

## **Findings**

### **1.0 CEQA FINDINGS**

- 1.1 This project has been found to be Statutorily Exempt from the requirements of CEQA pursuant to Section 15268, Ministerial Projects. As discussed in the findings below the project has been found to be consistent with the requirements set forth in California Senate Bill 35 (SB 35) making the project ministerial. The project proposes the construction and operation of a senior living village including 149 multifamily residential units, two commercial buildings, a community club house/leasing office and associated parking and facilities.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Building Department, Planning Services Division, at 2850 Fairlane Court, Placerville, CA, 95667.

### **2.0 GENERAL PLAN FINDINGS**

#### **2.1 The project is consistent with General Plan Policy 2.2.1.2.**

The site is designated under the General Plan as both Multifamily Residential (MFR) and Commercial (C). The MFR land use designation identifies those areas suitable for high-density, single family, and multifamily design concepts such as apartments, single-family attached dwelling units, and small-lot single-family detached dwellings. Lands identified as MFR shall be in locations with the highest degree of access to transportation facilities, shopping and services, employment, recreation, and other public facilities. The minimum allowed density is five dwelling units per acre, with a maximum density of 24 dwelling units per acre. Except as provided in Policy 2.2.2.3, this designation is considered appropriate only within Community Regions and Rural Centers. The Commercial (C) land use designation identifies those areas suitable for full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. This designation is considered appropriate within Community Regions, Rural Centers and Rural Regions.

**Rationale:** The project is consistent with both the MFR and Commercial (C) General Plan land use designations as mapped on the project parcel (Exhibit E). The project proposes the construction of a 149-unit residential apartment complex within the central portion of the project parcel, designated MFR. The MFR General Plan land use designation permits a density range of 5 dwelling units to 24 dwelling units per acre. The project site is 8.2 acres and therefore, the project would be at a net MFR density of 18.17 dwelling units per acre, consistent with the prescribed density for the MFR land use designation. The site is within the Diamond Springs and El Dorado Community Region of the county, with access to public infrastructure and

community services to serve the project consistent with the requirements of this policy.

Further, the project is also consistent with the Commercial (C) land use designation, as mapped on both the east and northwest corners of the project parcel (Exhibit E). On the Commercial designated areas, the project proposes two commercial buildings with uses including a restaurant, bed and breakfast hotel, offices and retail space. The commercial buildings will serve both the residents of the senior living facility and surrounding local community.

## **2.2 The project is consistent with General Plan Policy 2.2.1.5.**

General Plan Policy 2.2.1.5 requires uses within the Commercial (C) land use designation maintain a maximum Floor Area Ratio (FAR) (ratio of building square footage to lot square footage) of 0.85. This policy does not require a FAR analysis for residential uses.

Rationale: The western Commercial-designated portion of the project parcel contains consists of approximately 11,780 square feet of land area and the proposed structure (proposed commercial building No. 1) contains approximately 7,500 square feet, providing for a FAR of 0.64. The eastern Commercial-designated portion of the project parcel contains consists of approximately 6,390 square feet of land area and the proposed structure (proposed commercial building No. 2) contains approximately 2,500 square feet, providing for a FAR of 0.39. Therefore, the project is consistent with this policy.

## **2.3 The project is consistent with General Plan Policy 5.2.1.2.**

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided for with discretionary development.

Rationale: This policy is only applied to discretionary development, and would not typically pertain to streamlined SB 35 ministerial housing projects. Nevertheless, in the public interest of both the County and applicant, the project was reviewed by the Diamond Springs El Dorado Fire Protection District (Fire District) and the water purveyor, the El Dorado Irrigation District (EID), for adequate water and wastewater capacity to serve the needs of the project. The applicants propose to connect to existing water and wastewater service from EID. EID has indicated, upon annexation of the project site into the EID service area, that there would be sufficient water and sewer capacity to serve the project, as documented by an EID Facility Improvement Letter (FIL) (Exhibit T) dated August 8, 2018. The project would be served by EID public water and wastewater services and water and wastewater infrastructure is currently located under the rights-

of-way for both Pleasant Valley Road and Koki Lane; therefore, an extension of facilities of adequate size must be constructed for the project to receive service. The FIL letter also indicated that the property is not within the EID's district boundary and will require annexation before service can be obtained.

