

**EL DORADO COUNTY DEVELOPMENT SERVICES
STAFF REPORT**



Agenda of: January 25, 2007

Item No.: 8.b.

Staff: Michael C. Baron

REZONE/PLANNED DEVELOPMENT / SUBDIVISION MAP

FILE NUMBER: Z06-0012/PD06-0013/TM06-1414

APPLICANT: Pearl Place Town Homes LLC- James Rucker

REQUEST:

1. Rezone from Limited Multifamily Residential (R2) to Limited Multifamily Residential–Planned Development (R2-PD);
2. Development plan to convert four new duplex structures into eight individual ownership condominium units, consisting of four residential buildings of two-story construction with common areas; and
3. A tentative subdivision map creating eight condominium lots and one common area parcel on 0.94 acres (Exhibit B).

LOCATION: On the northwest corner of the intersection with Pearl Place and Courtside Drive, in the Diamond Springs area. (Exhibit A)

APN: 051-541-04 and -05

ACREAGE: 0.94 acres

GENERAL PLAN: Multi-family Residential (MFR) (Exhibit C)

ZONING: Limited Multifamily Residential (R2) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Categorically exempt pursuant to Sections 15305 and 15301(k) of the CEQA Guidelines.

SUMMARY RECOMMENDATION: Recommend conditional Approval

BACKGROUND: The existing condominium complex was subject to a ministerial building permit. Building permits were issued for the units in April 2006. Construction of each unit began shortly after the issuance of the building permits (Permit #171583 and 171584). To date, permits have not yet been finalized. Each parcel contains two duplexes with attached garages.

STAFF ANALYSIS

Project Description: The request is for:

1. The conversion of a new eight unit apartment complex into eight individual ownership units, consisting of four residential buildings of two-story construction. A tentative map creating one 0.94 acre parcel from the two existing parcels has been submitted consistent with the *Subdivision Map Act* §66427 (Exhibit E).
2. A rezone to change the current zoning from Limited Multifamily Residential (R2) to Limited Multifamily Residential–Planned Development (R2-PD).
3. A development plan consisting of a new eight unit condominium complex with eight individual ownership units, consisting of four residential buildings of two-story construction to be marketed as for-sale condominiums (Exhibit E). Condominium ownership will be structured on an airspace regime in which each homeowner will own their unit’s airspace in fee but will share ownership of the building as tenants-in-common under the homeowners association. The association will also manage and maintain the common area ground. CC&Rs will be established for the project development as part of the homeowners association agreement in compliance with §17.28.121 of the County Code.

Site Description: The topography of the site is relatively flat. The parcels have been developed in accordance with what is shown on the subject site plan (Exhibit E).

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	R2	MFR	Condominium Complex
North	R2-PD	MFR	Condominium Complex
South	C-DC	C	Improved Commercial
East	R2	MFR	Condominium Complex
West	R2	MFR	Undeveloped

GENERAL PLAN: The General Plan designates the subject site as Multi-family Residential, appropriate within community regions and rural centers, and which permits a residential density of 5 to 24 units per acre. The density of the existing development, located within the Community Region

of Diamond Springs, consists of 19.5 dwelling units per acre, thereby conforming to the General Plan land use designation. The following General Plan policies apply to this project:

Oak Woodlands: Since this project is an existing development, no oak woodland canopy will be removed. However, additional landscaping required for buffering under §17.18.090 of the Zoning Ordinance will be required under this application. Specific to this development, landscape buffers are a minimum of five feet in width from the edge of Pearl Place and Courtside Drive. The applicant has provided a landscape plan consistent with Chapter 17.18.090 of the Zoning Ordinance. The landscape plan utilizes native and drought tolerant species in demonstrating compliance with the ordinance (Exhibit G).

Affordable Housing: Several policies in the General Plan address condominium conversions and affordable housing. In particular, Policy HO-3g states “New multifamily affordable housing developments shall not be converted to condominiums for at least 20 years after issuance of the Certificate of Occupancy.”

Discussion: This project is a new development with no current occupancy, so it will not be subject to the 20-year conversion required under General Plan Policy HO-3g.

Open Space: Under Policy 2.2.3.1, residential development plans require “commonly owned or publicly dedicated open space lands of at least 30 percent of the total site.” Commonly owned open space is defined as recreational or picnic areas, or that space not occupied by infrastructure, such as parking areas, access roads and public utilities.

Discussion: The applicant has prepared an open space plan demonstrating compliance with the 30 percent requirement. Excluding buildings, infrastructure, and landscape buffering required under the *Off-street Parking Ordinance*, the remainder of the site allows 33.5 percent as open space consisting of lawn and landscaped areas (Exhibit I).

