

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



<b>Agenda of:</b>	June 14, 2007
<b>Item No.:</b>	8
<b>Staff:</b>	Jonathan Fong

**REZONE/PLANNED DEVELOPMENT/SUBDIVISION MAP**

**FILE NUMBER:** Z06-0046/PD06-0032/TM06-1429

**APPLICANT:** Mountains Edge Development

**AGENT:** Carlton Engineering

- REQUEST:**
1. Rezone from Limited Multi-family Residential-Design Control-Airport Safety (R2-DC-AA) to Limited Multi-family Residential-Planned Development-Airport Safety (R2-PD-AA);
  2. Development plan to convert an existing nine-unit rental apartment complex into nine airspace condominium units with common areas under management of a homeowner's association (HOA); and
  3. Tentative subdivision map creating nine airspace condominium units within a 0.44-acre parcel (Exhibit B).

One design waiver has been requested for the following:

1. To reduce the sidewalk improvement from six feet to four feet.

**LOCATION:** Southwest side of Cimmarron Road, north of the intersection with La Canada Way, in the Cameron Park area, Supervisorial District I (Exhibit A)

**APN:** 116-311-06

**ACREAGE:** 0.44 acres

**GENERAL PLAN:** Multi-Family Residential (MFR) (Exhibit C)

**ZONING:** Limited Multi-family Residential-Design Control-Airport Safety  
(R2-DC-AA) (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Categorically Exempt Pursuant to Sections 15305 and  
15301(k) of the CEQA Guidelines

**SUMMARY RECOMMENDATION:** Conditional Approval

**BACKGROUND:** The existing apartment complex was approved under building permit 42558, which was finalized on May 23, 1985. The permit was issued on the previous parcel number, Assessor's Parcel Number 103-371-06.

**STAFF ANALYSIS:** Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the permit requests and issues for Planning Commission consideration are provided in the following sections.

**Project Description:** The request is for a rezone, planned development, and a subdivision map for a nine unit condominium conversion project. The existing apartments would be converted into condominium units.

**Rezone:** The rezone request would add the Planned Development (PD) zoning overlay and remove the existing Design Control (DC) overlay. The inclusion of the PD would require the removal of the DC overlay because the level of review of a PD application would exceed that of a DC application.

The zoning would change from Limited Multi-family Residential-Design Control-Airport Safety (R2-DC-AA) to Limited Multi-family Planned Development-Airport Safety (R2-PD-AA). The AA zoning overlay would remain due to the project location within Safety Zone 3 of the Cameron Park Airport.

**Planned Development:** A planned development (PD) application is requested which would allow flexibility with the creation of airspace units. Because the project would parcelize the existing apartment units into individual airspace lots, zero lot line setbacks would be required. The PD application would allow reductions to the Development Standards within the R2 Zone District.

Additionally, the PD would allow flexibility with the offsite parking requirements. As discussed in the Parking section below, the project site does not currently provide sufficient parking as required by the Zoning Ordinance. The PD application would allow modification of these requirements based on the Planning Commission making the appropriate findings.

As required by General Plan Policy 2.2.3.1, residential planned developments would be required to provide a minimum of 30 percent open space. The project has identified areas on the project site that would be counted as open space. Approximately 38 percent of the site would be dedicated open space. The open space would be located on the eastern portion of the site primarily within a 30-foot wide drainage easement. A drainage canal is located within the easement which manages storm

runoff in the project vicinity. Additional open space is located to the east of the drainage canal and provides a landscape buffer between the project site and Cimmarron Road.

**Tentative Map:** The tentative map would create nine individual parcels for each residential unit and one common lot. The residential parcel sizes would range from 710 square feet to 840 square feet. The common open space lot would be roughly 7,000 square feet and would include an existing drainage canal.

**Site Description:** The site is relatively flat with slopes onsite falling within the 0 to 10 percent range. The parcel is currently developed as shown on the site plan. The three residential buildings surround the parking lot which provides 16 parking spaces. Along the northern boundary of the parcel is a 30 foot wide drainage canal.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	R2-DC-AA	MFR	Multi-family residential
<b>North</b>	R2-PD-AA	MFR	Single-family residential
<b>South</b>	R2-DC-AA	MFR	Multi-family residential
<b>East</b>	R2-AA	MFR	Multi-family residential
<b>West</b>	R2-DC-AA	MFR	Undeveloped residential parcel

The project site is developed with existing multi-family structures. No new development is proposed with the project; therefore, no alterations to the site would result as a part of the project. There would be no conflicts with the existing land uses in the project vicinity.