Although outside EID's district the project site is within EID's sphere of influence; therefore, the project will require El Dorado Local Agency Formation Commission (LAFCO) approval for annexation into EID prior to receiving water and/or sewer services from EID. The project will not exceed the service abilities of the facilities and utilities in the area. The development would be required to improve and connect to these infrastructures in order to obtain the service. Facility Improvement Plans, which details the necessary facility improvements for the project, would be required subject to review and approval by EID. An EID meter award letter would be required as proof of rights to these services prior to issuance of building permit. As part of current development practices and as required by project conditions of approval by both the Fire District and EID, fire suppression standards and design will be coordinated between the Fire District and EID prior to issuance of a building permit.

**2.4 The project is consistent with General Plan Policy 6.2.3.2.**

Policy 6.2.3.2, Adequate Access for Emergencies, requires that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Rationale: The County Department of Transportation (DOT) and the Fire District reviewed the application materials and site plan for adequate access for emergencies. The project was required to address the adequacy of vehicle parking for anticipated demand, vehicle types, and zoning requirements. As proposed and conditioned, both DOT and the Fire District determined that the project would allow for adequate on-site access, circulation and required turning capacity for fire trucks and other emergency vehicles. The Fire District review of plans associated with future building permit(s) would ensure compliance with these standards. Further, to ensure ongoing compliance with state Fire Safe Regulations for wildland fire prevention, including adequate emergency vehicle access in perpetuity, the Fire District conditioned the project to develop and implement a Fire District-approved Wildland Fire Safe Plan prior to issuance of a building permit. The project is consistent with this policy.

**2.5 This project is consistent with General Plan Policies 6.5.1.2, 6.5.1.3 and 6.5.1.11.**

These policies require noise generated from new uses comply with the performance standards of Table 6-2 (Noise Level Performance Protection Standards for Noise Sensitive Land Uses Affected by Non-Transportation Noise Sources) and also require noise-generating construction activities be limited to between the hours of 7:00 am and 7:00 pm Monday through Friday and between 8:00 am to 8:00 pm on weekends and on federally-recognized holidays.

Rationale: The project will be conditioned to incorporate noise-reduction design components to shield excess noise produced from roof-mounted mechanical equipment (HVAC units) consistent with the noise mitigation requirements of Policies 6.5.1.2 and 6.5.1.3. Further, to ensure construction noise levels remain below the thresholds specified in Table 6-2, the project has been conditioned to limit construction noise to the hours specified in Policy 6.5.1.11. The project will be consistent with these policies.

**2.6 This project is consistent with General Plan Policy 7.4.4.4.**

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

Rationale: The project includes the removal of 6.69 acres of native oak woodland. Approximately 0.91 acres of native oak woodland and seven Heritage Trees will be retained along the east and southwest parcel boundaries. Both removal and retention of Oak Resources will be consistent with all applicable standards found in the ORMP. The ORMP allows for an exemption of mitigation fees for Affordable Housing Projects based upon the percent of low-income and very low-income affordable housing units. As the project is proposing 50 percent of units to be made affordable to low-income and very low-income families, the initial mitigation ratio of 2:1 (for existing oak woodland at or greater than 75 percent of the project parcel) is reduced by half, resulting in a 1:1 mitigation ratio for the project. Applicable in-lieu mitigation fees for oak woodland removal will be collected prior to building and grading permit issuance.

2.7 **The project is consistent with General Plan Policy TC-Xa.**

Except as otherwise provided, the following TC-Xa policies shall remain in effect indefinitely, unless amended by voters:

- (1) Traffic from residential development projects of five or more units or parcels of land shall not result in, or worsen, Level of Service F (gridlock, stop-and-go) traffic congestion during weekday, peak-hour periods on any highway, road, interchange or intersection in the unincorporated areas of the county.

