

**COUNTY OF EL DORADO  
PLANNING AND BUILDING DEPARTMENT  
ZONING ADMINISTRATOR  
STAFF REPORT**



**Agenda of:** January 19, 2022  
**Item Number:** 4.a.  
**Staff:** Matt Aselage

**Tentative Parcel Map**

**FILE NUMBER:** P21-0005/El Dorado Senior Village Apartments

**APPLICANT/AGENT:** Sergei Oleshko

**REQUEST:** Request for a streamlined ministerial Tentative Parcel Map Permit in accordance with the provisions of California Senate Bill 35 (SB 35) (Streamlined Ministerial Approval of Affordable Housing) for a Tentative Parcel Map reconfiguring two (2) lots existing as a 5.881-acre parcel and a 2.31-acre parcel into two proposed lots of 3.56-acres (Parcel One) and 4.51-acres (Parcel Two).

**LOCATION:** On the south side of Pleasant Valley Road, approximately 600-feet west of the intersection with Koki Lane, in the El Dorado area, Supervisorial District 3 (Exhibit A).

**APN:** 331-221-034 (Exhibit B)

**ACREAGE:** 8.2-acres

**GENERAL PLAN**

**LAND USE DESIGNATION:** Medium Family Residential (MFR), and Commercial (C) (Exhibit C)

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

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

**RECOMMENDATION:** Staff recommends the Zoning Administrator take the following actions:

1. Certify the project to be Statutorily Exempt pursuant to Section 15268, Ministerial Projects, of the CEQA Guidelines;
2. Find that the project is consistent with the provisions of SB35; and
3. Approve Tentative Parcel Map P21-0005, based on the Findings and subject to the Conditions of Approval as presented.

### **EXECUTIVE SUMMARY**

Approval of this streamlined ministerial Tentative Parcel Map would allow the subdivision of an 8.07-acre parcel into two parcels of 3.56-acres (Parcel One) and 4.51-acres (Parcel Two). The existing parcel is zoned RM consistent with the General Plan land use designation of MFR. The resultant parcels meet the required development standards in the RM zone including minimum lot size and lot width. No buildings are proposed to be built with this parcel map; however, a prior design review (DR20-0001) approved the development of a 149-unit affordable housing community for senior citizens. The current parcel map proposal, if approved, would allow for a more advantageous development financing plan. Staff has determined that the project is consistent with the General Plan MFR Land Use Designation and the RM zone, as well as other applicable County General Plan policies, Subdivision and Zoning Ordinance requirements, as discussed in the Findings Section of this report.

### **BACKGROUND/HISTORY/EXISTING CONDITIONS**

In September 2018, the applicant applied for a Conditional Use Permit (CUP) (CUP18-0009) on the same site for a 149-residential unit, age-restricted rental housing and assisted living project called the El Dorado Senior Resort. CUP18-0009 was previously considered by the Planning Commission (Commission) on May 25, 2019. Due to issues raised by the public, the project was ultimately continued off-calendar. During this off-calendar period, the applicant withdrew CUP18-0009 in October 2019 based upon the public issues raised.

A revised proposal for a Design Review Permit was submitted on April 20, 2020. This Design Review Permit application, DR20-0001, was reviewed under the provisions of SB 35 (Streamlined Ministerial Approval of Affordable Housing). The Planning Commission approved DR20-0001, which allows the construction and operation of a 149-unit affordable housing community, on August 27, 2020. This approval differed from the prior proposed CUP in that it included increased oak woodland retention -including retention of all Heritage Oaks on site- the removal of a community care facility, the removal of an underground parking facility, and increased building setbacks. The approval of DR20-0001 included a condition to merge the existing parcels at that time into one parcel. On April 30, 2020, the Planning Department approved LLA-M20-0004 which merged the site into one resulting parcel. This is the current parcel configuration of the site.

Since approval of DR20-0001 and LLA-M20-0004, the property has changed ownership. The prior owner sold the property to El Dorado Senior Housing, LLC in the care of Sergei Oleshko. The original owner was not interested in maintaining the two parcel lot configuration existing at the time of DR20-0001 project processing; however, the current property owner would like to divide the parcel into two parcels of 3.56-Acres (Parcel One) and 4.51-Acres (Parcel Two), as proposed. This subdivision will not result in additional development or ground disturbance as approved under the August 27, 2020 Planning Commission DR20-0001 approval. The developments associated with this Design Review Permit approval must be acted upon by September 11, 2022. Otherwise, the Design Review Permit will expire and would then require resubmittal.

