



## Legislation Text

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**File #:** 18-1133, **Version:** 1

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HEARING - To consider a request submitted by the Courtside Manor Home Owners Association appealing the Planning Commission's June 28, 2018 approval of Planned Development PD17-0002/Diamond Springs Village Apartments on property identified by Assessor's Parcel Number 051-461-59, consisting of 10.7 acres, in the Diamond Springs area; and staff recommending the Board take the following actions:

- 1) Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff (Attachment D); and
- 2) Deny the appeal, thereby upholding the Planning Commission's June 28, 2018, approval of Planned Development PD17-0002 based on the Findings (Attachment B) and subject to the Conditions of Approval (Attachment C). (Supervisorial District 3) (Est. Time: 30 Min.)

### **DISCUSSION / BACKGROUND**

This is a request submitted by Courtside Manor Home Owners Association appealing the Planning Commission's June 28, 2018 approval of Planned Development PD17-0002/Diamond Springs Village Apartments ("Project") to allow the construction of 10 multi-unit residential buildings and one community building totaling 80 multifamily residential units and one on-site manager unit. The property, identified by Assessor's Parcel Number 051-461-59, consisting of 10.7 acres, is located on the south side of Black Rice Road, approximately 1,000 feet west of the intersection with Highway 49, in the Diamond Springs area, Supervisorial District 3. (County Planner: Evan Mattes) (Mitigated Negative Declaration prepared)

The Planning Commission held a public hearing on June 28, 2018, and conditionally approved the Project. The Project is proposed as a new affordable housing apartment complex that would include 10 new multifamily residential buildings consisting of a total of 80 residential units as well as one community building with one on-site manager unit, located upon a 7.3 acre section of a vacant 10.7 acre parcel in the Diamond Springs area. The site is split-zoned with 7.3 acres being designated Multi-unit Residential (RM) with a Planned Development overlay and 3.4 acres being designated Residential Estate Five-Acre (RE-5). In order to develop the 7.3 acre site, a Planned Development is required by the Zoning Ordinance. The Planned Development (PD17-0002) is required to comply with the California Environmental Quality Act (CEQA) and all other adopted rules, regulations, and ordinances.

The Planning Commission approved the Project with Findings, Conditions of Approval, and a Mitigated Negative Declaration on June 28, 2018 (Attachment E). Pursuant to the County Zoning Ordinance, there is an appeal period of 10 working days after approval. The Courtside Manor Home Owners Association filed an appeal on July 12, 2018 (and \$239 appeal fee) within 10 working days. The Zoning Ordinance provides that the appeal of a Planning Commission decision be decided at a public hearing with the Board of Supervisors.

### Appeal

The appeal (Attachment A) asserts that the Project does not have access rights through the

Courtside Manor development, that the roads through Courtside Manor cannot accommodate the Project's increase in traffic volume, that increased traffic would create a safety and fire risk to the neighboring residents, that the existing roads cannot accommodate emergency vehicles, the existing roads cannot accommodate heavy construction equipment, that the Project failed to properly notice area residents, the Planning Commission did not address issues with sewer systems servicing the area, the Project will violate CEQA, and that the Traffic Study does not adequately address or mitigate for impacts to Pleasant Valley Road. The appeal items are listed below in bold with County staff responses immediately following in italics.

**1) Applicant has not established access rights through the Courtside Manor development.**

*County Response: Per the direction of the September 28, 2017, Planning Commission, the Project applicant has provided evidence of access rights through the neighboring (Courtside Manor) subdivision (Attachment F). Additionally, the Project has been conditioned to provide a Title Report demonstrating access rights through the adjacent roadways prior to issuance of grading and building permits (Attachment C).*

**2) The existing roads through the Courtside Manor community cannot accommodate the volume of traffic entering and leaving the area.**

*County Response: A Traffic Impact Study (Attachment G) was prepared to analyze Project traffic impacts. Mitigation Measures were adopted as part of the proposed Mitigated Negative Declaration.*

**3) The Project poses a traffic and fire safety risk due to an expected increase in traffic.**

*County Response: The Project was analyzed by the El Dorado County Transportation Department, the Diamond Springs Fire Protection District, and CALFIRE to analyze traffic safety and fire safety. As conditioned, potential impacts to traffic and fire safety would be less than significant.*

**4) The existing roads through Courtside Manor cannot accommodate emergency vehicles.**

*County Response: The Project was analyzed by the El Dorado County Transportation Department, the Diamond Springs Fire Protection District, and CALFIRE to ensure that adequate access would be provided to meet Fire Safe standards.*

**5) The existing roads through Courtside Manor cannot accommodate heavy equipment required for construction.**

*County Response: The Project has been conditioned to the extent possible, to establish a temporary construction access road to the Project site in order that heavy construction vehicles can avoid using the roadways through the Courtside Manor Subdivision.*

**6) The Project failed to adequately notice area residents in violation of Measure E and El Dorado County Ordinance 5026.**

*County Response: Measure E does not pertain to notification requirements and El Dorado County Ordinance 5026 pertains to notification requirements for land divisions, which the Project does not propose. The Project does comply with the notification requirements for a Planned Development as*

*detailed within Section 130.04.015 of the El Dorado County Zoning Ordinance. Notifications were sent to neighboring parcels within a 1,000 foot radius, a notice was published in the Mountain Democrat, and physical sign postings were placed along Black Rice Road, Service Drive and Deuce Drive (Attachment H).*

**7) The Planning Commission did not address ongoing problems with the sewer system servicing the area.**

*County Response: The Project applicant submitted a Facility Improvement Letter (Attachment I) from El Dorado Irrigation District (EID) demonstrating that there is adequate water and sewage capacity for the Project. Additionally, EID was included in the initial consultation process, during which concerns about sewage capacity were not expressed.*

**8) Violation of the California Environmental Quality Act (CEQA).**

*County Response: An Initial Study has been considered for the Project. The project would impact Air Quality, Biological and Transportation resources. As such, a Mitigated Negative Declaration has been prepared with appropriate Mitigation Measures to lower potential impacts to a less than significant level.*

Conclusion: It is the Planning Director's recommendation that the appeal should be denied and the decision of the Planning Commission on June 28, 2018 be upheld because the Project is consistent with the Zoning Ordinance, General Plan, and CEQA as determined by the Planning Commission. Should the Board choose to approve the appeal, thus denying PD17-0002, Planning Staff would be required to make Findings in writing under Government Code Section 65589.5(d) (Attachment J) based upon substantial evidence in the record that the jurisdiction has adopted a Housing Element and met or exceeded its share of the regional housing need allocation or that denial of the project is required in order to comply with specific State or Federal law.

**ALTERNATIVES**

The Board may elect to approve the appeal and reverse the action taken by the Planning Commission on June 28, 2018, resulting in the denial of Planned Development PD17-0002. A Denial of the application should be continued to a date certain so that staff can prepare Findings of Denial.

**CONTACT**

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