

**COUNTY OF EL DORADO DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of: October 25, 2012
Item No.: 9
Staff: Tom Dougherty

REZONE/DESIGN REVIEW

FILE NUMBER: Z12-0001/DR12-0002/Skyview Apartments

APPLICANT: Gerald (Jerry) Caditz

REQUEST: The proposed project consists of the following requests:

1. Rezone from Professional Office Commercial-Design Community (CPO-DC) to Multifamily Residential-Design Community (RM-DC); and
2. Design Review application to construct four apartment units within one two-story building as an addition to an existing eight-unit complex. Ten percent of the total number of units are proposed to be affordable to low and moderate income households.

LOCATION: West side of Product Drive at the intersection with Market Court within the Barnett Business Park, in the Shingle Springs area, Supervisorial District 2. (Exhibit A).

APN: 109-410-08 (Exhibit B)

ACREAGE: 1.03 acres

GENERAL PLAN: Multifamily Residential (MFR) (Exhibit D)

ZONING: Professional Office Commercial-Design Community (CPO-DC) (Exhibit E)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

RECOMMENDATION: Staff recommends the Planning Commission forward a recommendation to the Board of Supervisors to take the following action:

1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
2. Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines, Section 15074(d), as incorporated in the Conditions of Approval and Mitigation Measures in Attachment 1;
3. Approve Rezone Z12-0001 based on the Findings in Attachment 2; and
4. Conditionally approve Design Review DR12-0002 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

PROJECT INFORMATION

Project Description: Request for a Design Review to allow the construction of four apartment units within one two-story building as an addition to an existing eight-unit complex., and a rezone from Professional Office Commercial-Design Community (CPO-DC) to Multifamily Residential-Design Community (RM-DC). The applicant is proposing that ten percent of the total number of units are to be affordable to low and moderate income households.

Site Description: The 1.03-acre parcel currently contains two existing apartment buildings constructed in 1988 with four apartments each and related landscaping, concrete block propane tank enclosure, and paved parking. The remainder of the parcel contains chaparral-type vegetation.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	CPO-DC	MFR	Multifamily residential/Two four-unit apartment buildings.
North	CPO-DC	MFR	Multifamily residential/Vacant
South	CPO-DC	C	Commercial/Vacant
East	CPO-DC	C	Commercial/Vacant
West	CG-DC	C	Commercial/Existing business

STAFF ANALYSIS: Staff has reviewed the project for compliance with the County’s regulations and requirements. The following are the analysis’ of the proposal and issues which were considered.

Project Issues: Discussion items for this project include affordable housing, biological resources, fire protection, grading/drainage, land use compatibility, noise, parking, rezone.

Affordable Housing: The County Health and Human Services Agency (EDCHHSA) has responded that the proposed Skyview Apartments multifamily rental project parcel is located in what is considered a prime area for affordable high-density residential housing due to the project site proximity to amenities such as transportation, schools, medical, recreation and retail services. General Plan Policies HO- 1.6, HO- 1.7, HO- 1.16 and HO- 1.1 8 require the County to encourage applicants to offer a portion of their developments as affordable. Should the project be approved with a portion of the units to be set aside as affordable to low- to moderate-income households, EDCHHSA staff would work with the applicant to identify potential incentives that may assist in the development of the affordable units.

The developer is proposing to set aside 100 percent of the new units and include at least one existing unit (for a total of 5) as affordable deed-restricted to low- to moderate-income households, the project may be considered for Traffic Impact Fee (TIM) Offset Program for the deed restricted units under Board Policy B-14. The developer submitted an application for the TIM Fee Offset program to this effect for Board of Supervisors consideration.

An affordable housing plan and agreement is required should affordable units become a condition of the project. The EDCHHSA recommended conditions of approval to assure affordability have been included in Attachment 1.

Biological Resources: The project site is located within Ecological Preserve Mitigation Area 1 (County Code Section 17.71), which are lands outside of a designated ecological preserve but with soil types capable of sustaining rare or endangered plants. Two rare plant report/summaries were submitted for the project (Attachments 4 and 5 of the Environmental Checklist/Discussion of Impacts) which reported the presence of rare and threatened plant species within the parcel. Those reports recommended a mitigation measure to assure the proposed project development area would be fenced until issuance of final occupancy for the building permit, to assure the areas of most concern for impacts to those plants would be protected. That measure is included in Attachment 1. This is consistent with Policy 7.4.1.6.