**OTHER PROJECT CONSIDERATIONS**

A prior Design Review Permit, DR20-0001, was approved under the SB 35 guidelines. The current Tentative Parcel Map, P21-0005, is subject to the review and timelines as outlined within SB35. The current tentative parcel map proposes the creation of a second parcel with no changes to the developments as approved per DR20-0001.

**Senate Bill 35 Streamlined Approval Process:** In 2017, the California Legislature approved Senate Bill 35 (SB 35), codified in 2018 as Government Code Section 65913.4 that provided for streamlined affordable housing construction within California jurisdictions that fall short of their Regional Housing Need Allocation (RHNA), such as El Dorado County. While SB 35 amended existing code sections and added new ones, the primary code section enacted to provide for streamlined ministerial approval for affordable housing projects is Government Code section 65913.4. While El Dorado County has met a portion of its RHNA requirements, housing units Above Moderate household incomes (household incomes above 120% of the Area Median Income [AMI]), the County falls short of the RHNA requirements for both Low and Very Low income households (households with incomes at or below 80% of the Area Median Income [AMI]). Therefore, 50% or more of the proposed units (at least 75 units) must be deed restricted for household incomes at or below 80% AMI to qualify under SB 35. 2021 state income limits for El Dorado County, based on household size, are shown in Table 1 below.

**Table 1. 2021 State Income Limits for El Dorado County**

Income Category		Number of Persons in Household							
		1	2	3	4	5	6	7	8
Extremely Low Income	30% AMI	\$ 19,050	\$ 21,800	\$ 24,500	\$ 27,200	\$ 31,040	\$ 35,580	\$ 40,120	\$44,660
Very Low Income	50% AMI	\$31,750	\$36,250	\$40,800	\$ 45,300	\$48,950	\$52,550	\$ 56,200	\$59,800
Low Income	80% AMI	\$50,750	\$58,000	\$65,250	\$ 72,500	\$78,300	\$84,100	\$ 89,900	\$95,700

<b>Median Income</b>	<b>100% AMI</b>	\$63,750	\$72,900	\$82,000	\$ 91,100	\$98,400	\$105,700	\$ 112,950	\$120,250
<b>Moderate Income</b>	<b>120% AMI</b>	\$76,500	\$87,450	\$98,350	\$109,300	\$118,050	\$126,800	\$ 135,550	\$144,300

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

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

As such, no discretionary environmental mitigation measures may be imposed on the ministerial project. SB 35 does allow for public oversight to be conducted by the local government’s Planning Commission or any equivalent Board or Commission, which is why this Tentative Parcel Map is being presented to the Commission. Under SB 35, such Tentative Parcel Map or public oversight shall be objective and strictly focused on and limited to compliance with state criteria required for SB 35 processing, as well as any reasonable objective design standards published and adopted by ordinance or resolution by the local jurisdiction (e.g. Zoning Ordinance development standards). Should an approving authority find that a project of 150 units or fewer is in conflict with any of the objective planning standards, the approving authority must provide written documentation of which standard or standards the development conflicts with, and an explanation for the reason the development conflicts with that standard within 60 days of project submittal. Under the provisions of SB 35, a final decision shall be made on a qualifying project within 90 days of project submittal.

Tentative Parcel Map P21-0005 was submitted on May 21, 2021 and had been deemed as incomplete for SB 35 processing upon May 24, 2021. On September 1, 2021, the project was determined as complete and consistent with the streamlining criteria of SB 35. Under the provisions of SB 35, County approval would be required on or prior to December 10, 2021. However, a voluntary time extension has been agreed upon between the project proponent and County, which extends the applicable timeframes to January 19, 2022. Given the mandatory streamlined process, SB 35 does not anticipate or provide additional times for an appeal and no appeal can be accommodated within the time required for a final decision of the project. Therefore, the decision of the Commission shall be final and no appeal to the Board of Supervisors (Board) may occur.