Conclusion: Staff finds after review of the above policies that the project as proposed/conditioned conforms to the General Plan in that it meets both the required density under its land use designation, as well as the open space requirement for planned developments, and it is located within the Community Region of Diamond Springs. The affordable housing component of the project is encouraged under policies within the Housing Element, and adequate public services exist to serve the project.

ZONING: The subject site is zoned Limited Multifamily Residential (R2). Since this project includes a planned development, there is no minimum lot size; however, the underlying use and density is consistent with the R2 Zone District.

Planned Development:

Fire District: The Fire District expressed concerns that they were not given the opportunity to comment on the project during the building permit phase in order to address fire safety concerns. Under the current application the applicant has worked with the Fire District to resolve any fire

safety issues. The application has been conditioned to annex into the Community Facilities District for fire suppression services, emergency medical services, and fire prevention activities.

Public Services: The development has been provided with individual water meters for each unit from EID through the building permit phase of the project.

Colors/Materials: Exterior building walls consist of stucco painted light tan with a three-foot high dark tan band. Trim elements of eaves, gutters, decorative vents, and doors are white (Exhibit G).

Signs: No signs are proposed as part of this project.

Lighting: Wall lighting consists of glass fixtures with 40 watt bulbs over each unit's outdoor balcony or patio area and on the front of the buildings on the upper side of the garage doors. Lighting will be typical for that of a single family residence. No pole lighting is proposed as part of this application (Exhibit G).

Landscaping: The applicant has provided a landscape plan consistent with Chapter 17.18.090 of the Zoning Ordinance. The landscape plan utilizes native and drought tolerant species in demonstrating compliance with the ordinance (Exhibit F).

Parking: On-site parking consists of 16 spaces (Exhibit E). Under Chapter 17.18 of the County Code, two parking spaces, not in tandem, per unit are required for single-family attached developments, such as condominiums. Therefore, the total parking requirement for the project has been met.

Rezone/Development Plan:

Section 17.04-030(B) of the County Code establishes that the Planning Commission cannot approve a development plan nor recommend the establishment of a PD zone unless specific findings can be made. The proposed condominium plan is consistent with development standards under the Limited Multifamily Residential (R2) Zone District. Further, the project meets the findings necessary for the establishment of the PD rezone in that it consists of an existing multi-family development with adequate infrastructure and services in an area of similar development. The findings are contained in Attachment 1.

Tentative Map:

The tentative map is a Class I subdivision and, as proposed, conforms to all development requirements and design standards placed on this classification. The proposed project is to convert an existing development into single ownership units. All infrastructures such as roads, water meters, and utilities are in place throughout the entire development.

ENVIRONMENTAL REVIEW

This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15305 of the CEQA Guidelines stating that “Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density”, and 15301(k) that applies to the “Division of existing multiple family or single-family residences into common-interest ownership . . . where no physical changes occur which are not otherwise exempt.” Pursuant to Resolution No. 240-93, a \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption.

RECOMMENDATION

Staff recommends that the Planning Commission forward the following recommendations to the Board of Supervisors:

1. Certify that the project is Categorical Exempt from CEQA pursuant to Section 15301(k);
2. Approve Z06-0012, a rezone from Limited Multifamily Residential (R2) to Limited Multifamily Residential–Planned Development (R2-PD), based on the findings in Attachment 2;
3. Approve the development plan, PD06-0013, as the required findings can be made as noted in Attachment 2 based on the analysis in the staff report to include conditions itemized in Attachment 1; and
4. Approve the tentative map, TM06-1414, as the required findings can be made as noted in Attachment 2 based on the analysis in the staff report to include conditions itemized in Attachment 1.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Vicinity Map
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D	Assessor’s Parcel Map
Exhibit E	Tentative Subdivision Map
Exhibit F	Building Elevations
Exhibit G	Landscape Plan
Exhibit H	Lighting Plan
Exhibit I	Open Space

ATTACHMENT 1 CONDITIONS OF APPROVAL

FILE NUMBER Z06-0012/PD06-0013/TM06-1414

1. The subject tentative map and planned development approval is based upon and limited to compliance with the project description, dated **January 25, 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, as approved, shall consist of the following:

- a. A rezone of the parcel from Limited Multifamily Residential (R2) to Limited Multifamily Residential - Planned Development (R2 - PD).
- b. A development plan to convert four new duplex structures into eight individual ownership units, consisting of four residential buildings of two-story construction. The common area contains open space and landscape area.
- c. A tentative subdivision map creating eight individual ownership units and one common area parcel on 0.94 acres.

Planned Development

2. All site improvements shall conform to Exhibits E, F, G, H, and I.
3. All exterior lighting shall be shielded in conformance with Section 17.14.170(C) to prevent light and glare from spilling onto adjacent properties or roads.

