

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

Agenda of:	August 9, 2007
Item No.:	7.b.
Staff:	Tim Chamberlain

PLANNED DEVELOPMENT

FILE NUMBER: PD05-0009/Cunningham Duplex Development

OWNER: Michael Cunningham

APPLICANT: JMR Architecture

REQUEST: Request for a planned development for the construction of a six unit multifamily residential development consisting of three duplex structures.

Request for a design waiver to reduce the sidewalk width pursuant to Standard Plan 101B, along Country Club Drive, from six feet to four feet.

LOCATION: On the south side of Country Club Drive approximately 170-feet east of Knollwood Drive, in the Cameron Park area, Supervisorial District I. (Exhibit A)

APN: 082-401-06

ACREAGE: 0.49 acres

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

ZONING: Limited Multifamily Residential with Design Control and Planned Development overlay (R2-DC-PD). (Exhibit C)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

SUMMARY RECOMMENDATION: Conditional Approval

PROJECT SUMMARY

The applicant submitted an application for a design review on August 10, 2005; however, a planned development application was subsequently submitted in October 2006, because it is a required application for development of a property with the Planned Development Zoning overlay. The project remained incomplete until March 2007. The proposed development plan consists of a site plan, landscape plan, and building elevations (Exhibit G). The Department of Transportation has determined that this project does not require a traffic study. The Cameron Park Community Services District and Design Review Committee have reviewed the project and support the project with conditions. The main area of concern for this project is mitigating for the loss of Delineated Waters of the US which are considered seasonal wetlands.

STAFF ANALYSIS

Project Description: The applicant has requested a Planned Development within the Limited Multifamily Zone District (R2-PD) for a six-unit multifamily complex consisting of three duplex units. The Zone District has a PD overlay which requires a planned development application be processed through Planning Services prior to development of the property. In addition to the structures, the development will include landscaped areas including 49 percent open space and sidewalks along the adjacent sections of Country Club Drive.

Access to the units would be provided from Country Club Drive via a 200-foot driveway serving all six units. Each duplex would be two-story consisting of a 702 square foot lower floor, a 760 square foot upper floor, and a 495 square foot attached two car garage. This project is within the El Dorado Irrigation District (EID) and would be served by EID public water and sewer lines.

The applicant has provided a color palette for the proposed buildings. This color palette includes three rock varieties including a dark brown Walnut County Ledge stone, a beige Lakeshore River Rock, and a light brown Cedar Dry Stalk Ledge stone. The exterior of the buildings would be either Canyon View (grey), Amber Leaf (khaki), or Cottage Walk (grey/brown). The trim would be done in an off white, and the accent color would be either Hickory Grove (dark brown), Autumn Hills (dark red), or Napa Harvest (black). All exterior building materials, treatments, and landscaping would be maintained in good visual repair, at all times.

Site Description: The 0.49 acre property is located in the Cameron Park area approximately 1,100-feet north of U.S. Highway 50 an average elevation of 1,080 feet above mean sea level. The site is primarily covered with low-lying grasses, shrubs, trees and rocks and has a mild slope descending north to south. The project site is undeveloped with a seasonal wetland. The site is surrounded by single family and multi-family residential units.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	R2-DC-PD	MFR	Undeveloped
North	R1	HDR	Single Family Residential
South	R2-DC	MFR	Multi Family Residential (Apartments)
East	R2-DC-PD	MFR	Undeveloped
West	R2-DC-PD	MFR	Undeveloped (PD05-0008)

The project parcel is bounded on all sides by residentially zoned land. The project would create six multifamily residential units which would be consistent with the R2 Zone District and MFR Land Use Designation. Other adjacent parcels are either undeveloped or conform to the residential nature of this area. The project would not create conflicts with the surrounding land uses.

General Plan: The project is located within the Multi-Family Residential (MFR) land use designation. Multi-Family Residential land has a required density of 5 to 24 units per acre. This development request would create multifamily duplexes at a density of 10.2 units per acre which would be consistent with the density requirement. The following are the General Plan Policies applicable to this project. Findings have been made regarding consistency with the General Plan in Attachment Two.