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

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

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

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

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

This Parcel Map Permit review does not change the project as approved under DR20-0001. There are no changes to off-street parking, landscaping, and access/circulation.

## **SITE DESCRIPTION**

The project site consists of one parcel with a total of 8.2-acres, located on the south side of Pleasant Valley Road, approximately 600-feet west of the intersection with Koki Lane, in the community region of Diamond Springs and El Dorado. The project site is currently undeveloped. The site is characterized by 7.69-acres (93%) of oak woodland canopy with a small patch of annual grassland and varying elevation ranges from 1,660 to 1,710-feet above mean sea level. The vegetation of the site consists of blue oak woodland and foothill pines with understory dominated by poison oak, shrubs, native, and nonnative grasses. Surrounding land uses include single-family residences to the south and west, undeveloped commercial property on the east and Pleasant Valley Road/State Route 49 on the north (Exhibits B and C). Utilities and site access have been analyzed and approved under DR20-0001. The current project proposes no new ground disturbance or development above that which was approved under DR20-0001.

The project site has a split General Plan land use designation of Multifamily Residential (MFR) and Commercial (C). The same lands are also split-zoned with the site located in both the Residential, Multi-Unit (RM-DH) and Commercial, Main Street (CM-DH) zone districts, including a Design Review-Historic (-DH) combining zone (overlay) on both parcels (Exhibits C and D). DR20-0001 approved multi-unit residential uses located on a portion of the land zoned Multi-unit Residential (RM) and commercial uses located on a portion of the land zoned Commercial Main Street (CM).

## **PROJECT DESCRIPTION**

This project is a Tentative Parcel Map that would create two parcels of 3.56-Acres (Parcel One) and 4.51-Acres (Parcel Two) from a currently existing 8.2-acre parcel. Per DR20-0001, this site was approved to develop and operate an affordable, age-restricted community housing development consisting of a combination of both residential and commercial uses allowed by right in the Zoning Ordinance. These allowed uses include 11 multi-unit residential buildings with a total of 149 rental units, a 7,500-square-foot commercial building with retail, office and restaurant space available for use by both residents and the general public, a 2,500-square-foot bed and breakfast country inn, a 3,500-square-foot community clubhouse, two swimming pools, and a 500-square-foot leasing office. As part of the ongoing site development, this tentative parcel map seeks to subdivide the property into two parcels with the new common lot line consistent with the phasing plan lines for the development. Proposed Parcel One will incorporate the whole of Phase I developments. Proposed Parcel Two will incorporate the whole of Phase II developments (Exhibit E). Fire and vehicular access to both Proposed Parcels is provided via a currently existing driveway encroachment onto Pleasant Valley Road. The proposed parcels will be served by existing El Dorado Irrigation District (EID) and Pacific Gas and Electric (PG&E) utilities. Building design, lighting and landscaping, circulation, and site improvements have been approved for this site under Design Review DR20-0001.

## **STAFF ANALYSIS**

Staff has analyzed the project for consistency with the El Dorado County General Plan and Title 130 of the County Ordinance Code (Zoning Ordinance) as discussed in detail within the Findings section of this report.

**SB35:** As proposed and conditioned, the project is consistent with all applicable qualifying criteria for the SB 35 streamlined ministerial approval process. Qualifying criteria include the minimum number of multifamily housing units (two or more units), unit income restrictions, urban infill requirements, zoning and General Plan consistency, consistency with applicable “objective zoning standards” as identified in the provisions of SB 35 and project location, outside specific environmental resource areas identified in the provisions of SB 35 including but not limited to earthquake fault zones, hazardous waste sites, coastal zones and prime farmland.