Fire Protection: Policy 5.7.1.1 requires the applicant demonstrate that adequate emergency water supply, storage and conveyance facilities, and access for fire protection either are or would be provided concurrent with development. EID would provide domestic water and fire-flow service. The Facilities Improvement Letter stated the current facilities must be upgraded in order to deliver the fire flow which was determined to be 1,500 gallons per minute with 20 pounds per square inch residual pressure for a two hour duration. The Fire District has required project conditions of approval addressing fire protection issues for the project site. These conditions have been incorporated into the project. The project would be in compliance with this Policy.

Grading and Drainage: Building Services has reviewed the submitted preliminary drainage and grading plan and found that the project would have the ability to meet the requirements of the Drainage Manual and Grading Ordinance. Preparation and approval of a final grading and drainage plans is required prior to construction. The project would be required to comply with the County's California Stormwater Pollution Prevention Plan issued by the State Water Resources Control Board, as well as any applicable requirements of the California Water Quality Control Board, during the grading permit process.

Land Use Compatibility: The General Plan designates the subject site as Multifamily Residential (MFR). Policy 2.2.1.2 states the purpose of the MFR designation is “to identify those areas suitable for high-density, multifamily structures such as apartments, single-family attached dwelling units (i.e., air-space condominiums, townhouses) and multiplexes. The minimum allowable density is five dwelling units per acre, with a maximum density of 24 dwelling units per acre. Approval of the project would provide a total of 12 units on 1.03 acres for a density of 12 units per acre.

Parking: Section 1718.060 (4) of the Zoning Ordinance requires 2 parking spaces, for each 2 or more bedroom apartments. The 4 proposed 2-bedroom apartments would require 8 additional spaces for a total of 24 parking spaces for the entire complex. The project would also be required to provide guest parking at 1 space for each 4 units (3 total). Compact spaces are not allowed for residential projects except for guest parking. Section 17.18.040.A only allows compact parking for 50 percent of the required guest parking which means the project would only be allowed 1 compact space. Of the 27 spaces required, 2 must be accessible parking compliant with Title 24 of the current Building Code, and one of those must be van accessible. The project site plan shows space for 31 parking spaces of which 3 are accessible and two are van accessible and therefore is consistent with Chapter 17.18.

Rezone: Policy 2.2.5.3 requires that the County shall evaluate future rezoning. The specific criteria to be considered include; but are not limited to, the following:

Criteria	Consistency
<p>1. Availability and capacity of an adequate public water source and waste water treatment system.</p>	<p>Water Supply: Policy 5.2.1.2 requires an adequate quantity and quality of water for all uses, including fire protection, shall be provided for with discretionary development. The project proposes to use a metered domestic water supply. The El Dorado Irrigation District (“EID”) issued a Facility Improvement Letter (FIL) dated October 6, 2011 (Attachment 8) that states that as of January 1, 2009, there were 1,315 equivalent dwelling units (EDUs) available in the Western/Eastern Water Supply Region. There is an existing 12-inch water line Product Drive and a six-inch line within the proposed project site. The FIL stated there currently are adequate EDUs available to serve the project and, with the proper extensions, would deliver enough water pressure to meet Fire District requirements. EID requires that the expansions occur to their specifications.</p> <p>Sewer Facilities/Wastewater: Policies 5.3.1.1 and 5.3.1.7 states that multifamily projects and projects in Community Regions shall connect to public wastewater facilities. The submitted EID Facility Improvement Letter states a four-inch sewer force main exists in Product Drive and the subject parcel is currently served by an existing private lift station which has adequate capacity to serve the subject building as well. The project would be consistent with these policies because the project is required to be served by EID wastewater service. The project includes a recommended</p>

