on a qualifying project within 90 days of project submittal.

Design Review Permit DR20-0001 was submitted on April 20, 2020 and has been deemed consistent with the streamlining criteria of SB 35. Under the provisions of SB 35, County approval of this application was required on or prior to July 20, 2020. However, this timeline has been extended by mutual consent of the County and applicant to August 27, 2020 (Exhibit J) to allow for review by the Commission consistent with the provisions of SB 35 allowing for appropriate public oversight. Given the mandatory streamlined process, SB 35 does not anticipate or provide additional times for an appeal and no appeal can be accommodated within the time required for a final decision of this project. Therefore, the decision of the Commission shall be final and no appeal to the Board of Supervisors (Board) may occur.

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

Definition of Ministerial Projects: As discussed above, SB 35 requires qualifying projects be considered ministerial and non-discretionary.

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

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

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

Off-Street Parking: Chapter 130.35 of the Zoning Ordinance establishes off-street parking and loading requirements for all uses. However, projects consistent with the provisions of SB 35 cannot have parking standards imposed for the residential units when located within one-quarter mile of transit facilities. There is an El Dorado Transit stop located approximately 200 feet to the north of the project site (Pleasant Valley Road and Oro Lane). Therefore, under SB 35, no parking requirements can be imposed for the residential units. However, SB 35 does not provide a parking exemption for commercial uses. The required commercial parking spaces are outlined below and comply with Chapter 130.35. Moreover, in addition to the 37 required parking spaces for all proposed commercial uses, the applicant elected to provide an additional 183 off-street parking spaces to provide at least one parking space per residential unit. Parking requirements for commercial uses are shown in Table 2 below:

**Table 2. Required Off-Street Parking For Proposed Commercial Uses
 (From Table 130.35.030.1 – Schedule of Off-Street Vehicle Parking Requirements)**

Use	Parking Requirement	Site Parking Calculation	Spaces Required
Commercial Bldg #1	Restaurant - 1 per 300 sf of dining area	2,500 sf	8
	1 per 2 employees	8 employees	4
	1 per 300 sf outdoor seating in excess of 300 sf of outside use area (OUA)	300 sf OUA	1
	Office - General, 1 per 250 AUA	4,000 sf	16
	RV Parking - 1 per 20 spaces	29 spaces	2
Commercial Bldg #2	Bed and Breakfast Inn - 1 per guest room	6 rooms	6
Total Commercial Spaces Required			37
Total Commercial Spaces Provided			37
Remaining Spaces Available For Residential Units (approx. 1.2 spaces/unit)			183

ANALYSIS

Site Description: The project site consists of two adjacent parcels with a total of 8.2 acres, located on the south side of Pleasant Valley Road, approximately 600 feet west of the intersection with Koki Lane, in the community region of Diamond Springs and El Dorado. The project parcels are currently vacant and undeveloped. The site is characterized by 7.69 acres (93%) of oak woodland canopy with a small patch of annual grassland, and varying elevation ranges from 1,660 to 1,710 feet above sea level. The vegetation of the site consists of blue oak woodland and foothill pines with understory dominated by poison oak, shrubs, native, and nonnative grasses. Surrounding land uses include single-family residences to the south and west,

undeveloped commercial property on the east and Pleasant Valley Road/State Route 49 on the north (Exhibits B and C). EID will serve the project with potable water and sewer, which will be subject to annexation approval from EID's District Board of Directors and El Dorado County LAFCO. Access to the project site is proposed via a private driveway onto Koki Lane, a County maintained roadway, located along the eastern boundary of the site. An EVA is proposed from the north project boundary onto Pleasant Valley Road/State Route 49.

The project site has a split General Plan land use designation of Multifamily Residential (MFR) and Commercial (C). The same lands are also split-zoned with the site located in both the Residential, Multi-Unit (RM-DH) and Commercial, Mainstreet (CM-DH) zone districts, including a Design Review—Historic (-DH) combining zone (overlay) on both parcels (Exhibits E and F). Proposed multi-unit residential uses would be located on portion of the land zoned Multi-unit Residential (RM), consisting of the entire 2.3 acres of existing APN 331-221-032 and approximately 5.5 acres of existing APN 331-221-030. Proposed commercial uses would be located on the east and northwest sides of existing APN 331-221-030, on approximately 0.42 acres of land zoned Commercial Main Street (CM).

As proposed, the project consists of an integrated development with residential structures, internal circulation/parking and utility infrastructure crossing internal parcel boundaries. In order for the project to be consistent with required development standards (e.g. building setbacks from property lines), the project will be conditioned to merge both adjacent parcels prior to issuance of development permits. A parcel merge application (Lot Line Adjustment No. LLA-M20-0004) has been submitted and is in progress.