**General Plan:** The General Plan designates the subject site as Multifamily Residential (MFR), which permits a residential density range of 5 to 24 dwelling units per acre. The 0.44-acre site has been developed with nine residential units. The overall density onsite is approximately 20 dwelling units per acre which is consistent within the MFR land use designation.

General Plan Policy HO3-g establishes that affordable rental housing is not eligible for condominium conversion for a period of 20 years. At the March 9, 2006, Planning Commission hearing an interpretation was approved by the Planning Commission which established that non-affordable housing multifamily projects would be restricted from condominium conversion for a period of 10 years.

Review of the building permit history for the project determined that the structures were finalized in May of 1985. The proposed condominium conversion would be consistent with Policy HO3-g.

**Zoning:** The subject site is zoned Limited Multi-family Residential-Design Control-Airport Safety (R2-DC-AA). The existing development is consistent with the development standards of the R2 Zone District. The planned development would not propose any new development which would be inconsistent within the R2 Zone District.

The project would require the parcelizing of the existing multifamily units. The individual residential lots would be inconsistent with the development standards of the R2 Zone District.

**Open Space:** General Plan Policy 2.2.3.1 requires residential planned developments to provide for a minimum of 30 percent open space. As shown on the site plan, the project has provided for 38 percent open space.

Planned Development Required Open Space

<b>Parcel Size</b>	0.44-acres (approx. 19,000 sq. ft.)
<b>Required Open Space</b>	0.13-acres (approx. 5,800 sq. ft.)
<b>Proposed Open Space</b>	0.17-acres (approx 7,300 sq. ft.)
<b>Percent Open Space Proposed</b>	38 percent

**Parking:** Section 17.18.060 of the Zoning Ordinance requires condominium development to provide two spaces for each unit. The nine-unit multifamily development would be required to provide 18 spaces. Additionally, one space is required to be handicap accessible. The Zoning Ordinance requires handicap spaces be a minimum of 14 feet in width and 10 feet in depth.

As shown on the site plan, the on-site parking lot provides 16 spaces. The current development is deficient two parking spaces. The inclusion of the handicap-accessible space would likely result in the loss of one additional space due to the required handicap loading space.

The project site is an existing multifamily development. All developable areas of the site have been improved with the apartment structures and the parking lot. The remaining undeveloped areas of the project site are located primarily within a 30 foot drainage easement which runs along the eastern property boundary and could not be improved to provide parking.

Section 17.18.040 D of the Zoning Ordinance allows for decreases in the number of required parking spaces provided the following findings can be made:

- a. The intent of the parking ordinance is preserved;
- b. The parking provided is sufficient to serve the use for which it is intended;
- c. The modification will not be detrimental to the public health or safety.

Due to the inability of additional parking spaces to be located on site and the project would not involve any expansion of the existing structures, modification to the parking requirements would be acceptable. The development has been functioning with substandard parking for over 20 years since the buildings were finished.

Off-site parking is available along the project frontage on Cimmarron Road. After the installation of the handicap-accessible space, the project site would be deficient three spaces. Adequate on-street parking would be available to provide the necessary parking spaces.

Modifications to the parking requirements would not be detrimental to the public health or safety in the project vicinity because the site is only deficient two spaces. Furthermore, the project would be required to provide for one handicap space as required by Section 17.18.040 of the Zoning Ordinance. Through the approval of the Planned Development (PD) the Planning Commission can approve the reduction in the off-site parking requirements. The PD allows for reductions in the zoning requirements for the project.

**Design Waiver:** Under General Plan Policy TC-5a, sidewalks and curbs are required of all residential subdivisions creating lots of 10,000 square feet or less. An existing four foot wide sidewalk has been constructed along the project frontage from the southern boundary to the edge of the 30 foot drainage easement. The Department of Transportation has conditioned the project to extend the sidewalk across the drainage easement to the project boundary.