Policy 2.2.3.1: The Planned Development (-PD) combining Zone District, to be implemented through the zoning ordinance, shall allow residential, commercial and industrial land uses consistent with the density specified by the underlying zoning district with which it is combined. Primary emphasis shall be placed on furthering uses and/or design that provide a public or common benefit, both on- and off-site, by clustering intensive land uses to minimize impact on various natural resources, avoid cultural resources where feasible, minimize public health concerns, minimize aesthetic concerns, and promote the public health, safety, and welfare. A goal statement shall accompany each application specifically stating how the proposed project meets these criteria.

- A. The major components of a Planned Development in residential projects shall include the following
 - 1. Commonly owned or publicly dedicated open space lands of at least 30 percent of the total site. Within a community area, the commonly owned open space can be developed for recreation purposes such as parks, ball fields, or picnic areas. Commonly owned open does not include space occupied by infrastructure (e.g., roads, sewer, and water treatment plants).
 - 2. Clustered housing units or lots designed to conform to the natural topography.

The development plan has provided 49 percent or 10,392 square feet of the available land dedicated to open space without amenities. The application demonstrates conformance with the requirements of this section in regards to the planned development overlay. Findings specifically relating to the planned development can be found in Attachment Two of this staff report. Staff finds this application is in conformance with the requirements of this General Plan Policy.

Policy 2.2.5.20: Development involving any structure greater than 120 square feet in size or requiring a grading permit shall be permitted only upon a finding that the development is consistent with this General Plan and the requirements of all applicable County ordinances, policies and regulations. For projects that do not require approval of the Planning Commission or Board of Supervisors, this requirement shall be satisfied by information supplied by the developer demonstration compliance.

The developer has applied for a planned development which requires Planning Commission approval. The developer has demonstrated that the requested permits comply with all the General Plan policies applicable to the project.

Policy 5.7.2.1: Prior to approval of new development, the responsible fire protection district shall be requested to review all applications to determine the ability of the district to provide protection services. The ability to provide fire protection to existing development shall not be reduced below acceptable levels as a consequence of new development.

The Cameron Park Fire Department was sent a copy of the development plan for this project, but comments and conditions were not received. The applicant has been advised to contact the Cameron Park Fire Department prior to the application of building permits to ensure that the proposed development meets the requirements of the fire safe code.

Policy 6.6.1.11: The standards outlined in Tables 6-3, 6-4, and 6-5 shall apply to those activities associated with actual construction of a project as long as such construction occurs between the hours of 7 a.m. and 7 p.m., Monday through Friday, and 8 a.m. and 5 p.m. on weekends, and on federally-recognized holidays. Exceptions are allowed if it can be shown that construction beyond these times is necessary to alleviate traffic congestion and safety hazards.

Construction activities associated with the project could generate noise levels exceeding El Dorado County General Plan standards. However, the temporary and transitory nature of this noise source would result in a less than significant impact with the included limitation on construction activity. A project condition has been included which states that construction activity shall be consistent with Policy 6.6.1.11 (Condition 9).

Policy 7.3.3.1: For projects that would result in the discharge of material to or that may affect the function and value of river, stream, lake, pond, or wetland features, the application shall include a delineation of all such features. For wetlands, the delineation shall be conducted using the U.S. Army Corps of Engineers (USACE) Wetland Delineation Manual.

The applicant has included with their submittal a delineation of Waters of the U.S. showing seasonal wetlands. As these wetlands would prevent development of the property, the applicant has decided to pursue a wetland fill permit with the Army Corps of Engineers under Section 404 of the Clean Water Act. Mitigation through the USACE would make the proposed development consistent with the requirements of this policy.

Policy 7.3.3.4: The Zoning Ordinance shall be amended to provide buffers and special setbacks for the protection of riparian areas and wetlands. The County shall encourage the incorporation of protected areas into conservation easements or natural resource protection areas.

Until standards for buffers and special setbacks are established in the Zoning Ordinance, the County shall apply a minimum setback of 100 feet from all perennial streams, rivers, lakes, and 50 feet from intermittent streams and wetlands.