**General Plan Consistency:** The project is consistent with all applicable General Plan policies applying to SB 35 streamlined approvals, including Policy 2.2.1.2 (Multifamily Residential [MFR] and Commercial [C] land use designations), Policy 2.2.1.5 (building intensities), Policy 2.2.5.2 (General Plan Consistency), Policy 2.2.5.21 (Compatibility with Adjoining Land Uses),

Policy 5.1.2.1 (Adequacy of Public Services and Utilities), Policy 5.2.1.2 (Adequate Quantity and Quality of Water for all Uses, Including Fire Protection), Policy 6.2.3.2 (Adequate Access for Emergencies), Policies 6.5.1.2, 6.5.1.3, and 6.5.1.11 (Acceptable Noise Levels), Policy 7.4.4.4 (Impacts to Oak Resources), Policy TC-Xa (Transportation and Circulation Policies), Policy TC-Xb (Available Roadway Capacity), Policy TC-Xc (Developer Traffic Impact Fees), Policy TC-Xd (Level of Service), Policy TC-Xe (Impact of Increased Project Trips), Policy TC-Xf (Conditions for Worsened Circulation Impacts), Policy TC-Xg (Developer's Responsibility for Transportation Improvements), Policy TC-Xh (Traffic Impact Fees), Policy TC-Xi (U.S. Highway 50 Capacity), and Policy 10.2.1.5 (Public Facilities and Services Financing Plan). Further details are discussed in the Findings section below.

**Zoning Ordinance Consistency:** Staff has determined that the proposed project, as conditioned, is consistent with all applicable standards and requirements of the Zoning Ordinance including Chapter 130.24.020 (Matrix of Allowed Uses), Chapter 130.24.030 (Residential Zone Development Standards), including building setbacks and building height, Section 130.22.020 (Commercial Zones Use Matrix), Chapter 130.22.030 (Commercial Zones Development Standards) including building setbacks, building height and floor area ratio, Chapter 130.36 (Signs), Chapter 130.33 (Landscaping Standards), Chapter 130.34 (Outdoor Lighting), 130.37 (Noise Standards), and Chapter 130.39 (Oak Resources Conservation). Further details are discussed in the Findings section below.

#### **PUBLIC AND AGENCY REVIEW:**

**Public Outreach:** No formal public outreach was conducted. A public outreach plan was not required for this project pursuant to the Title 120 (Subdivision Ordinance), which requires a public outreach plan for tentative map projects including at least 300 or more dwelling units. Further there are no additional public outreach requirements outlined within the Zoning Ordinance or pursuant to the provisions of SB 35. However, the project was duly noticed for a Zoning Administrator hearing with a public notification range of 1000-foot radius from the property lines and a legal notice was published in applicable local newspapers. A physical sign posting is required.

**Public and Agency Comments:** The project was distributed to the County Department of Transportation (DOT) and the El Dorado Diamond Springs Fire Protection District (Fire District) which are the only applicable local, County and state agencies requiring review and comment at this time. As this project seeks a parcel division with no additional or revised development plans per the prior DR20-0001 approval, no other agencies required noticing. Neither of these agencies provided additional comments or concerns, as the approvals per DR20-0001 remain unchanged per the current P21-0005 proposal.

#### **CONDITIONS OF APPROVAL**

None of the commenting agencies that reviewed the project provided recommended conditions of approval. As such, this project remains subject to the conditions of approval pursuant to DR20-0001. Any changes to the project as proposed may require additional review, and may include the application of additional conditions.

**ENVIRONMENTAL REVIEW:**

This project has been found to be Statutorily Exempt from the requirements of CEQA pursuant to Section 15268 Ministerial Projects. Staff has found the project consistent with the requirements to qualify for SB 35 streamlining. Projects consistent with SB 35 are considered ministerial projects which are deemed Statutorily Exempt from the requirements of CEQA.

Pursuant to Resolution No. 240-93, a \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption. The filing of the Notice of Exemption is optional; however, not filing the Notice extends the statute of limitations for legal challenges to the project from 30 days to 180 days.

**SUPPORT INFORMATION**

**Attachments to Staff Report:**

Findings  
Conditions of Approval

Exhibit A.....Location/Vicinity Map  
Exhibit B.....Assessor’s Parcel Map  
Exhibit C.....General Plan Land Use Designation Map  
Exhibit D.....Zoning Map  
Exhibit E.....Tentative Parcel Map



## **FINDINGS**

### **Tentative Parcel Map P21-0005/El Dorado Senior Village Apartments Zoning Administrator/January 19, 2022**

#### **1.0 California Environmental Quality Act (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 division of currently existing 8.2-acre parcel into two parcels of 3.5-acres (Parcel One) and 4.5-acres (Parcel Two).
- 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 C land use designation identifies those areas suitable for a 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 C General Plan land use designations as mapped on the project parcel (Exhibit D). The project proposes the subdivision of the 8.2-acre parcel into two parcels with no additions or revisions to the developments as approved under DR20-0001. The proposed Tentative Parcel Map is consistent with this policy.

