

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



Agenda of:	June 28, 2007
Item No.:	7.b.
Staff:	Jonathan Fong

REZONE/PLANNED DEVELOPMENT/SUBDIVISION MAP

FILE NUMBER: Z06-0041/PD06-0028/TM06-1427

APPLICANT: David Long, Marlon LTD

AGENT: Carlton Engineering

- REQUEST:**
1. Rezone from Limited Multifamily Residential-Design Control-Airport Safety (R2-DC-AA) to Limited Multifamily Residential-Planned Development-Airport Safety (R2-PD-AA)
 2. Development plan to convert an existing 11-unit rental apartment complex into 11 airspace condominium units with common areas under management of a homeowner's association (HOA).
 3. Tentative Subdivision Map creating 11 airspace condominium units on one parcel 0.64 acres in size (Exhibit B).

A design waiver has been requested to allow the reduction of the sidewalk improvement requirement from six to four feet.

LOCATION: On the north side of Cimmarron Road, west of the intersection with Cimmarron Court, in the Cameron Park area, Supervisorial District I (Exhibit A).

APN: 116-312-05

ACREAGE: 0.64 acre

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

ZONING: Limited Multifamily 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: Recommend conditional approval

BACKGROUND: The existing apartment complex was approved under Design Review DR87-0027. Building permits were issued on February 1, 1990, and were finalized on August 30, 1990. The permits were approved under the previous parcel number Assessor's Parcel Number 103-372-05.

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 tentative subdivision map for an 11-unit condominium conversion project. The existing apartments would be converted into condominium units.

Rezone: The rezone request would add the Planned Development (PD) Zone 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 design review application.

The parcel zoning would change from Limited Multifamily Residential-Design Control-Airport Safety (R2-DC-AA) to Limited Multifamily Residential-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) is requested which would allow flexibility with the creation of airspace units. The required 30 percent open space would be provided. The open space would be located within a 30-foot wide drainage canal and within a landscaped island between two of the buildings. Additional open space has been designated adjacent to each of the multifamily structures. The 30 percent open space would be approximately 13,000 square feet of the project site.

The planned development would also allow modification to the R2 Zone District development standards. The minimum parcel size in the R2 district is 2,000 square feet. However, the project would create lots that would be approximately 550 square feet. Because the project would create individual lots for the existing multifamily development, Planning Services staff has determined that the modification would be acceptable.

Tentative Map: The tentative map would create 11 individual parcels for each residential unit and the common open space lot. The residential parcels would be approximately 550 square feet.

Site Description: The site is relatively flat with slopes on-site falling in the 0 to 10 percent range. The parcel is currently developed as shown on the site plan. Three residential buildings surround the parking lot. Along the northern boundary of the parcel is a 30-foot wide drainage canal.

Adjacent Land Uses:

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

The project site is developed with existing multifamily 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 0.64-acre site has been developed with 11 residential units. The overall density is 16.4 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 February of 1990. The proposed condominium conversion would be consistent with Policy HO3-g.

Zoning: The subject site is zoned Limited Multifamily 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 that is inconsistent within the R2 Zone District.

OTHER ISSUES:

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 51 percent open space. The open space areas are landscaped with grassy areas and mature trees. Additional areas would be located within the existing drainage canal behind the multifamily structures.

Planned Development Required Open Space

Parcel Size	0.64-acres (approx. 28,000 square feet)
Required Open Space	0.3-acres (approx. 13,000 square feet)
Proposed Open Space	0.20-acres (approx 14,200 square feet)
Percent Open Space Proposed	51 percent

Parking: Section 17.18.060 of the Zoning Ordinance requires condominium developments to provide two spaces for each unit. As shown on the site plan, the onsite parking lot provides 24 spaces. The project would require one handicap space as required by Section 17.18.040 of the Zoning Ordinance. The project has been conditioned to provide the required handicap parking stall.

Sidewalk Improvements: Under General Plan Policy TC-5a, sidewalks and curbs are required of all residential subdivisions creating lots of 10,000 square feet or less. The Department of Transportation has conditioned the project to extend the sidewalk across the drainage easement to the project boundary.

Design Waiver: The applicant has requested a design waiver to reduce the sidewalk improvement requirement from six feet to four feet. Pursuant to Section 16.08 of the Subdivision Ordinance, a design waiver may be granted if the four required findings can be made. Staff supports the waiver and has provided a response to the findings in Attachment 1 of the staff report.

