



## Legislation Details (With Text)

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**Title:** HEARING - To consider a request submitted by the Better Neighborhoods, Inc. 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). (Supervisory District 3) (Est. Time: 30 Min.)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Appeal Form, 2. B - Findings, 3. C - Conditions of Approval, 4. D - Proposed Mitigated Negative Declaration and Initial Study, 5. E - Planning Commission Minute Order 06-28-18, 6. F - Staff Memo 06-27-18 (Public Comments), 7. G - AQMD Comments, 8. H - Biological Resources Report and Wetland Delineation, 9. I - Oak Resources Report, 10. J - Land Use and Zoning, 11. K - Government Code Section 65589.5, 12. L - Proof of Publication-Mountain Democrat, 13. Public Comment Rcvd 8-13-18 BOS 8-14-18, 14. Public Comment Rcvd 8-9-18 BOS 8-14-18, 15. Public Comment Rcvd 8-7-18 BOS 8-14-18, 16. Public Comment Rcvd 8-6-18 BOS 8-14-18, 17. Diamond Springs Village Apts Appeal - Board Hearing Letters, 18. Better Neighborhood Request for Continuance Letter, 19. FINAL Findings, 20. FINAL Conditions of Approval, 21. APPROVED STAMPED Exhibits, 22. ADOPTED Mitigated Negative Declaration, 23. RECEIPT-Notice of Determination, 24. FILED-Notice of Determination\_PD17-0002

Date	Ver.	Action By	Action	Result
8/14/2018	1	Board of Supervisors	Approved	Pass
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- 1) Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff (Attachment D); and
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**DISCUSSION / BACKGROUND**

This is a request submitted by Better Neighborhoods, Inc. 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 by Better Neighborhoods, Inc. (Attachment A), which was originally posted on June 20, 2018 as a public comment to the Planning Commission's June 28, 2018 hearing and responded to by Planning Staff (Attachment F), asserts that the initial study did not properly analyze Project impacts regarding potentially hazardous building materials, biological resources, riparian and wetland habitats, land use/planning, population and housing density, and public services. The appeal items are listed below in bold with County staff responses immediately following in italics.

#### **1) Project buildings are to be constructed with stucco finishings, stone veneer accents and composite roofs which contain highly controversial architectural coatings.**

*County Response: The Project is required to comply with Rule 215 Architectural Coatings, which sets Volatile Organic Compound (VOC) limits on various different types of coatings (paint). The March 21, 2017, Air Quality Management District (AQMD) comment letter (Attachment G) references these items and the pending adoption of the updated Rule 215. On June 20, 2017, AQMD updated their requirements to be consistent with the updated Rule 215. AQMD is not aware of any "highly controversial architectural coating" to be used in the Project.*

#### **2) The Project would result in the loss of potential habitat and significant reduction of biological value for Nissenan manzanita, Pleasant Valley mariposa lily and Bandeggee's clarkia.**

*County Response: A Biological Resources Report (Attachment H) was prepared to analyze Project biological impacts. During a site visit conducted by EcoSynthesis Scientific & Regulatory Services, no*

*special plant species were identified and were considered unlikely to be found on the parcel. Impacts would be considered less than significant.*

**3) The Project requires a 10-year revegetation and restoration plan. How would compliance be measured.**

*County Response: The Project was originally analyzed under the Oak Woodland Management Plan (OWMP), which was replaced by the Oak Resources Management Plan (ORMP). The Project has since opted to be analyzed under the ORMP and has provided an updated Oak Resources Report (Attachment I), which analyzed the Project to current standards. Impacts to oak trees have been mitigated to less than a significant impact with the incorporation of Mitigation Measure BIO-3. The 10-year revegetation plan is no longer being required.*

**4) Are the identified onsite wetlands jurisdictional waters and would they be impacted?**

*County Response: The wetland delineation (Attachment H), prepared by Ecosynthesis Scientific & Regulatory Services, identified an emergent wetland on the property which is not jurisdictional as a Waters of the United States. Potential impacts to the wetland have been mitigated to less than significant with the incorporation of Mitigation Measure BIO-2.*

**5) The Project would physically divide an established community.**

*County Response: The Project would continue to provide through access of Deuce Drive and Service Road. Additionally, the Project is consistent with the multiunit residential parcels to the west, east and south.*

**6) The Project would result in conversion of undeveloped open space for more intensive land uses, which would have a substantial adverse effect on land use.**

*County Response: The Project site is identified as having a General Plan Land Use Designation of Multifamily Residential (RM) (Attachment J). The proposed Project would be consistent with the land use designation.*

**7) Information has not been provided to assess whether the increase in population growth/density would be significant.**

*County Response: The initial study (Attachment D) identifies that the Project could increase the population by up to 186.3 persons which is less than the 403 persons allowable for this property through the maximum density calculations for Multifamily Residential parcels.*

**8) The Project would result in a substantial impact to the current jobs to housing ratio.**

*County Response: The Project was not required to be analyzed based upon its impact to the County's jobs to housing ratio. The El Dorado County General Plan and Zoning Ordinance was developed to be in compliance of Government Code Section 65890.1, by creating a balance of residential and commercial stock.*

**9) How many other similar developments are planned or under review by the County?**

*County Response: There are no other affordable housing projects currently under County review. A recently approved multifamily project is the El Dorado Hills Apartments in Town Center, El Dorado Hills. The Cameron Ranch project located in Cameron Park is also zoned Multi-unit Residential and identified by the General Plan as a potential area to include affordable multi-family residential work force housing. However, the project applicant proposed otherwise and the project was recently approved as a single-unit residential development.*

**10) How many visitors would the Project attract and who are the onsite facilities for?**

*County Response: The Project was analyzed under the Section 130.35.030.1 of the El Dorado County Zoning Ordinance which requires a ratio of one parking space per four dwelling units for units of two or more bedrooms. The Project would be required to provide 14 visitor parking spaces. Onsite facilities are intended for tenants and their guests.*

**11) How are impacts to police service measured?**

*County Response: The Project was sent to the EL Dorado County Sheriff's Department for review per General Plan Policy 5.7.3.1 and is not anticipated to increase the population to where police facilities are significantly impacted.*

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 K) 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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