	condition of approval requiring a Meter Award Letter from EID prior to issuance of a grading and/or building permit.
2. Distance to and capacity of the serving elementary and high school.	The existing parcel area is currently served by the Buckeye Union School District. The project was distributed to them for review and they did not respond with any concerns about serving the project.
3. Response time from nearest fire station handling structure fires.	The El Dorado County Fire Protection District provides fire protection services to the project area. Development of the project would result in a minor increase in the demand for fire protection services, but would not prevent meeting their response times for the project or its designated service area any more than exists today.
4. Distance to nearest Community Region or Rural Center.	The project site is located within the Shingle Springs Community Region.
5. Erosion hazard.	The project would require minor grading for roads and drainage infrastructure to be completed prior to issuance of final occupancy for any Building Permit. This would assure that all existing drainage courses would be adequately protected by the incorporation of appropriate development setbacks and the required strict adherence to Best Management practices during the grading permit process.
6. Critical flora and fauna habitat areas.	The submitted biological reports reported that special status plant species were found and determined that by including a mitigation to fence the development area at the grading limit line would reduce impacts to less than significant.
7. Important timber production, agricultural, mineral resource areas.	The project site does not contain or is adjacent to any timber production, agricultural, mineral resource areas.
8. Capacity of the transportation system serving the area.	Access to the site will be provided via an existing encroachment onto Product Drive, a County maintained road. DOT reviewed the project and found that the transportation system is adequate to serve the area with the addition of the four units. The Fire District has recommended a condition assuring an adequate turnaround for their equipment within the site.
9. Existing land use pattern.	The project site is surrounded by land designated and utilized for commercial and multifamily uses.. The proposed rezone would allow the parcel zoning to be consistent with the MFR land use designations.
10. Proximity to perennial watercourse.	There were no perennial watercourses identified by the within the project parcel.
11. Important historical/archeological sites.	Because of the possibility in the future that ground disturbances could discover significant cultural resources, Planning has added standard Conditions of Approval to assure that potential issue is addressed during project development.
12. Seismic hazards and present of active faults.	As shown in the Division of Mines and Geology's publication, <i>Fault Rupture Hazard Zones in California</i> , there are no Alquist-Priolo Special Studies Zones mapped in El Dorado County. The impacts from fault ruptures, seismically induced ground shaking, seismic ground failure, or

	liquefaction are considered to be less than significant. Any potential impact caused by locating buildings in the project area would be offset by the compliance with the Uniform Building Code earthquake standards.
13. Consistency with existing Covenants, Conditions, and Restrictions.	The project site is not encumbered by any CC&Rs.

As proposed, the project site has been determined to be suitable for the proposed rezone from CPO-DC to RM-DC. Additionally, the rezone would make the zoning consistent with the MFR land use designation.

Design Issues: The site is located within a Design Community district. The Community Design Guide contains guidelines which are applicable to the proposed project:

Site Planning (Community Design Guide, Page 6):

Suitability: A project should be designed to fit the existing site, rather than alter the site to accommodate a stock plan.

Discussion: As shown on the Preliminary Grading and Drainage Plan map, a moderate amount of site grading would be required for project implementation. However, the area to be developed within the site is relatively flat from previous grading.

Open Space: Natural features and views should be maintained and protected through use of adequate open space.

Discussion: The existing shrubs and herbaceous plants west and south of the proposed building would be preserved and protected by fencing during construction at the grading limit line shown the Preliminary Grading, Drainage Plan, dated June 2012, Sheet G1.

Parking Areas: Screen parking areas from public ways and divide them up with landscaping, walls, fences, berms and other means.

Discussion: The proposed parking areas exist and were approved during the building permit process in 1988. The project proposes landscape planter areas between the sidewalks and proposed building.

Lighting: Exterior lighting shall be subdued and avoid creating glare for occupants or neighboring properties. Lighting should enhance the building design and landscaping as well as provide for safety and security.

Discussion: The project includes one exterior wall light. As required by the County outdoor lighting requirements, all lighting would be required to be full cut-off and downward shielded to prevent glare. Review of the submitted specification sheet, (Exhibit H), indicates it conforms to the provisions of Section 17.14.170 of County Code and the full cutoff requirement.

Trash and other service areas: Locate trash enclosures and loading docks away from public streets and store entrances and screen them. Screens should be durable and an integral part of the overall structural design.

Discussion: The trash enclosure, (as shown in Exhibit F-1, Site Plan), is proposed to be enclosed with six-foot tall chain link fencing with slats installed. It is designed to contain both solid waste and recycling dumpsters.

Building Design (Community Design Guide, Page 7):

Harmony: Different structures and parts of structures should harmonize with each other and the neighborhood.

Discussion: The proposed buildings will be utilizing materials and colors that are similar in nature to other commercial and multifamily residential buildings within the Shingle Springs Community Region Planning Concept Area as well as those within the Barnett Business Park. As proposed, the project appears to fit within the context of surrounding land uses.

Materials: Use materials honestly. Simulated wood or masonry, for example, generally is not acceptable. Finishes, Textures and Colors: Exterior treatment should be subdued and restrained. Treatment should aim at durability and ease of maintenance as well as initial beauty. Large building masses should be broken with architectural details, varied roof-lines, and different windows and window treatments.