The construction of the sidewalk would require the extension of the existing culvert beneath Cimmarron Road. The culvert connects the drainage channel which runs across the project site to another channel on the opposite side of Cimmarron Road. The proposed design waiver would minimize the amount of additional grading and channelizing of the existing drainage channel.

The applicant has requested a design waiver to reduce the sidewalk improvement requirement from six feet to four feet. The Department of Transportation has reviewed the design waiver request and has determined the reduction from six feet to four feet would be acceptable. The required design review findings have been included in Attachment 1 of the staff report.

## **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 does 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 otherwise exempt." Pursuant to Resolution N. 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 a recommendation that the Board of Supervisors take the following actions:

1. Certify that the project is Categorically Exempt from CEQA pursuant to Sections 15305 and 15301(k);
2. Approve the design waiver to reduce the sidewalk improvement requirement from six feet to four feet; and
3. Approve Z06-0046/PD06-0032/TM06-1429 based on the findings in Attachment 2 based on the analysis in the staff report and the modification of the project to include conditions itemized in Attachment 1.

**SUPPORT INFORMATION**

Attachment 1 .....Conditions of Approval  
Attachment 2.....Findings of Approval  
  
Exhibit A .....Vicinity Map/ APN Map  
Exhibit B .....General Plan Land Use Map  
Exhibit C .....Zoning Map  
Exhibit D.....Tentative Subdivision Map Parcelization Map

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

**FILE NUMBER Z06-0046/PD06-0032/TM06-1429**

**June 14, 2007**

### Planning Services

1. This parcel map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibit D (tentative parcel map) dated December 21, 2006, 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:

- a. Rezone from Limited Multi-family Residential-Design Control-Airport Safety (R2-DC-AA) to Limited Multi-family Residential-Planned Development-Airport Safety (R2-PD-AA);
- b. Development plan to convert an existing nine unit rental apartment complex into nine airspace condominium units with common areas under management of a homeowners' association (HOA); and
- c. A tentative subdivision map creating nine airspace condominium units and one open space parcel on one parcel consisting of 0.44-acre (Exhibit B).

One design waiver has been proposed for the following: To reduce the sidewalk improvement from six feet to four feet.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, 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.

2. Concurrently with final map recordation, CC&R's with a homeowners' maintenance agreement, to include but not limited to those requirements under §17.28.121 of the County Code, shall be recorded.

3. The applicant shall be subject to all noticing requirements under the Subdivision Map Act. Prior to final map recordation, proof of legal noticing to all tenants shall be submitted to Planning Services demonstrating compliance.
4. The applicant shall be subject to notification to buyers that the structures pre-date 1994 building code changes in relation to condominium conversions.
5. The applicant shall provide a handicap-accessible space in the onsite parking area. The parking space shall comply with the Zoning Ordinance requirements which require a minimum area of 14 feet in width and 18 feet in depth, with a marked parking stall of 10 feet in width and a loading/unloading area 4 feet in width. The space shall be striped prior to recordation of the final map.
6. The handicap accessible space shall be identified by a permanently affixed reflectorized sign displaying the international symbol of handicap accessibility. The sign shall be installed prior to recordation of the final map.
7. Prior to recordation of the final map all Development Services fees shall be paid.
8. 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.

## **Department of Transportation**

### ***Project Specific Conditions***

9. The applicant shall construct a Type 2 curb and gutter and a four foot wide sidewalks along Cimmarron Road, along the entire project frontage of Cimmarron Court, per Standard Plans 104 and 101B. As a result, the applicant shall replace the existing guard rail and extend the inlet of the storm drain crossing under Cimmarron Road. These improvements shall be substantially complete or the applicant shall obtain an approved improvement agreement



with security as determined by the Department of Transportation, prior to the recordation of the final map.

10. Upon discretionary approval, the applicant shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to commencement of any improvements on the project facilities.
11. Upon discretionary approval, 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 Major Land Division Ordinance, prior to the recordation the final map.
12. The applicant shall join and/or form an entity, satisfactory to the County, to maintain all roads and drainage facilities not maintained by the County prior to the recordation of the final map. If a zone of benefit, home owner association, or informal road maintenance association cannot be formed to maintain non-County maintained roads, the applicant should be aware that Civil Code 845 requires that the owner of any easement in the nature of a private right-of-way, or of any land to which any such easement is attached, shall maintain it in good repair, and in the absence of an agreement, the cost shall be shared proportionately to the use made of the easement by each owner.