Rationale: The project will not worsen traffic, as defined by General Plan Policy TC-Xe. Traffic Impact Mitigation (TIM) fees will be assessed by the County of the Developer. The project Traffic Engineer (Kimley- Horn and Associates) provided El Dorado County a memo demonstrating the project would not contribute more than 10 peak hour trips at the most critical intersection, the intersection of SR49 and Pleasant Valley Road.

- (2) The County shall not add any additional segments of U.S. Highway 50, or any other highways and roads, to the County's list of roads from the original Table TC-2 of the 2004 General Plan that are allowed to operate at Level of Service F without first getting the voter's approval.

Rationale: This is not applicable as the Project is not requesting any modifications to Table TC-2.

- (3) intentionally blank (Resolution 125-2019, August 6, 2019)
- (4) intentionally blank (Resolution 159-2017, October 24, 2017)
- (5) The County shall not create an Infrastructure Financing District unless allowed by a 2/3rds majority vote of the people within that district.

Rationale: This provision is not applicable as the Project is not requesting the County create an Infrastructure Financing District.

- (6) intentionally blank as noted in the General Plan.
- (7) Before giving approval of any kind to a residential development project of five or more units or parcels of land, the County shall make a finding that the project complies with the policies above. If this finding cannot be made, then the County shall not approve the project in order to protect the public's health and safety as provided by state law to assure that safe and adequate roads and highways are in place as such development occurs.

Rationale: The project complies with General Plan Policy TC-Xa.

**2.8 The project is consistent with General Plan Policy TC-Xb**

To ensure that potential development in the County does not exceed available roadway capacity, the County shall:

A. Every year prepare an annual Capital Improvement Program (CIP) specifying expenditures for roadway improvements within the next 10 years. At least every five years prepare a CIP specifying expenditures for roadway improvements within the next 20 years. Each plan shall contain identification of funding sources sufficient to develop the improvements identified;

B. At least every five years, prepare a TIM Fee Program specifying roadway improvements to be completed within the next 20 years to ensure compliance with all applicable level of service and other standards in this plan; and

C. Annually monitor traffic volumes on the county's major roadway system depicted in Figure TC-1.

Rationale: This policy is not applicable as this policy refers to the County preparing a CIP, preparing a TIM Fee Program, and monitoring traffic volumes.

**2.9 The project is consistent with General Plan Policy TC-Xc**

Developer paid traffic impact fees combined with any other available funds shall fully pay for building all necessary road capacity improvements to fully offset and mitigate all direct and cumulative traffic impacts from new development during peak hours upon any highways, arterial roads and their intersections during weekday, peak-hour periods in unincorporated areas of the county. (Resolution 201-2018, September 25, 2018)

Rationale: This policy is not applicable as this policy directs how the County will pay for building the necessary road capacity.

**2.10 The project is consistent with General Plan Policy TC-Xd**

Level of Service (LOS) for County-maintained roads and state highways within the unincorporated areas of the county shall not be worse than LOS E in the Community Regions or LOS D in the Rural Centers and Rural Regions except as specified in Table TC-2. The volume to capacity ratio of the roadway segments listed in Table TC-2 shall not exceed the ratio specified in that table. Level of Service will be as defined in the latest edition of the Highway Capacity Manual (Transportation Research Board, National Research Council) and calculated using the methodologies contained in that manual. Analysis periods shall be based on the professional judgement of DOT which shall consider periods including, but not limited to, Weekday Average Daily Traffic (ADT), AM Peak Hour, and PM Peak hour traffic volumes.

Rationale: This project is located in the Diamond Springs/El Dorado Community Region. The Level of Service threshold is E. Per the Kimley-Horn and Associates Memo and Traffic Study, the project will not worsen (as defined by General Plan Policy TC-Xe) Level of Service (LOS) for any county- maintained road or state highway.