Strict enforcement of this policy, and the required 50 foot setback from all wetlands, would render this parcel undevelopable. For this reason, the applicant has decided to pursue a fill permit through the USACE under section 404 of the Clean Water Act. To mitigate for the loss of 0.182 acres of waters of the United States, the applicant must pay \$40,040 to the National Fish and Wildlife Foundation. Payment of this fee would reduce the environmental impact to a less than significant level, and the project would be in compliance with the requirements of Policy 7.3.3.4.

Policy 7.4.4.4: For all new development projects that would result in soil disturbance on parcels that (1) are over an acre and have at least 1 percent total canopy cover or (2) are less than an acre and have at least 10 percent total canopy cover by woodlands habitats as defined in this General Plan and determined from base line aerial photography or by site survey performed by a qualified biologist or licensed arborist, the County shall require one of two mitigation options: (1) the project applicant shall adhere to the tree canopy retention and replacement standards described below; or (2) the project applicant shall contribute to the County's Integrated Natural Resources Management Plan (INRMP) conservation fund described in Policy 7.4.2.8.

Option A

The County shall apply the following tree canopy retention standards:

Percent Existing Canopy Cover	Canopy Cover to be Retained
80–100	60% of existing canopy
60–79	70% of existing canopy
40–59	80% of existing canopy
20–39	85% of existing canopy
10-19	90% of existing canopy
1-9 for parcels > 1 acre	90% of existing canopy

Under Option A, the project applicant shall also replace woodland habitat removed at 1:1 ratio. Impacts on woodland habitat and mitigation requirements shall be addressed in a Biological Resources Study and Important Habitat Mitigation Plan as described in Policy 7.4.2.8. Woodland replacement shall be based on a formula, developed by the County, that accounts for the number of trees and acreage affected.

A biological study and arborist report were completed for the site to address the existing oak canopy. One existing oak tree would be removed and based on the conclusions of the arborist report, “this tree is showing serious signs of decline... [and] the tree is suffering from root rot caused by the standing water and or chemical runoff from the road.” The arborist has recommended that the affected trees be removed. Based on the biological study and the arborist report, staff finds that the three trees proposed to be removed do not qualify as Oak Woodland Canopy and that the removal of said trees would not impact General Plan Policy 7.4.4.4. The planned development, as designed, would be consistent with this policy.

Policy 7.5.1.3: Cultural resource studies (historic, prehistoric, and paleontological resources) shall be conducted prior to approval of discretionary projects. Studies may include, but are not limited to, record searches through the North Central Information Center at California State University, Sacramento, the Museum of Paleontology, University of California Berkley, field surveys, subsurface testing, and/or salvage excavations. The avoidance and protection of sites shall be encouraged.

A cultural resources survey was conducted for the project site by Golden Hills Environmental Services in March 2006. The results of this survey demonstrate that no historic or prehistoric cultural resources were discovered on the project site. No impacts to, or mitigation for, cultural resources are anticipated for this development. Due to the environmental setting, there is a low potential for identifying Native American sites or historic period archaeological deposits in the project area. As proposed and conditioned, the project conforms to the El Dorado County 2004 General Plan. The project would include conditions in the event that a cultural resource or human remains are discovered during construction (Conditions 16 and 17).

Department of Transportation (DOT) recommends road and right-of-way improvements. Based on *Policies TC-1b, TC-4i, and TC-5b*, specific conditions for project approval have been added to the project. The improvements would result in a 20-foot paved road section extending from the centerline of the road to the face of the new curb. The developer shall construct a Type 2 curb and gutter and a four-foot wide sidewalk along the entire frontage Country Club Drive per Standard Plan 104 and 101B. Additionally, the applicant shall sign and stripe a Class 2 Bike Lane, according to the El Dorado County Bicycle Transportation Plan, along both sides of Country Club Drive from Knollwood Drive to Cambridge Road. DOT reviewed the project and concluded that traffic impacts will not worsen in the area based on *Policy TC-Xe* trip increases of two percent during peak periods, 100 Average Daily Trips (ADTs), or 10 ADTs during the peak period.