Discussion: Staff has reviewed the submitted preliminary building elevations which also show the proposed materials and colors (Exhibits F-3 and G). The proposed plywood siding and wood Masonite trim boards would give the project a more natural appearance and match the existing buildings. The project elevations show that the building masses would be broken up with recessed balconies and patio, colors, and varied roof line. The following table shows the various materials and colors proposed:

BUILDING/STRUCTURE COMPONENTS	MATERIAL	STYLE/COLOR
Roof	Composition asphalt shingles	Light brown
Building walls	Eight-groove plywood	Gray
Balcony railings	Metal	Matte Black
Wall and window trim	1" by 6" Masonite	Army green
Facia gutters	5" metal	Army green

Mechanical Equipment and Utilities: Design service equipment, including meter boxes as part of the structure, and provide screening for them.

Discussion: No rooftop mechanical equipment is proposed. Ground level mechanical equipment would be required to be shielded from views with either fencing or landscape shrubs. The air conditioners would be located within the attic area of the building. Planning would review the development plans submitted for the project for screening of mechanical equipment plan, prior to

issuance of a building permit as well as during a site visit required prior to issuance of final occupancy.

Signs (Community Design Guide, Page 7):

“Design Compatibility: Signs, their materials, size, color, lettering, location and arrangement, should be an integral part of the site and building design and compatible with their surroundings.”

Discussion: No signage is proposed.

ENVIRONMENTAL REVIEW: Staff has prepared an Initial Study (Negative Declaration/Mitigated Negative Declaration and Initial Study) to determine if the project may have a significant effect on the environment. Based on the Initial Study, conditions have been added to the project to avoid or mitigate to a point of insignificance the potentially significant effects of the project in the areas of impacts to biological resources. Staff has determined that significant effects of the project on the environment have been mitigated; therefore, a Mitigated Negative Declaration has been prepared.

This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.). In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$2,101.50 after approval, but prior to the County filing the Notice of Determination on the project. This fee plus a \$50.00 administration fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$2,101.50 is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the State’s fish and wildlife resources.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings of Approval
Exhibit A	Location Map
Exhibit B	Assessors Parcel Number Map
Exhibit C	Parcel Map 37-39
Exhibit D	General Plan Land Use Designations Map
Exhibit E	Zoning Map
Exhibit F-1	Site Plan, Sheet S1; July 2012
Exhibit F-2	Floor Plans, Sheet 1
Exhibit F-3	Elevations with Exterior Materials and Colors Labeled
Exhibit F-4	Preliminary Grading and Drainage Plan, Sheet G1; June 2012
Exhibit G	Colored Elevations
Exhibit H	Exterior Wall Light
Exhibits I-1 to I-3	Site Visit Photos
Exhibit J-1, J-2	Aerial Photos
Exhibit K	Proposed Mitigated Negative Declaration and Initial Study

ATTACHMENT 1

CONDITIONS OF APPROVAL

**Rezone Z12-0001/Design Review DR12-0002/Skyview Apartments
Planning Commission/October 25, 2012**

Planning Services

1. This Design Review is based upon and limited to compliance with the project description, the staff report exhibits as follows, and conditions of approval set forth below:

Exhibit F-1	Site Plan, Sheet S1; July 2012
Exhibit F-2	Floor Plans, Sheet 1
Exhibit F-3	Elevations with Exterior Materials and Colors Labeled
Exhibit F-4	Preliminary Grading and Drainage Plan, Sheet G1; June 2012
Exhibit G.....	Colored Elevations
Exhibit H.....	Exterior Wall Light

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 will constitute a violation of permit approval.

The project approval allows the following for the 1.03-acre parcel identified by Assessor's Parcel Number 109-410-08:

- a. Rezone from Professional Office Commercial-Design Community (CPO-DC) to Multifamily Residential-Design Community (RM-DC); and
- b. The construction of a two-story, fourplex apartment building and associated landscaping, parking, and sidewalks located. The 1.03-acre parcel currently contains two existing apartment buildings with four apartments each.

The project consists of a four unit (fourplex) apartment buildings with two series totaling 4,246.4 square feet.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking and landscape areas, 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 (such as Landscape, Lighting, and Special Status Plant Species Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

Conditions from the Mitigated Negative Declaration

The following Mitigation Measure is required as a means to reduce potential significant environmental effects to a level of insignificance:

2. **BIO-1: Protective Fencing Required:** The building site and adjacent construction area shown in the Preliminary Grading and Drainage Plan dated June 2012 (grading limit line), shall be fenced with orange construction fencing prior to the initiation of any construction allowed by a building and/or grading permit for the new apartment building subject of application DR12-0002 approval. The fence shall prevent personnel and vehicles from encroaching into the main population of rare plants. The fencing shall remain until after building and grading permit finals.

