

FINDINGS

Design Review DR21-0006/Courtside Apartments, Phase II Planning Commission/September 9, 2021

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 24-unit affordable housing project including six multi-unit housing buildings, 82 off-street parking spaces total, landscaping, building address signage, and open space/common areas.
- 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 Multifamily Residential (MFR). 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.

Rationale: The project is consistent with the MFR General Plan land use designation (Exhibit E). The MFR General Plan land use designation permits a multifamily residential density range between 5 dwelling units and 24 dwelling units per acre. The project site is 4.5 acres and there are 24-units therefore the project would be at a net MFR density of approximately 6 dwelling units per acre which is 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.

2.2 The project is consistent with General Plan Policy 2.2.5.21.

General Plan Policy 2.2.5.21 requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.

Rationale: The project site adjoins undeveloped single-unit residential property to the north, existing multi-unit residential uses to the east, existing commercial uses to the south, and existing single-unit residential uses to the west (Exhibit C). To ensure compatibility with adjacent land uses, the project has included architectural and site design features to minimize impacts including building setbacks, landscape screening, neutral colors, community-compatible building design and downward-directed lighting. In addition, the project also includes COAs to ensure the project would not exceed the outdoor noise level standards of Table 130.37.060.1. The conclusion of the Environmental Noise Assessment prepared by Saxelby Acoustics dated November 30, 2020 stated that the proposed project is predicted to meet the County's exterior and interior noise standards and no additional noise control measures are recommended (Exhibit R). Therefore, the project has been located and designed to be compatible with adjoining land uses and 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 applicant proposes to connect to existing water and wastewater service from EID via an existing onsite water main and a sanitary sewer line. With concurrence by the Fire District, the utility has indicated that there would be sufficient water capacity to serve the needs of the project including domestic water and emergency fire flow. EID has also indicated there would be adequate sewer capacity to serve the project, as further explained in EID's Facility Improvement Letter (FIL) (Exhibit Q) dated September 25, 2020.

The project will not exceed the service abilities of the facilities and utilities in the area. This project would be required to make required improvements and connect to applicable EID infrastructure in order to obtain water and wastewater service. 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 outlined instandard, non-discretionary 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 existing 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: As proposed and conditioned, the project will conform to these policies. An Environmental Noise Assessment was prepared by Saxelby Acoustics dated November 30, 2020 and analyzed the project for compliance with all applicable noise-related General Plan policies, including Policies 6.5.1.2, 6.5.1.3 and 6.5.1.11., and concluded that the proposed project is predicted to meet the County's exterior and interior noise standards and no additional noise control measures are recommended (Exhibit R). The project is 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: As stated in the Arborist Report for Oak Woodland Resources (Exhibit N), approximately 1.95 acres of the 4.5 acre parcel is covered with oak woodland (43.2% of the site). The total oak woodland proposed for removal is 1.74 acres (89.2% of the oak woodland). There are two Valley Oaks located outside of the property that would not be impacted from the project. Both removal and retention of Oak Resources will be consistent with all applicable standards found in the ORMP. With the exception of impacts to Heritage Trees, individual Valley Oak trees and Valley Oak Woodlands, the ORMP exempts affordable housing projects for lower income households when those projects are located within an urbanized area. This project is located in an urbanized area as shown on the 2010 U.S. Census Bureau map (Exhibit T). Further, the project will exclusively serve lower income households as defined in the California Health and Safety Code Section 50079.5. Therefore, no additional mitigation is required for this project. Applicable in-lieu mitigation fees would be collected prior to issuance of grading or improvement permit(s) as stated in Condition of Approval No. 9.

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 create five or more residential units. The intersections to which the project will contribute more than 10 trips to during the peak hour will not worsen existing traffic congestion. Two intersections, that serve fewer than 10 project trips, were included in the study, SR-49/ Pleasant Valley Road and SR-49/Forni Road. Both have near-term level of service (LOS) issues, with or without the project. However, the project does not worsen existing traffic as defined by General Plan Policy TC-Xe. The LOS issues at the two intersections will be resolved by construction of the Diamond Springs Parkway Capital Improvement Project. Further, the applicant has reduced trips

generated by the development by committing half of the units to be senior housing. This commitment eliminated the need for a traffic study for the development.

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 voters' 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 is not applicable as the Project is not requesting the County create an Infrastructure Financing District.

6. intentionally blank (Resolution 159-2017, October 24, 2017)
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 would create more than five residential units and the finding is made that the project complies with the policies of TC-Xa.

2.8 **General Plan Policy TC-Xb does not apply to the project**

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 Traffic Impact Mitigation (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 Capital Improvement Program (CIP), preparing a Traffic Impact Mitigation (TIM) Fee Program, and monitoring traffic volumes.