Based on the above discussion, staff finds that PD05-0009 is consistent with the General Plan land use designation.

Zoning: The subject site is zoned Limited Multifamily Residential-Planned Development (R2-PD). The proposed multifamily residential use in the R2 Zone District is permitted by right. The development has been designed to meet the development standards of this zone including the requirements for setbacks, maximum building coverage, building height, and density. The proposed fencing shown on the site plan (Exhibit E) is in conformance with the requirements of the Section 17.14.155 of the zoning code regarding Fence height limitations in residential zone districts. The project does not propose any signage or outdoor lighting in the common areas.

The preliminary landscaping plan consists of two 15 gallon Valley Oak trees and a variety of smaller trees and shrubs located along the edge of the adjacent right of way and at various locations throughout the parcel. Groundcover species are also planned on the landscape plans. All landscaping would be watered through drip irrigation, and the development will be required to conform to the El Dorado County Water Conserving Landscaping Standards which will be reviewed prior to issuance of building permits (Condition 11).

Design Waiver: On June 4, 2007, the applicant submitted a request for a design waiver for a reduction in the sidewalk width along Country Club Drive, pursuant to the Standard Plan 101B. The standard requirement is a 6 foot wide sidewalk, and the applicant has requested a reduction to four feet. The Department of Transportation has reviewed this request and supports the design waiver with the agreement that the applicant shall be responsible for the signing and striping of a Class 2 Bike Lane from Knollwood Dr. to Cambridge Road as part of the required off site improvements (Condition 22). The required findings to approve a design waiver request can be made and are included in Section 4 of Attachment 2.

Other Issues: An area of the subject parcel has been delineated as Waters of the United States. In order to develop this parcel, mitigation for the loss of this wetland must be provided in accordance with the requirements of the California Environmental Quality Act. To provide adequate mitigation for this wetland, the applicant has applied for a 404 permit from the U.S Army Corps of Engineers. As part of these mitigation measures, the applicant will be responsible for paying \$40,040 to a wetland replacement mitigation bank as well as complying with all the Corps requirements for inspection and completion of the 404 fill permit.

The El Dorado Irrigation District has provided a Facilities Improvement Letter for this project which shows that water and wastewater services are adequate for the proposed development and that these services may be purchased from the District.

Agency and Public Comments: The following agencies provided comments on this application:

El Dorado County Department of Transportation
El Dorado County Environmental Management Department
Cameron Park Community Services District
Cameron Park Design Review Committee

The El Dorado County Department of Transportation, El Dorado County Environmental Management, and Cameron Park CSD have provided conditions of approval which are included in Attachment 1.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Exhibit H) to determine if the project may have a significant effect on the environment. Based on the Initial Study, conditions and mitigation measures have been added to the project to avoid or mitigate to a point of insignificance the potentially significant effects of the project. Staff has determined that there is the potential for a biological impact on site. A Mitigated Negative Declaration has been prepared which requires the applicant to mitigate for the identified impacts.

NOTE: 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.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,850.⁰⁰ after approval, but prior to the County filing the Notice of Determination on the project. This fee, less \$50.⁰⁰ processing fee, 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.

RECOMMENDATION

Staff recommends that the Planning Commission take the following action:

1. Adopt the Mitigated Negative Declaration based on the Initial Study (Exhibit H) prepared by staff;
2. Adopt the mitigation monitoring program in accordance with CEQA Guidelines, Section 15074(d) incorporated as conditions of approval in Attachment 1;
3. Approve PD05-0008 based on the required findings as noted in Attachment 2, the analysis in the staff report, and the conditions itemized in Attachment 1; and

- 4. Approve the Design Waiver to reduce the sidewalks along Country Club Drive from six feet to four feet.