Project Description: Design Review Permit DR20-0001 is a request for an affordable, age-restricted community housing development consisting of a combination of both residential and commercial uses allowed by right in the Zoning Ordinance including 11 multi-unit residential buildings with a total of 149 rental units, a 7,500 square-foot commercial building with retail, office and restaurant space available for use by both residents and the general public, a 2,500 square foot bed and breakfast country inn, a 3,500 square foot community clubhouse, two swimming pools, a 500 square foot leasing office, 220 parking spaces, one 27.5 square-foot freestanding wooden sign at the entry driveway along Koki Lane, one 12 square-foot freestanding wooden sign at the clubhouse/pool, two 24 square-foot wall signs and approximately 2.3 acres of landscape/active recreation area as shown on the project site plan and architectural building elevations, Exhibits K and L. The proposed residential units will be age-restricted, as defined within California Civil Code Section 51.3 (senior citizen housing), and require that qualified residents be at least 55 years of age. For reference, a copy of this regulation can be found online at: https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV§ionNum=51.3. In addition, the residential units will also be deed-restricted to require at least 50% of the units to be affordable for households at or less than 80% of the Area Median Income (AMI) consistent with applicable provisions of SB 35. Primary access to the project site would be provided via a privately owned and maintained driveway to Koki Lane, a County maintained roadway. An Emergency Vehicle Access (EVA) is proposed via private driveway onto Pleasant Valley Road/State Route 49 north of the project site. The project will require LAFCO annexation into EID for public water and sewer service. Electric service will be provided by PG&E, utilizing existing PG&E infrastructure adjacent to the project site. Solid waste service

will be provided by the local County waste franchisee, El Dorado Disposal. Approximately 6.69 acres of oak woodland will be removed by the project, however, 0.91 acres of native oak woodland and seven existing Heritage Trees will be retained on site as shown on the preliminary landscape plan, Exhibit M. Proposed Oak Resources removal and retention will be consistent with all applicable standards in the County Oak Resources Management Plan (ORMP) and project-specific requirements in the project Oak Resources Technical Report (ORTR), dated March 2, 2020 (Exhibit N).

Building Design: The project is located in a Design Review-Historic (-DH) Combining zone, which requires discretionary development proposals for multi-family and commercial structures be designed consistent with the County's adopted Historic Design Guide (Design Guide). However, as the Design Guide, last revised on April 24, 2018, 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, consistency with the Design Guide is not required for SB 35-compliant proposals. Nevertheless, the applicant designed the exterior of the proposed buildings to be consistent with most elements of the Design Guide including Gold Rush Design features such as upper story porches, board and batten siding, gabled rooflines, multi-paned windows and native rock accents (Exhibit L).

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

Circulation: Primary access to the project site would be provided via a privately owned and maintained driveway to Koki Lane, a County maintained roadway. An EVA is proposed via private driveway onto Pleasant Valley Road/State Route 49 north of the project site. Both the County Department of Transportation (DOT) and the Diamond Springs and El Dorado Fire Protection District (Fire District) have reviewed the project plans and determined that, as proposed and conditioned, the project will be consistent with all applicable codes, standards and regulations for vehicular and emergency vehicle access and circulation. For details, please refer to project comments from DOT and the Fire District, attached as Exhibits P and Q.

Site Improvements: Proposed site improvements include grading, earth movement and minor retaining walls to accommodate the building pads, on-site private road improvements and underground installation of utilities including water, sewer and electric service. There will be an approximate cut of 6,700 cubic yards (cy) and an approximate fill of 14,400 cy of soil as shown

on the preliminary landscaping, grading and drainage plans (Exhibit M). Onsite drainage will be collected through drain inlets located throughout the proposed parking lot with storm pipes directing runoff to a storm detention device located under the proposed pickle ball court adjacent to the EVA.

CONSISTENCY ANALYSIS

SB 35: As proposed and conditioned, the project is consistent with all applicable qualifying criteria for the SB 35 streamlined ministerial approval process, as shown on the applicant's submitted SB 35 application checklist (Exhibit I). Qualifying criteria include the minimum number of multifamily housing units (2 or more units), unit income restrictions, urban infill requirements, zoning and General Plan consistency, consistency with applicable "objective zoning standards" as identified in the provisions of SB 35 and project location outside specific environmental resource areas identified in the provisions of SB 35 including but not limited to earthquake fault zones, hazardous waste sites, coastal zones and prime farmland. For additional details, please refer to the Findings section below.