#### 2.11 **The project is consistent with General Plan Policy TC-Xe**

For the purposes of this Transportation and Circulation Element, “worsen” is defined as any of the following number of project trips using a road facility at the time of issuance of a use and occupancy permit for the development project:

- A. A 2 percent increase in traffic during the a.m. peak hour, p.m. peak hour, or daily, or
- B. The addition of 100 or more daily trips, or
- C. The addition of 10 or more trips during the a.m. peak hour or the p.m. peak hour.

Rationale: A technical memo from traffic consultant Kimley-Horn and Associates (KHA) dated March 11, 2020, addressed trip generation from the project and offered discussion about traffic impacts identified in prior versions of a traffic study for a similar, now withdrawn, project on the same site (CUP18-0011) in light of the new trip generation. The project, as proposed, will not “worsen” the most critical intersection in the affected area, and is therefore consistent with this policy.

#### 2.12 **The project is consistent with General Plan Policy TC-Xf**

At the time of approval of a tentative map for a single family residential subdivision of five or more parcels that worsens (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain LOS standards detailed in this Transportation and Circulation Element based on existing traffic plus traffic generated from the development plus forecasted traffic growth at 10-years from project submittal; or (2) ensure the commencement of construction of the necessary road improvements are included in the County’s 10-year CIP.

For all other discretionary projects that worsen (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain LOS standards detailed in this Transportation and Circulation Element; or (2) ensure the construction of the necessary road improvements are included in the County’s 20-year CIP.

Rationale: The project will not worsen traffic on the County road system.

**2.13 The project is consistent with General Plan Policy TC-Xg**

Each development project shall dedicate right-of-way, design and construct or fund any improvements necessary to mitigate the effects of traffic from the project. The County shall require an analysis of impacts of traffic from the development project, including impacts from truck traffic, and require dedication of needed right-of-way and construction of road facilities as a condition of the development. This policy shall remain in effect indefinitely unless amended by voters.

Rationale: This policy is not applicable as this project does not worsen traffic conditions.

**2.14 The project is consistent with General Plan Policy TC-Xh**

All subdivisions shall be conditioned to pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision.

Rationale: This project will pay TIM fees at the time a building permit is issued.

The Developer may elect to apply for the TIM Fee Offset Program for Affordable Housing.

Resolution 095-2020 of the Board of Supervisors of El Dorado County states “Applicants shall pay the TIM Fee rate in effect at the time of building permit issuance or at the time of approval of an application for a change in the use of a building or property as provided in County Code Chapter 12.28 and the TIM Fee Administration Manual.”

**2.15 The project is consistent with General Plan Policy TC-Xi**

The planning for the widening of U.S. Highway 50, consistent with the policies of this General Plan, shall be a priority of the County. The County shall coordinate with other affected agencies, such as the City of Folsom, the County of Sacramento, and Sacramento Area Council of Governments (SACOG) to ensure that U.S. Highway 50 capacity enhancing projects are coordinated with these agencies with the goal of delivering these projects on a schedule agreed to by related regional agencies.

Rationale: This policy is not applicable to the project as it is direction to the County to coordinate with other agencies.

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

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

Rationale: The project site has a MFR General Plan Designation which allows for



higher-density multi-unit residential development. The MFR land use designation permits a density range of 5 dwelling units to 24 dwelling units per acre. The project site is 8.2 acres. The proposed project would be at a net density of 18.17 dwelling units per acre, which meets the prescribed gross density for the Multifamily MFR Land Use Designation of the General Plan. The project site is within the Community Region of El Dorado and Diamond Springs.

**2.17 The project is consistent with General Plan Policy HO-1.6.**

This policy directs the County to encourage new or substantially rehabilitated discretionary residential developments to provide for housing that is affordable to low, very low and moderate income households.

Rationale: The project incorporates deed restrictions to ensure at least 50 percent of the housing units are available for households with low to very low household incomes.