SUPPORT INFORMATION

Attachments To Staff Report:

Attachment 1Conditions of Approval
Attachment 2.....Findings

Exhibit AVicinity Map
Exhibit BGeneral Plan Land Use Map
Exhibit CZone Map
Exhibit DAerial Map
Exhibit ESite Plan
Exhibit F.....Elevation Plans
Exhibit G.....Photo of Color Board
Exhibit H.....Initial Study (CEQA)

ATTACHMENT 1
CONDITIONS OF APPROVAL

FILE NUMBER PD05-0009

August 9, 2007

1. This Planned Development Permit approval is based upon and limited to compliance with the project description, Planning Commission Exhibits E and F dated August 9, 2007, and Conditions of Approval set forth below. 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 description is as follows:

The Planned Development Permit will allow development of a six unit multi-family residential development consisting of three duplex buildings of 2-story construction. The six units are comprised of 8,772 square feet of habitable floor area and 2,970 square feet of garage floor area. Each unit will be comprised of a 702 square feet of first floor living space, 760 square feet of second floor living space, and an attached 495 square foot two car garage. The development has included 10,392 square feet of common area open space with no common area amenities.

Exterior colors and materials for buildings shall substantially conform to the following color palette. Three rock varieties are proposed including a dark brown Walnut County Ledge stone, a beige Lakeshore River Rock, and a light brown Cedar Dry Stalk Ledge stone. The exterior of the buildings will be either Canyon View (grey), Amber Leaf (khaki), or Cottage Walk (grey/brown). The trim will be done in an off white and the accent color will be either Hickory Grove (dark brown), Autumn Hills (dark red), or Napa Harvest (black). All exterior building materials, treatments, and landscaping shall be maintained in good visual repair, at all times.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structure, parking areas 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 and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

CONDITIONS OF APPROVAL

Conditions from the Mitigated Negative Declaration

2. Prior to issuance of grading or building permits, the applicant must mitigate for the loss of 0.182 acres of waters of the United States. The applicant shall submit a check to the Sacramento Branch Office of the U.S. Army Corps of Engineers in the amount of \$40,040 payable to the National Fish and Wildlife Foundation (NFWF). Prior to proceeding with any activity otherwise authorized by this permit, the applicant shall receive written notification from the Corps that the check has been deposited in the NFWF's South Pacific Wetlands Account and provide notification to Planning prior to issuance of a building permit.

MONITORING: A copy of the written notification from the U.S. Army Corps of Engineers signifying that the specified amount has been deposited in the NFWF South Pacific Wetland Account must be submitted to and reviewed by Planning Services prior to issuance of any grading or building permits.

3. Prior to the issuance of grading or building permits, the applicant shall obtain the necessary permits from the Army Corps of Engineers for a Clean Water Act Section 401 application. After the permits have been issued by the Corps, the applicant shall allow representatives from the Corps to inspect the authorized activity at any time deemed necessary to ensure that it is being, or has been, accomplished in accordance with the terms and conditions of the permit.

MONITORING: Documentation of the issued permits and inspections from the Corps shall be submitted to Planning Services for review prior to issuance of any grading or building permits.

4. Prior to the final inspection of building permits, the applicant shall provide Planning Services and the Army Corps of Engineers with documentation for compliance with post project construction conditions. The applicant shall submit post construction photos of the project site within 30 days after project completion.

MONITORING: The applicant shall provide documentation of conformance and completion to the requirements of all Army Corps permits. This information shall be provided to Planning Services Prior to the Final Inspection of all building permits.

Planning Services

5. Prior to issuance of building permits, the applicant shall provide to Planning Services a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval.
6. Prior to the approval of occupancy permits, the applicant shall schedule an inspection with Planning Services for verification of compliance with applicable conditions of approval.