General Plan: As proposed and conditioned, 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. (Multifamily Residential [MFR] and Commercial [C] land use designations), Policy 2.2.1.5 (building intensities), Policy 5.2.1.2 (adequate quantity and quality of water for all uses, including fire protection), Policy 6.2.3.2 (adequate access for emergencies), Policies 6.5.1.2, 6.5.1.3 and 6.5.1.11 (acceptable noise levels), and Policy 7.4.4.4 (impacts to oak resources). Further, the project was found consistent with Transportation and Circulation Element Policies TC-Xa through TC-Xi (roadway levels of service and roadway improvement requirements/impact fees for new development). Additionally, the project was deemed consistent with Economic Development Policy 10.2.1.5 (public facilities and services financing plan).

In addition, the project was also deemed consistent with applicable Housing Element Policies HO-1.5 (directs higher density development to Community Regions or Rural Centers), HO-1.6 (encourage affordable housing for low income households), HO-1.7 (priority permit processing for low and very low income households) and HO-1.18 (incentivize private development of affordable housing). For additional details, please refer to the Findings section below.

Zoning Ordinance: Staff has determined that the project, as proposed and conditioned, is consistent with all applicable objective development and design standards of 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, Section 130.22.020 (Commercial Zones Use Matrix), Chapter 130.22.030 (Commercial Zones Development Standards) including building setbacks, building height and floor area ratio, Chapter 130.36 (Signs), Chapter 130.33 (Landscaping Standards), Chapter 130.34 (Outdoor Lighting), 130.37 (Noise Standards) and Chapter 130.39 (Oak Resources Conservation). Further details are discussed in the Findings section below.

PUBLIC AND AGENCY REVIEW

Public outreach: No formal public outreach was conducted, and a public outreach plan was not required for this project pursuant to the Zoning Ordinance or pursuant to the provisions of SB 35. However, the project was duly noticed for a Commission hearing with a public notification range of 500 feet radius from the property lines and a legal notice was published in applicable local newspapers. In addition, project notification was also sent to the Commission's agenda email subscription list. No physical sign posting is required for Design Review Permits.

Public and agency comments: The project was distributed to all applicable local, County and state agencies, committees and commissions for review and comment. Comments were received from EID, County DOT, Fire District, PG&E, the County Air Quality Management District (AQMD), the County Environmental Management Division, the County's Housing, Community and Economic Development (HCED) Programs Analyst, the Diamond Springs and El Dorado Community Advisory Committee (CAC) and the County Surveyor's office. With the exception of the CAC, none of these agencies expressed any site-specific issues or concerns regarding this project and these agencies recommended standard conditions of approval which have been incorporated into the project. CAC advisory-only comments are discussed below.

Comments from CAC: Section 130.52.030(C) (Design Review Committee) requires discretionary projects located within a Design Review Combining Zone, with an established design review committee, be reviewed by that designated committee for conformance to adopted design standards or guidelines, as applicable, and said committee shall submit appropriate design-related recommendations to applicable decision-makers prior to final action on the project. The project is located within a Design Review -Historic (-DH) Combining Zone and a typical, non SB 35, discretionary project would be submitted to the CAC for review and advisory comments regarding project consistency with the County's Design Guide. However, as the Design Guide, last revised on April 24, 2018, does not contain objective design standards (e.g. building setbacks, specific color palette or exterior building treatment options) but subjective design recommendations based on photographic and descriptive examples, CAC advisory recommendations are not required for this application. Nevertheless, the County distributed the project plans to individual CAC members for review and comment in early June, 2020. One CAC member submitted advisory-only comments on June 15, 2020 regarding use of the project's EVA driveway (Exhibit R).

Comments from the Dorado Woods Homeowner's Association: For purposes of transparency and public oversight, development project information is posted on the County's online project and permit information permitting system webpage (<https://edc-trk.aspgov.com/etrakit/Search/project.aspx>) within a few days of application submittal. During the week of April 27, 2020, copies of the application packet, including the proposed site plan and proposed building elevations, were posted to the eTRAKiT webpage for access by the public and interested parties. In May and early June, 2020, the president of the Dorado Woods Homeowner's Association (HOA), representing several homeowners adjacent to the project's south boundary, accessed online project plans and submitted comments on June 6, 2020 (Exhibit S). HOA comments included requests for copies of updated project plans and to include the HOA in future correspondence/notifications regarding the project. During the week of June 8, 2020, staff contacted the HOA president and confirmed his access to current project

information. The HOA has since been included in all public notices for the project.