**2.18 The project is consistent with General Plan Policy HO-1.7.**

This policy requires the County give highest priority for permit processing to development projects that provided housing affordable to very low- or low-income households.

Rationale: This project is being processed at the highest priority as it will provide affordable housing for low- and very low- income households.

**2.19 The project is consistent with General Plan Policy 10.2.1.5.**

Policy 10.2.1.5 directs that a public facilities and services financing plan that assures that costs burdens of any civic, public, and community facilities, infrastructure, ongoing services, including operations and maintenance necessitated by a development proposal, as defined below, are adequately financed to assure no net cost burden to existing residents may be required with the following development applications:

- A. Specific plans; and
- B. All residential, commercial, and industrial projects located within a Community Region or Rural Center which exceed the following thresholds:
  - 1. Residential.....50 units
  - 2. Commercial.....20 acres or 100,000 square feet
  - 3. Industrial.....20 acres or 250,000 square feet

Rationale: Although the residential component of the project exceeds the residential

50-unit threshold, the County Board of Supervisors amended Policy 10.2.1.5 on December 15, 2015, changing the language of the first paragraph of this policy from “shall be submitted” to “may be required.” Therefore, implementation of this policy was made voluntary and submittal of a public facilities and services financing plan is subject to the discretion of the County. As SB 35 projects are considered ministerial and non-discretionary, they may only be subject to compliance with existing “objective design standards” adopted by a local agency by ordinance or resolution. Therefore, although the applicant may elect to submit a public facilities and services financing plan, the applicant is not mandated to submit such a plan. To date, no plan has been submitted to the County, however, since this project is non-discretionary, the project maintains consistency with this policy.

### **3.0 ZONING FINDINGS**

#### **3.1 The proposed use is consistent with the Zoning Ordinance (Title 130 of the County Ordinance Code).**

The project site is zoned Multi-unit Residential (RM) and Commercial Main Street (CM) with combined zoning of Design Review—Historic (-DH). The project has been found consistent with the allowed uses and applicable objective development and design standards of Title 130 as more fully outlined below.

#### **3.2 The project is consistent with Sections 130.22.030 and 130.24.030 (Commercial and Residential Zone Development Standards)**

Rationale: The project has been analyzed in accordance with the site development standards for building height and minimum building setbacks. The maximum building height in both the RM and CM base zone is 50 feet. The project proposes two-story buildings throughout the site with the center portion of one apartment building (building No. 9) three-stories in height, which would be a maximum height of 37.5 feet. Standard setbacks for building structures within the RM zone are 20 feet for the front setback, five feet for the side setback, and 10 feet for the rear setback. Standard setbacks for building structures within the CM zone range from zero feet to a maximum of 10 feet for the front setback, five feet for the side setback, and 10 feet for the rear setback. According to the project site plan (Exhibit K), all proposed structures would meet these requirements. The proposed uses and structures are consistent with all applicable development standards.

**3.3 The project is consistent with Tables 130.24.020 and 130.22.020 (Allowed Uses Matrices for Residential and Commercial Zones).**

Zoning Ordinance Tables 130.22.020 and 130.24.020 prescribe allowed uses and permit requirements for both the Main Street CM and the RM Zone District.

Rationale: The project site consists of two parcels. APN 331-221-30 has a split zoning of CM-DH (a small portion adjacent to the east and west property boundaries) and RM-DH. APN 331-221-32 is entirely zoned RM-DH. The majority of the project site is zoned RM-DH, and as indicated in Table 130.24.020 - Residential Zone Use Matrix, multi-unit residential uses are allowed by right (P) in the RM zone. In Table 130.22.030 - Matrix of Allowed [Commercial] Uses, retail, restaurant and bed and breakfast lodging facilities are allowed by right (P) in the Main Street CM zone.