**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 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 current proposal for a parcel division does not include any additional or revised changes to the approved developments per DR20-0001. Therefore, this project has been designed so that the site remains consistent with this policy.

**2.3 The project is consistent with General Plan Policy 2.2.5.2.**

This policy requires that all applications for discretionary projects or permits shall be reviewed to determine consistency with the policies of the General Plan.

Rationale: Staff has prepared this section on General Plan findings to document the project's consistency with the policies of the General Plan.

**2.4 The project is consistent with General Plan Policy 5.1.2.1.**

General Plan Policy 5.1.2.1 requires a determination of the adequacy of the public services and utilities to be impacted by that development.

Rationale: The proposed project will not result in any changes to site development as approved under DR20-0001. Therefore, this project is consistent with this policy.

**2.5 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 with proposed development.

Rationale: The project was reviewed by the El Dorado Diamond Springs Fire Protection District (Fire District) for adequate capacity of water. The current proposal proposes no changes to the site development as approved under DR20-0001. Therefore, the project remains subject to the conditions as applied pursuant to DR20-0001. The project is consistent with this policy.

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

General Plan Policy 6.2.3.2 (Adequate Access for Emergencies) requires 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 Fire District has reviewed the application materials, but declined to provide additional comments. Additionally, the current proposal does not include any changes to the developments as approved under DR20-0001. Therefore, the project is in compliance with this policy.

2.7 **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 8:00pm on weekends and on federally-recognized holidays.

Rationale: The tentative parcel map does not propose any changes to developments as approved under DR20-0001. All conditions related to noise remain applicable to the site. Therefore, this project is consistent with each of these policies.

2.8 **The project is consistent with General Plan Policy 7.4.4.4.**

Policy 7.4.4.4 (Oak Resource Impacts) 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 current parcel map proposal does not entail any oak woodland removal. Any removal of oak woodlands will remain in compliance with the DR20-0001 approval. Therefore, this project is consistent with this policy.

2.9 **General Plan Policy TC-Xa does not apply to the Project.**

(1) Traffic from residential development projects of five or more units or parcels of land shall not result in, or worsen, Level of Service (LOS) 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 would create two mixed-use residential and commercial parcels; therefore, this policy does not apply.

(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 LOS 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) and (4) Intentionally blank as noted in the General Plan.

(5) The County shall not create an Infrastructure Financing District unless allowed by a 2/3<sup>rd</sup>s 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 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 would create two mixed-use residential and commercial parcels; therefore, this policy does not apply.

## 2.10 **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 LOS 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.

2.11 **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.

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

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. LOS 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 County 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 is located in the Diamond Springs El Dorado Community Region. The LOS threshold is E. The current parcel map proposal does not include any additions or revisions to the developments approved under DR20-0001. Therefore, the project remains in compliance with this policy.

2.13 **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 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 ten or more trips during the a.m. peak hour or the p.m. peak hour.

Rationale: This proposed parcel map project does not include any additions or revisions to the developments as approved under DR20-0001. Therefore, the project site will remain in compliance with this policy.

2.14 **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 ten-years from project submittal; or (2) ensure the commencement of construction of the necessary road improvements are included in the County's ten-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 proposed project does not include any additional or revised changes to the DR20-0001 approval. Additionally, this project does not result in a single-family residential subdivision of five or more parcels. Therefore, the project is consistent with this policy.

2.15 **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: The current parcel map project does not include any additional or revised changes to the DR20-0001 approval. Therefore, the project site will remain in compliance with this policy.

2.16 **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. However, 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.”

2.17 **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.

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 lot frontage and width. Both parcels are in excess of the RM zone minimum lot size of 6,000-square-feet and lot width of 60-feet. RM zone standards are more restrictive than CM zone standards. The current parcel map proposal does not include any changes to developments approved under DR20-0001. Therefore, the project will remain in compliance with both Sections 130.22.030 and 130.24.030.

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 current parcel map proposal does not propose any changes to the approved uses pursuant to DR20-0001. Therefore, the project remains in compliance with the approved developments and is consistent with Tables 130.24.020 and 130.22.020.