Monitoring Responsibility: Development Services

Monitoring Requirement: Development Services shall check to see if the final building and grading permit plans have noted the protective fencing as shown on the Preliminary Grading and Drainage Plan dated June 2012 (grading limit line). Development Services inspectors shall ensure that the fencing is maintained as required at each inspection. Development Services shall confirm with a site visit, that the fencing prevented any disturbance to the area shown outside the existing and new development areas prior to building and grading permit final.

El Dorado County Planning Services

3. **Expiration:** Pursuant to County Code Section 17.22.250, implementation of the project must occur within twenty-four months of approval of this permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval.
4. **Conditions Compliance:** Prior to issuance of a building permit or commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to issuance of a Certificate of Occupancy or Building Permit final for any Building Permit for verification of compliance with applicable Conditions of Approval.
5. **Site Improvements:** Building design, colors, building placement, and parking lot improvements shall be completed in conformance with the plans submitted and in conformance with the conditions of approval herein and shall substantially comply with Exhibits F-1 to H. Minor variations are allowed, however, any major changes in the design and location of buildings, air conditioner location, trash enclosures, sidewalks, lighting, landscaping, access driveways, and parking, shall require review and approval by the Planning Services prior to project modifications. Materials and colors shall include the following:

BUILDING/STRUCTURE COMPONANTS	MATERIAL	STYLE/COLOR
Roof	Composition asphalt shingles	Light brown
Building walls	Eight-groove plywood	Gray
Balcony railings	Metal	Matte Black
Wall and window trim	1" by 6" Masonite	Army green
Fascia gutters	5" metal	Army green

All ground level mechanical equipment shall be shielded from view by walls or evergreen landscape shrubs. The trash enclosure, (as shown in Exhibit F-1, Site Plan), shall be enclosed with six-foot tall chain link fencing with slats installed.

6. **Lighting:** One outdoor wall light (Exhibit H) is approved. Outdoor lighting shall conform to Section 17.14.170 of the Zoning Ordinance, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. External lights used to illuminate a sign, side of a building, or wall shall be shielded in order to prevent light from shining off the surface to be illuminated.

The applicant shall schedule a site inspection with Planning Services, prior to issuance of final occupancy for a building permit. Should the final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services.

7. **Parking:** Parking shall be improved consistent with Chapter 17.18 of the County Code. The accessible parking spaces shall be improved in accordance with Title 24 of the current California Building Code. Parking shall be provided in substantial compliance with Exhibit F-1 and provide a minimum of 24 standard parking spaces and three guest parking spaces. Of the 27 spaces, a minimum of two shall be accessible spaces compliant with Title 24 of the current Building Code.
8. **Water Meter Award Letter:** The project shall connect to EID services for water and waste water services. The applicant shall submit an EID Water Meter Award Letter or similar document to Planning Services prior to issuance of a building permit and/or grading permit.
9. **Development Services Processing Fees:** The applicant shall make the actual and full payment of all Development Services processing fees for the Zone Change and Design Review applications prior to any building permit final.
10. **Fish and Game Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,101.50 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued until said fees are paid.
11. **Cultural Resources:** If human remains are discovered at any time during the improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J,

Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the applicants shall retain an archaeologist to evaluate the resource.

If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the applicants, archaeologist, and Planning Services shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the applicants and shall be subject to review and approval by Planning Services.

12. **Hold Harmless Agreement:** 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, as provided in Section 66474.9(b) of the California Government Code.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, or employees from any claim, action, or proceedings 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 rezone and design review, which action is brought within the time period provided for in Section 66499.37.

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

El Dorado County Department of Transportation

13. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
14. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the County of El Dorado inspector prior to being used.
15. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.
16. **Import/Export Grading Permit:** Any import, or export to be deposited or borrowed within the County of El Dorado, shall require an additional grading permit for that offsite grading.
17. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees at issuance of building permit.