2.9 The General Plan Policy TC-Xc does not apply to the project

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 the Department of Transportation 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 will is located in the Community Region and does 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. Two 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: This project, with the revision to include senior housing, will not generate more than 10 trips in the peak hour, nor will it generate more than 100 daily trips. The threshold criteria of this policy are not met and further traffic studies were waived by the Department of Transportation.

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 Level of Service 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 Level of Service 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 create 24 dwelling units, 12 of which are senior housing in addition to all being affordable. The project will not worsen traffic as defined by Policy TC-Xe.

2.13 General Plan Policy TC-Xg does not apply to the project

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 This 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 Traffic Impact Fees at the time a building permit is issued. The project may be eligible for a Traffic Impact Mitigation (TIM) Fee Offset under Board Policy B-14 (TIM Fee Offset for Development with Affordable Housing) when at least 20 percent of the housing units are targeted for low to moderate-income households. On March 23, 2021, the Board of Supervisors approved the Traffic Impact Mitigation (TIM) Fee Offset under Board Policy B-14 (TIM Fee Offset for Development with Affordable Housing) of up to \$493,740 contingent upon deed restrictions for a total of up to 36 units, executing a TIM Fee Offset Agreement, that includes a Recapture Agreement, Rent Limitation Agreement and a Residential Anti-Displacement Agreement, to restrict up to 36 rental units for 20 years for low-income tenants (earning 50%-80% of Median Family Income).

2.15 General Plan Policy TC-Xi does not apply to the project

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 4.5 acres. The project would be at a net density of approximately 8 dwelling units per acre, which meets the prescribed gross density for the General Plan MultifamilyMFR Land Use Designation. 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-1.7.

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 under the provisions of SB 35, as it will provide affordable housing for low- and very low-income households.

2.18 The project is consistent with General Plan Policy HO-1.18.

This policy directs the County to develop incentive programs/partnerships to encourage private development of affordable housing for very-low, low and moderate income households.

Rationale: The project may be eligible for a Traffic Impact Mitigation (TIM) Fee Offset under Board Policy B-14 (TIM Fee Offset for Development with Affordable Housing) when at least 20 percent of the housing units are targeted for low to moderate-income households. On March 23, 2021, the Board of Supervisors approved the Traffic Impact Mitigation (TIM) Fee Offset under Board Policy B-14 (TIM Fee Offset for Development with Affordable Housing) of up to \$493,740 contingent upon deed restrictions for a total of up to 36 units, executing a TIM Fee Offset Agreement, that includes a Recapture Agreement, Rent Limitation Agreement and a Residential Anti-Displacement Agreement, to restrict up to 36 rental units for 20 years for low-income tenants (earning 50%-80% of Median Family Income).

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 this project does not exceed 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) with a Design Review Community (DC) Combining Zone overlay (RM-DC). 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 Section 130.24.030 (Residential Zone Development Standards)

Rationale: The project has been analyzed and found to conform to the site development standards for building height and minimum building setbacks. The maximum building height in the RM base zone is 50 feet. The project proposes a total of six two-story buildings with a maximum building height of 25 feet, 2 inches. The standard setbacks for building structures within the RM zone are 20 feet for the primary front setback, 10 feet for the secondary front setback, five feet for the side setbacks, and 10 feet for the rear setback. According to the project site plan (Exhibit K) all proposed structures meet the setback requirements. The proposed uses and

structures are consistent with all applicable development standards.

3.3 The project is consistent with Table 130.24.020 (Residential Zone Use Matrix).

Zoning Ordinance Table 130.24.020 prescribes allowed uses and permit requirements for the RM Zone District.

Rationale: As shown on Table 130.24.020, multi-unit residential uses are allowed by right (P) in the RM 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.

3.5 The project is consistent with Chapter 130.34: Outdoor Lighting.

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

Rationale: Proposed light fixtures will be located, adequately shielded and directed downward to prevent any direct light falling outside property lines or into the public right-of-way consistent with applicable provisions of Chapter 130.34 and the County's adopted 2015 Outdoor Lighting Standards. The project lighting would be reviewed prior to issuance of a building permit. The project is consistent with this policy.

3.6 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. Table 130.36.070.1a (Community Region Area Signage Standards for Permanent On-Site Signs - Residential and Agricultural Zone Districts) summarizes allowed sign types, number and sizes as allowed in various zone districts within Community Regions. According to this table, one on-site non-illuminated

freestanding sign is allowed in the RM zone district per subdivision or neighborhood, limited to 12 square feet in size and up to eight feet in height.