Tentative Map

Planning Services

4. Prior to recording the final map, CC&Rs with a homeowners' maintenance agreement, to include but not be limited to those requirements under §17.28.121 of the County Code, shall be submitted to Planning Services for review and approval. The CC&Rs shall be recorded concurrently with the final map.
5. The subdivision is subject to parkland dedication in-lieu fees based on values supplied by the Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. The fees shall be paid at the time of the filing of the final map.

6. The subdivider shall be subject to a \$150.00 appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.

Department of Transportation

7. The applicant shall install a four-foot wide sidewalk along the entire frontage of Pearl Place behind the existing curb and gutter. The sidewalk shall be connected to the existing sidewalk on Courtside Drive. The applicant shall obtain an encroachment permit from the Department of Transportation and shall construct the sidewalk per County standards.
8. The curb return at the intersection shall include a pedestrian ramp with truncated domes per Caltrans Standard A88A and four feet of sidewalk/landing at the back of the ramp.

Diamond Springs Fire Protection District

9. Prior to recordation of the final map the applicant shall annex the development into a Community Facilities District (CFD) for the provision of public services permitted under Government Code § 53313, including fire suppression services, emergency medical services, and fire prevention activities and other services for which proceedings are under consideration, and as such, shall be subject to the special tax approved with the formation of such CFD with the developments inclusion or annexation into the CFD.
10. The developer shall provide a Facilities Improvement Letter from the El Dorado Irrigation District, confirming required fire flow.

County Surveyor

11. All survey monuments must be set prior to the presentation of the final map to the Board of Supervisors for approval, or the developer shall have surety of work to be done by bond or cash deposit. Verification of set survey monuments or amount of bond or deposit shall be coordinated with the County Surveyors Office.
12. The applicant shall provide a Parcel Map Guarantee, issued by a title company, showing proof of access to a State or County Maintained Road as defined in 16.44.120(B)(2) with the legal right to improve that access as required by the County Design Manual.

ATTACHMENT 2 FINDINGS

FILE NUMBER Z06-0012/PD06-0013/TM06-1414

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:

FINDINGS FOR APPROVAL

1.0 CEQA Finding

1.1 The project has been found to be Categorical Exempt from CEQA pursuant to Section 15305 stating that “Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density”, and 15301(k) that applies to the “Division of existing multiple family or single-family residences into common-interest ownership . . . where no physical changes occur which are not otherwise exempt.” The site is level and no physical changes are proposed as part of this project.

2.0 General Plan Finding

2.1 The proposed use and design conforms to the General Plan in that the parcel is located within a community region, the proposed use and developmental density are consistent with both land use designation and floor area ratio policy and the natural resources on site will be protected pursuant to related policies in the General Plan.

2.2 As proposed and conditioned, the project is consistent with General Plan Policies Ho-3g, TC5a, and 2.2.3.1 concerning affordable housing, pedestrian access, and the Planned Development Overlay.

3.0 Rezone/Planned Development Findings

3.1 That the PD zone request is consistent with the general plan.

The proposed zone change request to rezone the property from Limited Multifamily Residential (R2) to Limited Multifamily Residential–Planned Development (R2-PD) is consistent with its land use designation and Policy 2.2.5.3 regarding rezones in general, as the project is an existing development previously approved under ministerial building permit. Additionally, the General Plan contains several policies pertinent to the project whose consistency was discussed under the General Plan section of the staff report.

3.2 That the proposed development is so designed to provide a desirable environment within its own boundaries.

The development plan is consistent with the existing and surrounding development within the project vicinity.

3.3 That any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.

No exceptions to the development standards are proposed other than minimum lot size for each unit.

3.4 That the site is physically suited for the proposed uses.

The site is a new condominium development that is located within a developed high density residential community region.

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

The existing development has been adequately served with water, sewer, and electric and gas utilities. Each unit will continue to be separately metered and served by PG&E for electricity. Gas, water, and sewer services will be administered by the Homeowners Association, and no additional meters will be required or requested from the El Dorado Irrigation District (EID).

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

The new development conforms to its multi-family residential surroundings. Added landscaping required for approval will not detract from the appearance of the site.

4.0 Tentative Map Findings

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

As proposed, the tentative map conforms to the Multifamily Residential (R2) General Plan land use designation.

4.2 The proposed tentative map conforms to the applicable standards and requirements of the County's zoning regulations and the Major Land Division Ordinance.

As proposed, the tentative map conforms to the development standards within the Limited Multifamily Residential (R2) Zone District and the Major Land Division Ordinance.

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

The site is physically suitable for the proposed type and density of development as it is of relatively flat topography, and is located in an area of similar multi-family development.

4.4 The proposed subdivision is not likely to cause substantial environmental damage.

The proposed tentative map is not likely to cause substantial environmental damage, as it is a condominium conversion of a new multi-family complex.