7. Building design and 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. Minor variations are allowed, however, any major changes in the design of buildings, location of buildings, access ways, and parking shall require additional Planning Services review and approval.
8. No signage is proposed at the time of application. Signage shall require Planning Services approval of a minor revision to this design review application. All signage shall conform to Chapter 17.16 and Chapter 17.28 of the County Code.
9. Construction and grading activities shall be conducted in accordance with the County Noise Element and limited to the following hours and days: 7:00 a.m. and 5:00 p.m. on any weekday; 8 a.m. and 5 p.m. on weekends, and on federally-recognized holidays.
10. Off-street parking shall not be reduced at any time. Garage parking shall be kept free and clear to accommodate vehicular parking only.
11. The final landscape plan shall meet Zoning Code Chapter 17.18.090, and General Plan Policies 7.3.5.1, 7.3.5.2, and 7.4.4.4. The final landscape plan and Water Conservation Landscape Standards form shall be provided to, and then approved by the Deputy Planning Director or designee, the prior to issuance of a building permit. Applicant shall install landscaping in accordance with the approved final landscaping plan and maintain in perpetuity or unless otherwise modified through any future permit.
12. Common area lighting is not permitted. Patio area lighting shall be shielded and must conform to the provisions of the lighting ordinance.
13. Outdoor air conditioning units shall be located in the rear yard and/or patio area of each unit and shall be screened from public views. Roof mounted air conditioning units shall not be allowed.
14. Propane tanks shall be located underground. The location of propane tanks shall be shown on the site improvement/grading plans.
15. Gates shall not be allowed across the access drive without authorization of a Special Use Permit.
16. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50-feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the finds is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance. Planning Services shall review the grading plans prior to the issuance of a grading permit.

17. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission. Planning Services shall review the grading plans prior to the issuance of a grading permit.
18. 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 subdivider 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 subdivision, which action is brought within the time period provided for in Section 66499.37.

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

19. All Development Services Planning fees shall be paid prior to issuance of any Building Permit.

Department of Transportation Project Specific Conditions

20. The applicant shall improve the on-site portion of Country Club Drive, to El Dorado County Design and Improvement Standards Manual (DISM), Standard Plan 101B, widening to a 20 foot width from the existing centerline. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to occupancy of any unit of this project.
21. The applicant shall place Type 2 vertical curb along the entire frontage of Country Club Drive. In addition, the applicant shall place a 4 foot wide sidewalks along the entire frontage of Country Club Drive. All curb returns, at pedestrian crossing, shall include a pedestrian ramp with truncated domes per Caltrans Standard A88A and four feet of sidewalk/landing at the back of the ramp. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to occupancy of any unit of this project.
22. The applicant shall sign and stripe a Class 2 Bike lane, according to the El Dorado County Bicycle Transportation Plan, along both sides of Country Club Drive, from Knollwood Drive to Cambridge Road. The improvements shall be substantially completed, to the approval of

the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to occupancy of any unit of this project.

23. The applicant shall obtain an encroachment permit from DOT and shall construct said encroachment onto Knollwood Drive, prior to occupancy, to the provisions of DISM, modified Standard Plan 103G.
24. A vehicular access restriction shall be designated along the frontage of Country Club Drive.
25. The applicant shall join and/or form an entity, satisfactory to DOT, to maintain all on-site roadway and drainage facilities not maintained by the County.
26. If the subdivider is required to perform off-site improvements and it is determined that the subdivider does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the subdivider's expense and within 120 days of filing the Final Map, acquire by negotiation or commencement proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any final map or parcel map, the subdivider shall submit the following to the Department of Transportation Right of Way Agent, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20% contingency:
 - a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
 - b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
 - c. An appraisal prepared by a professional appraiser of the cost of land necessary to complete the off-site improvements.

Department of Transportation Standard Conditions

27. The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Subdivision Ordinance, prior to filing the Parcel Map.
28. If site improvements are to be made, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department for review and approval. The plan shall be in conformance with the County of El Dorado "*Design and Improvement Standards Manual*", the "*Grading, Erosion and Sediment Control Ordinance*", the "*Drainage Manual*", the "*Off-Street Parking and Loading Ordinance*", and the State of California Handicapped Accessibility Standards. The improvements shall be substantially completed, to the approval of the Department of Transportation, prior to occupancy.

29. The applicant shall provide a soils report at time of improvement plan or grading permit application addressing, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
30. Any import, or export to be deposited within El Dorado County, shall require an additional grading permit for that offsite grading.
31. The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.
32. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the approved drainage and geotechnical reports in PDF format and the approved record drawings in TIF format.

The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.