### ***Standard Conditions***

13. The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation and pay all applicable fees prior to filing of the final map.
14. 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 Major Land Division Ordinance prior to filing the final map.
15. The construction of all required improvements shall be completed with the presentation of the final map to the Development Services Director before presentation of the final map to the Board of Supervisors for its approval. For improvements not completed, the subdivider shall provide a 100 percent performance surety and a 50 percent labor and materialmen surety by separate bond, cash deposit, assignment, or letter of credit from a financial institution. For improvements which have been completed, the subdivider shall provide a ten percent maintenance surety in any of the above-mentioned forms. Verification of construction, or partial construction, and cost of completion shall be determined by the County Department of Transportation. The developer shall pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision.
16. The final map shall show all utility, road and drainage easements per the recommendation of the utility purveyors and the County Engineer. Final determination of the location of said

easements shall be made by the County Engineer. Said easements shall be irrevocably offered to the County.

17. A final drainage study shall be prepared by the project proponent and submitted with the subdivision grading and improvement plans to the approval of the Department of Transportation. All drainage facilities identified in the drainage study shall be included in the subdivision grading and improvement plans.
18. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance and El Dorado County Storm Water Management Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation and the potential discharge of pollutants into drainages.
19. The applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from, the El Dorado County Department of Transportation. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations.
20. Grading plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. The County shall issue no building permits until the Department of Transportation approves the final grading and erosion control plans and the grading is completed.
21. The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
22. Subdivision improvements shall include rough grading of driveways for all lots with street cuts or fills along the frontage of six feet or more difference in elevation, or as found necessary for reasonable access by the County Engineer. Construction of said driveways shall conform to the Design and Improvements Standards Manual and the Encroachment Ordinance. As an alternative, a Notice of Restriction shall be filed against all downhill lots with fill in excess of six feet which allows structural driveway access only.
23. Turnarounds shall be constructed at any proposed entry gates within this subdivision and are subject to the review and approval by the Department of Transportation at the improvement plan stage.

24. The Master Covenants, Conditions, and Restrictions (CC&Rs) shall provide that no parking be permitted within cul-de-sac bulbs which have a radius to curb-face which is less than County standards and shall provide for enforcement of such provisions. Additionally, the CC&Rs shall include a provision for off-street parking to compensate for lack of parking normally provided within the cul-de-sac bulb and shall either provide a three-car driveway or provide sufficient depth of driveway (18 feet per parking stall) to accommodate longitudinal and/or lateral parking for three spaces.
25. The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).
26. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to the Department of Transportation with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.
27. Construction activities shall be conducted in accordance with the County noise regulation or limited to the following hours and days: 7:00 a.m. and 5:00 p.m. on any weekday; 8:00 a.m. and 5:00 p.m. on Saturdays; and prohibited on Sundays and holidays.

### **Surveyor's Office**

29. 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 a surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit to be coordinated with the County Surveyors Office.

**ATTACHMENT 2**  
**FINDINGS OF APPROVAL**  
**June 14, 2007**

**FILE NUMBER Z06-0046/PD06-0032/TM06-1429**

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** This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 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 otherwise exempt.”

**2.0 GENERAL PLAN FINDINGS**

**2.1 The project is consistent with the General Plan**

As proposed, the project is consistent with the Multi-family Residential (MFR) land use designation of the subject site as defined within General Plan Policy 2.2.1.2 as the parcel is located within a Community Region, and the proposed use and development density are consistent with the land use designation as well as the planned development combining zone district.

The project is consistent with the Policy 2.2.3.1 as the project provides 38 percent open space.

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 ZONING FINDINGS**

**3.1 The project is consistent with the Zoning Ordinance**

The project is consistent within the Limited Multifamily Residential (R2) Zone District. The existing structures and the proposed project are allowed uses in R2 Zone.

A planned development application is required to allow the conversion of the existing residential structure to the proposed condominium units and common area. The request includes exceptions to the standard requirements of zone regulations concerning building setbacks and minimum lot sizes. Staff has determined that the requested zero-lot lines and

reduced lot sizes to accommodate the condominium conversion proposal are justified by the project design.