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

Rationale: The project does not propose changes to the landscaping plans as proposed and approved pursuant to DR20-0001. Therefore, the project remains consistent with Chapter 130.33.

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

Rationale: The project does not propose changes to the outdoor lighting plans as proposed and approved pursuant to DR20-0001. Therefore, the project remains consistent with Chapter 130.34.

**3.6 The project is consistent with Chapter 130.36: Signs.**

Rationale: The project does not propose changes to the sign plans as proposed and approved pursuant to DR20-0001. Therefore, the project remains consistent with Chapter 130.36.

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

Rationale: The project does not propose changes to the noise mitigation measures or add noise increasing developments above that which has been approved per DR20-0001. Therefore, the project remains consistent with Chapter 130.37.

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

Rationale: The project does not propose any changes to Oak Resources Conservation plans or impacts pursuant to DR20-0001. Therefore, the project remains consistent with Chapter 130.39.

**4.0 PARCEL MAP FINDINGS**

**4.1 The proposed tentative map, including design and improvements, is consistent with the General Plan.**



Rationale: The project proposes to create two parcels from a 8.2-acre parcel. The resulting lots would be 3.56-acres (Proposed Parcel One) and 4.51-acres (Proposed Parcel Two). The project parcel is located within the Diamond Springs – El Dorado community region in an area consisting of single-family residential developments to the south, with multi-family and main-street community zoned parcels on all other sides. The parcel’s General Plan Land Use Designation is split between multi-family residential and commercial land use designations. The proposed Parcel Map has been found to be consistent with all applicable General Plan policies as set forth in Finding 2.2.

4.2 **The proposed Parcel Map conforms to the applicable standards and requirements of the County zoning regulations and Minor Land Division Ordinance.**

Rationale: The proposed parcels have been analyzed and conditioned in accordance with the RM and CM designations and will comply with all applicable development standards for new lots in that zone. As proposed and conditioned, the Parcel Map conforms to the Minor Land Division Ordinance.

4.3 **The site is physically suitable for the proposed type and density of development.**

Rationale: No additional development is proposed as part of this project. The developments as approved under DR20-0001 meets the type and density requirements of the RM and CM zone districts. The proposed parcels, including existing structures/improvements, meet the required minimum lot size, lot width, and building setback standards of the Zone Districts. Proposed Parcel One would contain structures which are sited close to the required setback standards. The closest secondary front yard setback is 10-feet. 10-feet is the minimum setback required for secondary front yards. Proposed Parcel Two would contain two structures setback by 26.5-feet from secondary front yards, which is in excess of the 10-foot minimum requirement. All other setbacks for both proposed parcels remain consistent with DR20-0001.

4.4 **The proposed subdivision is not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat.**

Rationale: This project is exempt from CEQA pursuant to California Senate Bill 35 (SB 35) (Streamlined Ministerial Approval of Affordable Housing). Therefore, the Tentative Parcel Map does not require review of environmental impacts.

4.5 **The proposed subdivision is not likely to cause serious public health hazards.**

Rationale: The proposed subdivision has been reviewed for potential public health hazards. The current parcel map project has been conditioned to mitigate any potential impacts associated with potential future residential development and occupancy including air quality, storm water management, and fire safety. All prior approved conditions pursuant to DR20-0001 remain in effect.

4.6 **The proposed subdivision design and improvements are suitable and in compliance with the requirements of Public Resources Code Section 4291.**

Rationale: Fire District reviewed this project and provided no additional comments or conditions to the project. The project site is required to continue meeting all standard fire safe requirements as outlined within DR20-0001. With adherence to standard fire safe requirements, the project will be in compliance with the requirements of Public Resources Code Section 4291.

4.7 **The proposed design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.**

Rationale: The project will not result in any changes to currently existing easements. Further, there are no off-site improvements proposed or required which would necessitate changes to, nor development within, any existing easements. Therefore, the project as proposed will not result in any changes to an existing easement.

**CONDITIONS OF APPROVAL**

**Tentative Parcel Map P21-0005/El Dorado Senior Village  
Apartments  
Zoning Administrator/January 19, 2022**

1. This Tentative Parcel Map is based upon and limited to compliance with the project description, Conditions of Approval set forth below, and the hearing exhibits marked:

Exhibit E.....Tentative Parcel Map

Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval would constitute a violation of permit approval.