Comments from Local Native American Tribes (AB 52 Consultation)

Although exempt from CEQA and thereby exempt from the requirements of AB 52, separate notifications were sent to all applicable native tribes as required by AB52 including the Ione Band of Miwuk Indians, the Nashville-El Dorado Miwok Indians, the Shingle Springs Band of Miwok Indians (SSBMI), the T'si-Akim Maidu Tribe, the Washoe Tribe of Nevada and California, the Wilton Rancheria, the United Auburn Indian Community of the Auburn Rancheria (Auburn Rancheria), the El Dorado County Wopumnes Nisenan-Mewuk Nation and the Colfax-Todds Valley Consolidated Tribe. After distribution, only one tribal organization, SSBMI requested consultation regarding this project. The project's Cultural Resources Study was submitted to the SSBMI on May 25, 2020 and the SSBMI confirmed receipt of this document on July 17, 2020. After discussions with the SSBMI cultural resources representative, the SSBMI concluded consultation on July 20, 2020. While no Tribal Cultural Resources (TCRs) have been identified on the project parcel to date, the SSBMI recommended two conditions of approval to ensure any inadvertent discovery of TCRs will be addressed appropriately. SSBMI recommendations have been incorporated into the project as Conditions of Approval No. 7 and 8, which are typical conditions imposed on projects that include ground disturbance.

In May 2007, an intensive cultural resources study was conducted on the project site by Historic Resource Associates for the prior project. The study performed intensive investigation for significant prehistoric or historic archaeological sites, features, or artifacts. As discussed above, the study found no evidence of TCRs on or adjacent to the project site. Although discovery of TCRs is highly unlikely during site development, standard conditions of approval have been incorporated into the project, as previously discussed, in the event any resources are inadvertently found on site during project construction or operation.

CONDITIONS OF APPROVAL

Of the commenting agencies that reviewed the project, several County agencies, departments or programs recommended standard conditions of approval which have been incorporated into the project as follows: DOT (Conditions No. 14 through 20 regarding encroachment and road improvement standards for new construction), HCED (Conditions No. 21 through 23 regarding SB 35 documentation of low income housing and construction worker wage requirements), the County Surveyor's office (Conditions No. 24 through 26 regarding project addressing and site mapping requirements), the Environmental Management Division (Conditions No. 27 through 35 regarding regulations for food service facilities, disposal and treatment of hazardous materials and storage/disposal of solid waste), the County AQMD (Conditions No. 36 through 43 regarding regulations to reduce or eliminate mobile and point sources of toxic emissions), the El Dorado LAFCO (Condition No. 44 regarding annexation of the project site into the EID service area), EID (Conditions No. 45 through 48 regarding requirements to establish water and sewer service) and the Fire District (Conditions No. 49 through 73 regarding regulations to protect public safety and prevent or reduce damage to proposed structures as a result of wildland or structure fires).

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.....	Location Map
Exhibit C.....	Site Aerial Photo
Exhibit D.....	Assessor’s Parcel Map
Exhibit E.....	General Plan Land Use Map
Exhibit F.....	Zoning Map
Exhibit G.....	SB 35 Bill Text (Gov. Code Section 65913.4)
Exhibit H.....	2019 El Dorado County Regional Housing Needs Allocation (RHNA)
Exhibit I.....	Applicant’s SB 35 Eligibility Checklist
Exhibit J.....	Executed SB 35 Time Extension Agreement
Exhibit K.....	Project Site Plan
Exhibit L.....	Architectural Building Elevations
Exhibit M.....	Preliminary Landscape, Grading and Drainage Plans
Exhibit N.....	Oak Resources Technical Report
Exhibit O.....	Preliminary Lighting Plan
Exhibit P.....	Department of Transportation Comments
Exhibit Q.....	Diamond Springs and El Dorado Fire District Comments
Exhibit R.....	Diamond Springs and El Dorado Community Advisory Committee Comments (R. Pesses), June 15, 2020
Exhibit S.....	Dorado Woods Homeowner’s Association Comments, June 6, 2020
Exhibit T.....	El Dorado Irrigation District Facility Improvement Letter (FIL), August 8, 2018
Exhibit U.....	Preliminary Signage Plan
Exhibit V.....	Project Noise Assessment
Exhibit W.....	Housing, Community and Economic Development (HCED) Program Comments
Exhibit X.....	2010 U.S. Census Bureau Urbanized Area Reference Map
Exhibit Y.....	Project Biological Resources Evaluation, May 22, 2020