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 Waiver 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 Categorical Exempt from CEQA pursuant to Sections 15305 and 15301(k);
2. Approve Z06-0041/PD06-0028/TM06-1427, based on the findings in Attachment 2 and the analysis in the staff report, subject to conditions itemized in Attachment 1.
3. Approve the design waiver to reduce the sidewalk improvement requirement from six to four feet; and

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	Parcelization Map
Exhibit E	Tentative Subdivision Map

ATTACHMENT 1

CONDITIONS OF APPROVAL

FILE NUMBER Z06-0041/PD06-0028/TM06-1427

June 28, 2007

Planning Services

1. This rezone, planned development, and subdivision map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibit E (Tentative Parcel Map) dated June 28, 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. Rezone from Limited Multifamily Residential-Design Control-Airport Safety (R2-DC-AA) to Limited Multifamily Residential-Planned Development-Airport Safety (R2-PD-AA).
- b. Development plan to convert an existing 11 unit rental apartment complex into 11 airspace condominium units with common areas under management of a homeowners' association. The plan would include the creation of a common lot to include approximately 14,000 square feet of open space.
- c. A tentative subdivision map creating 11 airspace condominium units on a 0.6-acre parcel.

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. 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.

3. 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.
4. Prior to recordation of the final map, all Development Services fees shall be paid.
5. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, 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.

Department of Transportation

Project Specific Conditions:

6. The applicant shall construct a Type 2 curb and gutter and 4 foot sidewalks along Cimmarron Road, continuing to the project boundary on 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. This work must be substantially complete, as determined by the Department of Transportation, prior to filing the final map.
7. The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvements Standards Manual from the County Department of Transportation and pay all applicable fees prior to commencement of any improvements on the project facilities.
8. 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 of the final map.
9. Applicant shall join and/or form an entity to the satisfaction of the County, to maintain all roads and drainage facilities not maintained by the County. 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 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

10. 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.
11. 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.
12. The construction of all required improvements shall be completed with the presentation of the final map to the Director of Development Services or designee 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 material men 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.
13. 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.
14. 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.
15. 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.
16. 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.

17. 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.
18. 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.
19. 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).
20. 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.

Surveyor's Office

21. 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 to be coordinated with the County Surveyors Office.

Environmental Management- Solid Waste Division

22. The applicant shall provide an adequate number of mixed solid waste and recycling containers. An adequate number of enclosures to accommodate the containers shall be provided. The enclosures shall be serviceable by the franchisee. Environmental Management shall review and approve the installation of the waste measures prior to filing of the final map.

ATTACHMENT 2
FINDINGS OF APPROVAL
June 28, 2007

FILE NUMBER Z06-0041/ PD06-0028/ TM06-1427

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 Findings

- 1.1 This project has been found to be Categorically 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.”

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 combining zone district.

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 subject site is zoned Limited Multifamily Residential (R2) which permits the existing multifamily development. The project would involve the addition of the planned development zoning overlay which would allow for the creation of airspace units for each of the multifamily units.

As proposed, the project meets all applicable development standards contained within §17.32.040 of the El Dorado County Zoning Ordinance.

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.

The development is consistent with the density requirements within the Multi-Family Residential (MFR) land use designation.

The project complies with the open space requirements of General Plan Policy 2.2.3.1.

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

The project is consistent with the development standards of the R2 Zone District. The project would create individual parcels for the existing multifamily units which is consistent with the Major Land Division Ordinance.

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

The project would not result in the construction of any additional residential units. The existing multifamily development is consistent with the density requirements of the Multi-Family Residential (MFR) land use designation.

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

The project would not result in any improvements that would cause environmental damage.

5.0 Planned Development Findings

5.1 That the Planned Development request is consistent with the General Plan;

The proposed zone change request to rezone the property from Limited Multifamily Residential-Design Control-Airport Safety (R2-DC-AA) to Limited Multifamily Residential-Planned Development-Airport Safety (R2-PD-AA) is consistent with the land use designation and Policy 2.2.5.3 regarding rezones in general, as the project is an existing development previously approved under discretionary review. Additionally, the General Plan contains several policies pertinent to the project whose consistency is discussed under the General Plan section of these Findings.

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

The project would create individual residential lots for the existing multifamily development. The planned development would also include approximately 50 percent of open space on the project site.

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 facilitate 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.

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 existing development conforms to the multifamily residential and commercial surroundings. The proposed condominium conversion has been determined to be Categorically Exempt from CEQA pursuant to Section 15301(a) of the CEQA Guidelines.

6.0 Design Waivers Findings

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 approximately four feet in width. The reduction of the sidewalk improvements along the frontage would be consistent with the sidewalks in the area.

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

The proposed four-foot sidewalk would reduce the environmental impacts in the project vicinity. Cimmarron Road crosses a drainage swale which would be impacted by the additional road width necessary to construct the six-foot sidewalk.

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

The four-foot sidewalk would provide pedestrian access in the project vicinity and would not be injurious to the health, safety, and welfare of the public.

6.4 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 four-foot sidewalk is consistent with the Design and Improvement Standards Manual, the Subdivision Ordinance, and the General Plan.