33. All Development Services Planning fees shall be paid prior to issuance of any Building Permit.

Cameron Park Community Services District (CPCSD)

34. Park impact fees and fire development fees shall be paid to the Cameron Park Community Services District (CPCSD) prior to issuance of building permits or issuance of the first occupancy permit.
35. Prior to the issuing of a building permit, the applicant shall submit plans to the CPCSD Architectural Review for review and approval.
36. CC& R's must be recorded and adhered to prior to final building permit approval.

Environmental Management

37. 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. Current county records indicate this property is located within the Asbestos Review Area (copy enclosed). Therefore, District Rule 223.2 Fugitive Dust-Asbestos Hazard Mitigation, which addresses the regulations and mitigation measures for fugitive dust emissions, shall be adhered to during the construction process. Mitigation

measures for the control of fugitive dust shall comply with the requirements of Rule 223.2. In addition, an Asbestos Dust Mitigation Plan (ADMP) Application with appropriate fees shall be submitted to and approved by the District prior to start of project construction.

38. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
39. The applicant shall contact the DISTRICT prior to the commencement of any burning. Burning of vegetative wastes that result from "Land Development Clearing" must be permitted through the DISTRICT. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.
40. The applicant shall submit a list of all proposed architectural coatings to the District for approval prior to the issuance of a Building Permit. All architectural coatings shall adhere to District Rule 215 Architectural Coatings.
41. The applicant shall submit a list to the District stating which of the following mitigation measures will be used to reduce impacts on air quality from equipment exhaust emissions during all construction involved in this project for approval prior to the issuance of a Building Permit or Grading Permit:

Heavy Equipment and Mobile Source Mitigation Measures.

- Use low-emission on-site mobile construction equipment.
- Maintain equipment in tune per manufacturer specifications.
- Retard diesel engine injection timing by two to four degrees.
- Use electricity from power poles rather than temporary gasoline or diesel generators.
- Use reformulated low-emission diesel fuel.
- Use catalytic converters on gasoline-powered equipment.
- Substitute electric and gasoline-powered equipment for diesel-powered equipment where feasible.
- Do not leave inactive construction equipment idling for prolonged periods (i.e., more than two minutes).
- Schedule construction activities and material hauls that affect traffic flow to off-peak hours.
- Configure construction parking to minimize traffic interference.
- Develop a construction traffic management plan that includes, but is not limited to: Providing temporary traffic control during all phases of construction activities to improve traffic flow; Rerouting construction trucks off congested streets; and provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.

42. Prior to construction/installation of any new point source emissions units or non-permitted emission units (i.e., gasoline dispensing facility, boilers, internal combustion engines, etc.), authority to construct applications shall be submitted to the District. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors.

ATTACHMENT 2 **FINDINGS**

FILE NUMBER PD05-0009

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

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 Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 By including mitigation for the fill of wetlands that are designated Waters United States, no significant impacts to the environment will result from this project. Mitigation is included in the project permit that address potentially significant impacts within the Biological Resources category of the Initial Study based on impacts to the existing seasonal wetlands on-site. Payment of a fee to the U.S. Department of Fish and Game as well as demonstrating compliance with all requirements of the US Army Corps of Engineers issued permits will reduce the level of impacts within the categories to a level that is less than significant.
- 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 of the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are 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 Department - Planning Services at 2850 Fairlane Court, Placerville, CA 95667.

2.0 ADMINISTRATIVE FINDINGS

2.1 General Plan

As proposed, the PD application and necessary improvements are consistent with the policies and land use designation of the adopted 2004 General Plan. The project meets the Multi-Family Residential (MFR) standard for use and density by providing a six-unit multi-family residential project. The six units are compatible with the surrounding pattern of development. Other similarly designed projects with comparable densities exist in the immediate area. The proposed removal of oak trees does not constitute a violation of General Plan policy as staff has found the removal of dead or dying trees does not constitute

removal of protected oak woodland resources. The proposed development plan has adequate public services or they will be provided to serve the project, road improvements and fees will off-set traffic impacts, and the impacts to biological resources on the site have been taken into consideration as part of the mitigation measures.