**3.4 The project is consistent with Chapter 130.33: Landscaping Standards.**

Chapter 130.33 provides objective standards for landscaping plans including plant types and sizes, landscaped buffer areas and parking area shade requirements. In addition, the County adopted the 2015 California Model Water Efficiency Landscape Ordinance (MWELo) on August 27, 2019 as an additional requirement to ensure submitted landscape plans comply with the objective water conservation standards found in the MWELo.

Rationale: The preliminary landscape plan (Exhibit M) demonstrates project consistency with the objective landscaping standards in both Chapter 130.33 and the MWELo. As conditioned, final landscape 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.

**3.2 The project is consistent with Chapter 130.34: Outdoor Lighting.**

Chapter 130.34 (Outdoor Lighting) of the Zoning Ordinance identifies standards for the elimination of excess nighttime light and glare.

Rationale: The applicant prepared a photometric study in addition to a preliminary lighting plan (Exhibit O). As submitted, proposed light fixtures would be adequately shielded and consistent with all applicable provisions of Chapter 130.34. To ensure submitted building permit plans are consistent with project approval, condition of Approval No. 4 (Lighting) has been imposed to ensure final submitted lighting plans remain consistent with the ordinance.

### 3.3 **The project is consistent with Chapter 130.36: Signs.**

Chapter 130.36 (Signs) provides parcel-specific requirements for sign location, size, number, type and design based on location within the County and based on the individual zone district(s) of each parcel. Both Table 130.36.070.1a (Community Region Area Signage Standards for Permanent On-Site Signs - Residential and Agricultural Zone Districts) and Table 130.36.070.1b (Community Region Area Signage Standards for Permanent On-Site Signs - Commercial Zone Districts) summarize allowed sign types, number and sizes as allowed in various zone districts within Community Regions. According to these tables, one freestanding sign may be permitted in the RM zone district, limited to 12 square feet in size and up to eight feet in height. Further, both building-attached and freestanding signs are allowed in the CM zone district, however, sign sizes are limited to a maximum of 50 square feet per commercial establishment. Freestanding signs are also allowed in the CM zone district, limited to one sign per street frontage, with maximum heights and individual sign sizes based on the number of street frontages (80 square foot maximum area and 20 foot maximum height for the primary frontage and 40 square foot and 10 foot maximum height for additional street frontage(s)).

Rationale: As proposed and conditioned, project signs will be consistent with all applicable provisions of Chapter 130.36, including Table 130.36.070.1a (Community Region Area Signage Standards for Permanent On-Site Signs - Residential and Agricultural Zone Districts) and Table 130.36.070.1b (Community Region Area Signage Standards for Permanent On-Site Signs - Commercial Zone Districts). While the proposed sign sizes, design features and general sign locations are indicated on the preliminary sign plan (Exhibit U), the precise sign locations are not shown on the project plans. However, the project has been conditioned to require all future sign submittals comply with all applicable development standards and limitations for signs in both the RM and CM zone districts. As indicated on the preliminary sign plan, a 12 square foot freestanding sign will be located near the proposed clubhouse (within the RM zone district), a second 27.5 square foot freestanding sign will be located at the main entrance driveway near Koki Lane (within the CM zone district), and both commercial buildings will contain wall signs with approximately 24 square feet each, in compliance with the development standards for the CM zone district.

### 3.5 **The project is consistent with Chapter 130.37: Noise Standards.**

Chapter 130.37, Noise Standards, requires that noise created by new proposed non-transportation noise sources be mitigated so as not to exceed the noise level standards of Table 130.37.060.1 for noise-sensitive uses.

Rationale: Noise generated during project construction and operation will overall remain below the thresholds established in Table 130.37.060.1. However, the noise from both commercial mechanical equipment (HVAC units) and project construction could potentially exceed these thresholds. To ensure such noise sources remain below the criteria in Table 130.37.060.1, the project will be required to implement noise reduction measures for commercial mechanical equipment and project construction, included as conditions of approval No. 9 and 10, as specified on pages 22 and 24 of the project's Environmental Noise Assessment (Exhibit V). As proposed and conditioned, the noise associated with the project would not exceed the noise level standards of Table 130.37.060.