The project description is as follows:

This project is a Tentative Parcel Map that would create two residential parcels of ten-acres each from an existing 20-acre parcel (Exhibit E). Fire and vehicular access to proposed Parcel One is provided via a currently existing driveway encroachment onto Barnett Ranch Road. Proposed fire and vehicular access to Proposed Parcel Two will be from a future encroachment onto Barnett Ranch Road. The Proposed Parcels will be served by existing public electric and gas utilities to the satisfaction of Pacific Gas and Electric (PG&E). The Proposed Parcels will be served by existing wells on site; each parcel currently contains one well each. The Proposed Parcels will be served by individual private septic systems, which will require development of a septic system and identification of leach field area for proposed Parcel Two for future residential development.

The development, use, and maintenance of the property, the size, shape and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and Conditions of Approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and Conditions of Approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

**Planning Services**

2. **Tentative Parcel Map Limits:** This Tentative Parcel Map shall expire 36-months from the date of approval unless a timely extension has been filed consistent with Section 120.74.020 (Expiration Period of Approved or Conditionally Approved Maps) of the Subdivision Ordinance.

3. **Notice of Exemption (NOE) Recording Fee:** The applicant shall submit to the Planning Services Division a \$50.00 recording fee for the County Recorder to file the Notice of Exemption. Checks shall be payable to El Dorado County. No permits shall be issued or parcel map filed until said fees are paid.
4. **Park Fees:** The subdivision shall be subject to parkland dedication in-lieu fees based on values supplied by the County Assessor and calculated in accordance with Section 120.12.090 of the County Code. The applicant shall provide proof of payment of parkland dedication in-lieu fees to Planning Services prior to filing the final map.
5. **Archeological Resources:** In the event of the discovery of human remains, all work shall cease and the County Coroner shall be immediately notified pursuant to subdivision(c) of Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. The Coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, he or she shall contact, by telephone within 24-hours, the Native American Heritage Commission. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendant of the deceased Native American.

Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Section 5097.98 of the Public Resources Code, with the most likely descendants regarding their recommendations. The descendants shall complete their inspection and make their recommendation within 48-hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials or other proper method(s) for handling the remains in accordance with Section 5097.98(b-h). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken.

6. **Indemnity:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a Parcel Map.

The County shall notify the applicant of any claim, action, or proceeding, and the County shall cooperate fully in the defense.

### **Environmental Management Department (EMD)**

7. **Onsite Wastewater Treatment Systems:** The El Dorado County Local Agency Management Plan (LAMP) and Onsite Wastewater Treatment Systems Manual (OWTS Manual) list EMD's requirements for parcel splits, tentative maps, and subdivisions. Soil depth and percolation rate data is available for proposed Parcel One from an existing septic system installed on it. Soil depth and soil percolation rate data is not available for proposed Parcel Two.

Parcel Two is required to have a soil percolation rate of 120-minutes per inch or lower and must have an adequately sized effluent dispersal area. A test pit (test trench) is required for this parcel to demonstrate adequate soil depth, and a soil percolation test is required for the parcel as well. Land divisions must meet all requirements of El Dorado County LAMP Section 4 "Land Divisions of Parcels Served by OWTS."

Please provide a complete soils evaluation and identify a suitable effluent dispersal area for the proposed Parcel Two.

### **Pacific Gas & Electric (PG&E)**

8. **PG&E Project Review Rights:** PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.

### **Surveyor**

9. **Monumentation:** All survey monuments must be set prior to filing the Parcel Map.
10. **Reset Monuments:** All boundary monuments disturbed during project construction shall be reset by a Professional Land Surveyor or Qualified Engineer as defined by Section 8771 of the California Business and Professions Code (Land Surveyors Act).
11. **Addressing:** Situs addressing for the project shall be coordinated with the County Surveyor's Office prior to filing the Final Map.
12. **COA Conformance:** Prior to filing the Parcel Map, a letter will be required from all agencies that have placed conditions on the map. The letter will state that "**all conditions placed on (Subject Project) by (that agency) have been satisfied.**" The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.