2.2 Zoning

The zoning designation for this parcel is Limited Multifamily Residential Planned Development (R2-PD). The PD overlay was the requirement for a planned development application. The proposed multifamily residential use and proposed density are in conformance with the requirements of Section 17.28 of the County Zoning Code. The development has also demonstrated conformance with the required development standards for the R2 zone district. Staff finds that the proposed development is consistent with the requirements of El Dorado County Zoning Code.

2.3 Planned Development

Issuance of a Planned Development Permit (PD05-0008) to create a six-unit multifamily development consisting of three duplex buildings within the Limited Multifamily Residential Planned Development Zone District.

- 2.3.1 The proposed development is designed to provide a desirable environment within its own boundaries.

This project provides 48-percent common open space area where 30-percent is required based on PD standards. Combined with the appropriate proposed location of buildings, the use of an earth tone building color palette and placement of the parking areas away from the main street and outside of setbacks creates a sensible environment within the project boundaries. In addition, the installation of comprehensive landscape and irrigation will maintain a visually attractive project by softening the structures to be built on the site.

- 2.3.2 That any exception to the standard requirements of the zone regulations are justified by the design or existing topography.

No exceptions to the standard requirements of the zone regulations are being requested.

- 2.3.3 The site is physically suited for the proposed use.

This area of Cameron Park is designated for multi-family residential development and the property is surrounded by similar types of single- and multi-family projects. Direct access is available onto Country Club Drive for the subject parcel that will combine and share access to all units using one main encroachment.

- 2.3.4 That adequate services are available for the proposed uses, including but not limited to, water supply, sewage disposal, roads, and utilities.

Adequate public services are available or will be provided as conditioned by installation of road, water and sewer line improvements. Adequate fire and police protection, parks and recreational opportunities, as well as schools exist in the area. These public services will be available for this multi-family project.

- 2.3.5 That the proposed uses do not significantly detract from the natural and scenic values of the site.

This .49-acre site is an undeveloped parcel that is surrounded by similarly developed or developing projects. As designed, the project proposes a sensitive site design that incorporates landform grading techniques and building siting to create a balanced and aesthetically pleasing product that fits within the neighborhood. Landscaping has been incorporated into the design of this development to create an aesthetically pleasing exterior and match the general look of the neighborhood. Exterior colors of buildings will match the color palate described in the project description, Condition of Approval No. 1 of Attachment 1. The selected colors will blend the buildings with the existing earth tone colors that are characteristic of the property and the surrounding neighborhood.

3.0 DESIGN WAIVER FINDINGS

Request for a design waiver to reduce the required 6-foot wide sidewalk to a 4-foot width along the frontage of Country Club Dr.

- 3.1 There are special conditions or circumstances peculiar to the project which would justify the waiver.

An adjacent property was recently conditioned for a 4-foot wide sidewalk along Country Club Drive. The Department of Transportation supports the reduction of sidewalk width to maintain a uniform width along the different parcels on the south side of Country Club Dr.

- 3.2 Strict application of the design of the design or improvement requirements of this chapter would cause extraordinary and unnecessary hardship in developing the property.

Additional sidewalk width beyond four feet would cause substantial cost to the applicant in required additional grading and construction costs for onsite improvements.

- 3.3 The waiver would not be injurious to adjacent properties of detrimental to the health, safety, convenience, and welfare of the public.

The Department of Transportation has conditioned the project to include offsite improvements for a Class 2 Bicycle Lane from Knollwood Dr. to Cambridge Rd. to streamline the anticipated non-vehicular traffic. Staff finds that the inclusion of a bicycle lane in addition to the 4-foot sidewalk would be the best alternative for pedestrian and bicycle traffic in the area. As conditioned, the project would no be detrimental to the health, safety and welfare of the neighborhood.

- 3.4 The waiver would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the project.

Reduction of the sidewalk width would not compromise any objectives of the Subdivision Ordinance. In addition, this waiver is in conformance with the zoning code requirements, and the addition of a Class 2 bicycle lane conforms to the policies of the El Dorado County General Plan.