Rationale: Proposed signage is 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). As stated in the Preliminary Signage Plan (Exhibit S), only building address and building location signage is proposed (no freestanding sign). The project is in compliance with the applicable development standards of Chapter 130.36.

3.7 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: An Environmental Noise Assessment was prepared by Saxelby Acoustics dated November 30, 2020 (Exhibit R) and concluded that the proposed project is predicted to meet the County's exterior and interior noise standards and no additional noise control measures are recommended. Further, to ensure noise levels would not exceed required thresholds, a standard condition (Condition of Approval No. 7 A-F) has been included to help reduce project noise by limiting construction activities to daytime hours which are shown in Table 130.37.060.1 (Noise Level Performance Standards for Noise Sensitive Land Uses Affected by Non-Transportation Sources). The project is consistent with Chapter 130.37.

3.8 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 Arborist Report identifies that approximately 1.95 acres of the 4.5 acre parcel is covered with oak woodland (43.2% of the site). The total oak woodland proposed for removal is 1.74 acres (89.2% of the oak woodland). There are two Valley Oaks located outside of the property that would not be impacted from the project (Exhibit N). Both removal and retention would be consistent with all applicable requirements of Chapter 130.39. With the exception of impacts to Heritage Trees, individual Valley Oak trees and Valley Oak Woodlands, Section 130.39.050 (E) (Exemptions and Mitigation Reductions - Affordable Housing) exempts affordable housing projects serving lower income households, as defined

in the California Health and Safety Code Section 50079.5, when those projects are located within an urbanized area. This project is located in an urbanized area as shown on 2010 U.S. Census Bureau maps (Exhibit T). Further, the project will exclusively serve lower income households as defined in the California Health and Safety Code Section 50079.5. Therefore, no mitigation is required for the project. As noted in Exhibit N, applicable in-lieu mitigation fees for removal of oak trees/oak woodland would be collected prior to issuance of a grading permit as required in Condition of Approval No. 9.

4.0 SENATE BILL (SB) 35 FINDINGS

4.1 Has the California Department of Housing and Community Development (HCD) determined that the local agency is subject to SB35?

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

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

Rationale: The project is a multiunit residential development consisting of 24-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 dedicate 100% of the proposed units to serving households 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. The adjacent uses are undeveloped lands zoned Single-Unit Residential (R1) to the north, single-family residences on lands zoned Multifamily Residential (MFR) to the east, single family residences on lands zoned One-Acre Residential (R1A) and commercial businesses on lands zoned Commercial Main Street (CM) to the south, and single-family residences on lands zoned One-Acre Residential (R1A) to the west. All of the surrounding parcels are within the El Dorado-Diamond Springs Community Region and within the Placerville-Diamond Springs Urban Cluster (Exhibit T). 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 T).

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 General Plan Land Use Map designates the parcel as Multifamily Residential (MFR) (Exhibit E). The subject parcel has a corresponding zoning designation of Multi-unit Residential (RM) within Design Review Community (DC) Combining Zone (Exhibit F). The project site allows residential uses and 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 8 units per acre. As proposed/conditioned, all residential 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 (Sycamore) completed a Biological Resources Evaluation (BRE) dated November 12, 2020 (Exhibit U) and found no Federally-designated wetlands 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) dated November 12, 2020 (Exhibit U) and found no applicable protected species habitat on site.

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 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 currently contains multifamily housing units occupied by tenants for Courtside Manor Apartments, Phase I, which was approved and developed in 2017 (DR15-0003-S, Phase I - Exhibit X).

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 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.

4.11 Has tribal consultation with applicable Native American tribal organization(s) been successfully concluded with a determination that the project would not harm, or potentially harm, Tribal Cultural Resources (TCRs) pursuant to Government Code Sections 65913.4(b)(3)(A) through 65913.4(b)(3)(D)?

Rationale: Native American tribal consultation has been successfully concluded pursuant to Government Code Sections 65913.4(b)(3)(A) through 65913.4(b)(3)(D). The County solicited tribal consultation with interested Native American tribal organizations on December 30, 2020 and sent SB 35 project notification, via certified mail, to affected tribes on the then-current NAHC tribal contact list. Of the seven tribal organizations

included in the County's solicitation letter, two tribal organizations, the Shingle Springs Band of Miwok Indian and the United Auburn Indian Community of the Auburn Rancheria (Auburn Rancheria), responded with a request to consult regarding the project. The County responded by submitting a copy of a recent archaeological records search to the Tribes on February 9, 2021. The Shingle Springs Band of Miwok Indian and Auburn Rancheria responded concurring with the County that the project would be unlikely to affect TCRs and also provided a recommended condition of approval (COA) in the unlikely event any inadvertent discoveries of TCRs are found and is included as COA No. 6.