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

Chapter 130.39 of the Zoning Ordinance incorporates the provision of the ORMP and establishes conservation and mitigation measures for impacts to Oak Resources on all privately-owned lands within the unincorporated area of the County at or below the elevation of 4,000 feet where Oak Resources are present.

Rationale: The project includes the removal of 6.69 acres of native oak woodland, on-site retention of 0.91 acres of oak woodland and retention of seven Heritage Trees. The ORMP allows for the removal of Oak Resources with applicable mitigation measures. The project would protect on-site Oak Resources to be retained and also mitigate for the proposed removal of oak woodland via payment of the in-lieu fees identified in the ORMP. To ensure compliance with all applicable provisions of Chapter 130.39, the project has been conditioned to comply with all recommended tree protection measures described in the project's Oak Resources Technical Report (ORTR) (Exhibit N). As specified in the ORTR, in-lieu mitigation fees for oak woodland to be removed for affordable housing projects shall be calculated at a mitigation ratio of 1:1, consistent with ORMP mitigation reductions for affordable housing. In-lieu mitigation fees shall be paid at the then-current oak woodland mitigation rate per acre, (currently \$8,285/acre) for the 6.69 acres of oak woodland removed. Said mitigation fees shall be submitted to the Planning Division prior to issuance of a building or grading permit as indicated by Condition of Approval No. 12.

## **4.0 SENATE BILL 35 FINDINGS**

### **4.1 Has the California Department of Housing and Community Development (HCD) determined that the local agency is subject to SB 35?**

Rationale: The local agency (El Dorado County) has been determined to be subject to SB 35 by the HCD (Exhibit W).

**4.2 Is the project a multifamily housing development (2 or more units)?**

Rationale: The project is a multiunit residential development consisting of 149 attached residential units.

**4.3 Has the applicant dedicated the applicable minimum percentage (50%) of units in the project to households making below 80% of the area median income (AMI)?**

Rationale: The project will restrict a minimum of 75 units (50% of the total units) to very-low and low- income tenants earning at or below 80% of the AMI.

**4.4 Does at least 75% of the perimeter of the site adjoin parcels currently or formerly developed with “urban uses”?**

Rationale: SB 35 refers to “urban uses” as any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses. With the exception of parcels to the northeast, all parcels on the perimeter of the project site have been developed with detached single family residences. Parcels on the northeast have been developed with commercial uses, including retail and offices. All surrounding parcels are within the El Dorado-Diamond Springs Community Region and within the Placerville-Diamond Springs Urban Cluster (Exhibit X). Therefore, as defined by SB 35, the project is surrounded on all sides by urban uses.

**4.5 If the site is in an unincorporated area, is the parcel entirely within the boundaries of an “urbanized area” or “urban cluster”?**

Rationale: The Census Bureau defines “urbanized areas” as areas of 50,000 or more people and “urban clusters” as an area of at least 2,500 people and less than 50,000 people. “Rural” areas encompass all population, housing, and territory not included within an urban area or cluster. The project site is located entirely within the Placerville-Diamond Springs Urban Cluster (Exhibit X).

**4.6 Does the site have either zoning or a general plan designation that allows for residential use or a combination of residential and commercial uses?**

Rationale: The project parcel contains split General Plan land use and zone district designations. The General Plan Land Use Map designates the parcel as both Multifamily Residential (MFR) and Commercial (C) (Exhibit E). The parcel also contains corresponding split zoning designations of Multi-unit Residential (MR) and Commercial, Main Street (CM) with a Design Review -Historic (-DH) Combining Zone (RM-DH and CM-DH) (Exhibit F).

The proposed residential units will be located entirely within the portion of the project site designated in the General Plan as MFR and zoned as RM. The residential component of the project will comprise more than two-thirds of the project square footage as required under the provisions of SB 35. Multi-unit residential uses are consistent with the MFR General Plan land use designation and allowed by right in the RM-DH zone district.