Because the project site has already been developed, the planned development would allow modification of the offsite parking requirements to allow a parking area which does not meet the parking requirements of the Zoning Ordinance. The site has been developed, and no additional areas are available for additional parking.

#### **4.0 TENTATIVE MAP FINDINGS**

##### **4.1 The proposed map is consistent with the general plan;**

The existing multifamily development is consistent within the Multifamily Residential (MFR) land use designation. The proposed conversion of the apartment complexes to condominium would be consistent within the MFR land use designation.

##### **4.2 The design or improvement of the proposed subdivision is consistent with the applicable general plans;**

No development would be proposed in conjunction with the application. The existing multifamily development is consistent within the MFR land use designation.

##### **4.3 The site is physically suitable for the type of development;**

The project site is developed with an existing multifamily development. The condominium conversion would not involve additional development that would not be suitable for the project site.

##### **4.4 The site is physically suitable for the proposed density of development;**

The project site is developed with a nine-unit multifamily development which is consistent with the density requirements of the Multifamily Residential (MFR) land use designation. The project would not involve development that would exceed the density requirements of the MFR land use designation.

##### **4.5 The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat;**

No development is proposed on the project site that would result in significant environmental damage. The project would be required to construct a four foot wide sidewalk across a channelized drainage which would not injure fish wildlife or their habitat.

#### **5.0 PLANNED DEVELOPMENT FINDINGS**

**5.1 That the planned development request is consistent with the General Plan;**

The proposed planned development would allow the conversion of existing multifamily units to individual condominium units which is consistent with General Plan.

**5.2 That the proposed development is so designed to provide a desirable environment within its own boundaries;**

The project would not create additional development on-site; however, the proposed changes to the site would provide a desirable environment. The project would provide the required minimum 30 percent open space as well as individual yards for each unit. Additionally, the project would be required to provide sidewalks along the frontage to provide pedestrian access in the area.

**5.3 That any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography;**

A planned development application is required to allow the conversion of the existing residential structure to the proposed condominium units and common area. The request includes exceptions to the standard requirements of zone regulations concerning building setbacks and minimum lot sizes. Staff has determined that the requested zero-lot lines and reduced lot sizes to accommodate the condominium conversion proposal are justified by the project design.

Because the project site has already been developed, the planned development would allow modification of the off-site parking requirements to allow a parking area which does not meet the parking requirements of the Zoning Ordinance. The site has been developed, and no additional areas are available for additional parking.

**5.3.1 Parking Requirement Modifications**

The proposed reduction in the required off-street parking may be approved provided the following findings can be made:

**5.3.2 The intent of the parking ordinance is preserved;**

**5.3.3 The parking provided is sufficient to serve the use for which it is intended;**

**5.3.4 The modification will not be detrimental to the public health or safety.**

The multifamily development was finalized and has been in use since 1985. The deficient parking on-site has not been significant as off-site parking is allowed along the project site frontage on Cimarron Road. The project would create individual condominium units for each of the units. No development is proposed in conjunction with the project that would result in the requirement of additional parking.

**5.4 That the site is physically suited for the proposed uses;**

The site is an existing apartment complex that is located within a high density, commercially and residentially developed Community Region.

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

The project consists of an existing apartment complex, and as such, all improvements and services exist on site.

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

The development is consistent with the surrounding land use improvements. The project site has been previously developed and does not negatively impact any natural or scenic features of the site.

**6.0 DESIGN WAIVER FINDINGS**

Design Waiver: To reduce the sidewalk improvement from six feet to four feet.

**6.1 There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver,**

The existing sidewalks in the project vicinity are four feet in width. The proposed design waiver would allow sidewalks which would be consistent with the existing improvements.

**6.2 Strict application of the design or improvement requirements of this chapter would cause extraordinary and unnecessary hardship in developing the property,**

Construction of a six foot sidewalk would require additional grading and site improvements for the construction over the existing drainage under Cimmarron Road.

**6.3 The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public,**

The proposed four foot sidewalk would provide pedestrian access within the project site and would not pose any health or safety risks in the project vicinity.

**6.4.1 The waiver would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the subdivision.**

The proposed four foot sidewalk would be consistent with the Design and Improvement Standards Manual and the El Dorado County Subdivisions Ordinance.