Air Quality Management District

18. The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM10) in the form of dust. AQMD Rules 223 and 223.1, which address the regulations and mitigation measures for fugitive dust emissions mitigation, shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223 and 223.1. In addition, a Fugitive Dust Mitigation Plan (DMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction.
19. Project construction may involve road development and should adhere to AQMD Rule 224 Cutback and Emulsified Asphalt Paving Materials.
20. Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
21. The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
22. All portable combustion engine equipment with a rating of 50 horsepower or greater shall be permitted by the California Air Resources Board (CARB). A copy of the current portable equipment permit shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, daily hours of operations of each piece of equipment

Hazardous Materials & Solid Waste Division

23. The applicants shall provide sufficient space for both trash and recycling dumpsters. All solid waste, including animal waste shall be stored in trash containers with tight fitting lids and hauled from the site at least once every seven days for proper disposal. Any and all infectious medical waste and sharps shall be properly handled, stored, transported and disposed of in accordance with the California Medical Waste Management Act.

El Dorado County Health and Human Services Agency

24. At least ten percent of the total units shall be designated as affordable housing for low income households. Income levels are defined as those households earning between 50 to 80 percent of the median family income as established for El Dorado County. Deed restrictions for these specific affordable units shall be recorded prior to approval of the final map.
25. An affordable housing plan, to include, but not be limited to, financing arrangements, monitoring program and 20-year deed restrictions shall be established by the applicant through a Developer's Agreement with the County of El Dorado. A copy of the

affordable housing plan shall be submitted to the Health and Human Services Agency and Planning Services prior to occupancy of the first unit.

26. In accordance with General Plan Policy HO-3.9, the property owner(s) shall provide notice to the California Department of Housing and Community Development, the El Dorado County Health and Human Services Agency and the existing tenants at least two years prior to the conversion of the affordable rental housing units to market rate. For-sale units are subject to a Buyers Agreement as part of the housing plan Developer's Agreement.

Office of the County Surveyor

27. Situs addressing for the project shall be coordinated with the El Dorado County Fire Protection District and the County Surveyors Office prior to issuance of a Building Permit.

El Dorado County Fire Protection District

28. Fire Flow for this project is a minimum of 1,500 gallons per minute @ 20psi residual. The applicant shall provide documentation from water purveyor to show that the system will meet required fire flow for this project.
29. Buildings on this project will require an engineered fire sprinkler system and monitored fire alarm system.
30. The 20 foot wide all weather access road as shown will require "No Parking" on the south and west sides of the road.

ATTACHMENT 2

FINDINGS

Rezone Z12-0001/Design Review DR12-0002/Skyview Apartments Planning Commission/October 25, 2012

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 El Dorado County finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with the corresponding permit monitoring requirement, is hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.4 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

- 2.1 The project is consistent with the Multifamily Residential (MFR) land use designation of the subject site as defined by General Plan Policy 2.2.1.2, because the MFR land use designation includes apartments as compatible uses. Further, the MFR land use designation allows 5 to 24 units per acre and the project includes 4 units for a total project parcel density (three buildings, 12 total units) of 11.56 units per acre (rounded up to 12 because all units are proposed to meet the “affordable” criteria).
- 2.2 The proposal is consistent with the intent of the following General Plan Policies:
 - a. 2.2.1.2 (MFR uses) because it allows the appropriate density and multifamily uses; and
 - b. 2.2.5.21 (compatibility with surroundings) because it has been designed in substantial compliance with the Community Design Guidelines;
 - c. 5.2.1.2 and 5.3.1.1 because the submitted El Dorado Irrigation District Facility Improvement Letter states that with sufficient upgrades of the existing water and

- sewer facilities, the project can have adequate potable water, water pressure, and sewer capacity to allow the proposed uses;
- d. 6.5.1.7 (noise) because the outgoing air conditioner noises would be at levels less than the General Plan noise standards.

Because of the project's provisions of adequate access, site design, and attention to architectural design features that fit within the context of the surrounding uses, it is consistent with the General Plan policies identified above.

3.0 ZONING FINDINGS

- 3.1 The project is consistent with the Zoning Ordinance designation of Multifamily Residential-Design Community (RM-DC) because the proposed project provides multifamily residential uses pursuant to Section 17.28.100.B of the Zoning Code, and has demonstrated consistency with the Community Design Guidelines.
- 3.2 The project, as proposed and as Conditioned in Attachment 1, is consistent with the El Dorado County Zoning Ordinance Development Standards because design consistency with the Community Design Guidelines is being addressed with a Design Review application, and the proposed buildings meet the development standards pursuant to Section 17.28.120 of County Code for setbacks, maximum building coverage, building height, and density.
- 3.3 The project complies with the process of Design Review, Zoning Ordinance Chapter 17.74 because the project has a Design Community (DC) overlay; made application for DR12-0002 on February 7, 2012 and complies with 17.74.040 Community Design Review Districts.