The proposed commercial structures/uses will be located entirely within the portions of the project site designated in the General Plan as Commercial (C) and zoned as Commercial, Mainstreet (CM). The proposed commercial structures/uses are consistent with the Commercial (C) General Plan land use designation and allowed by right within the CM-DH zone district.

The project site allows both residential and commercial uses and the project is therefore consistent with this requirement.

**4.7 Does the project not involve a subdivision of land?**

Rationale: The project does not involve the subdivision of land.

**4.8 Does the project meet density requirements, “objective zoning standards,” and “objective design review standards”?**

Rationale: The MFR land use designation (Exhibit E) has a minimum density requirement of five units per acre and a maximum density requirement of 24 units per acre. The project meets these standards, proposing 18.17 units per acre. As proposed and conditioned, all residential and commercial structures meet applicable objective development and design standards as more fully described in the above General Plan, Zoning and SB 35 Findings.

**4.9 Is the project outside of the following area?**

**a. Coastal zone**

Rationale: The project is not located within a coastal zone.

**b. Prime farmland or farmland of statewide importance**

Rationale: The project is not located on prime farmland or farmland of statewide importance as mapped by the California Department of Conservation (California Department of Conservation, Important Farmland Finder,

<https://maps.conservation.ca.gov/DLRP/CIFF/>, last accessed July 21, 2020).

**c. Wetlands as defined under Federal law**

Rationale: Sycamore Environmental Consultants completed a Biological Resources Evaluation (BRE) on June 2018 and summarized their findings on May 22, 2020 (Exhibit Y). No wetlands were identified on the project site. Therefore, the project would not encroach into or impact any wetlands as defined under Federal law.

**d. Earthquake fault zone**

Rationale: According to the California Department of Conservation of Mines and Geology there are no Alquist-Priolo fault zones within the west slope of El Dorado County, which includes the project. The project is not within a fault zone.

**e. High or very high fire hazard severity zones**

Rationale: The project is located within a moderate fire hazard zone.

**f. Hazardous waste site**

Rationale: The project site is not listed on, or in proximity to, hazardous materials sites pursuant to Government Code section 35962.5.

**g. Federal Emergency Management Agency (FEMA) designated flood plain or floodway**

Rationale: The project parcel is located within flood zone X (areas not located within a 100-year floodplain) and is not within any FEMA designated flood plain or floodway.

**h. Protected species habitat**

Rationale: The project is not within any protected species habitat identified by the El Dorado County General Plan Draft Environmental Impact Report. Additionally, Sycamore Environmental Consultants (Sycamore) completed a Biological Resources Evaluation (BRE) on June 2018 and found no applicable protected species habitat on site. Sycamore summarized their findings on May 22, 2020 (Exhibit Y).



**i. Lands under a conservation easement**

Rationale: The project parcel is not under a conservation easement.

**j. Land designated for conservation in a habitat conservation plan**

Rationale: The project parcel is not within a habitat conservation plan.

**k. A site that would require demolition of (a) housing subject to recorded rent restrictions, (b) housing subject to rent control, (c) housing occupied by tenants within the past 10 years, or (d) a historic structure placed on a local, state or federal register.**

Rationale: The project site is currently undeveloped and would not require the demolition of any structures.

**l. A site that previously contained housing occupied by tenants within the past 10 years.**

Rationale: The project site is currently undeveloped and has not been occupied by tenants within the past 10 years.

**m. A parcel of land governed by the Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act.**

Rationale: The project parcel is undeveloped and is not governed by the Mobilehome Residency Law, the Recreational Vehicle Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act.

**4.10 Has the project proponent certified that either the entire development is a “public work” for purposes of prevailing wage law or the construction workers will be paid at least prevailing wage?**

Rationale: The project applicant has certified that all construction workers employed in the execution of the development will be paid at least prevailing wage rates.