

**EL DORADO COUNTY DEVELOPMENT SERVICES
ZONING ADMINISTRATOR
STAFF REPORT**

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| Agenda of: | August 15, 2007 |
| Item No.: | 4.c. |
| Staff: | Roman Anissi |

TENTATIVE PARCEL MAP

FILE NUMBER: P07-0007

OWNER: Diamond Springs, LLC

AGENT/ENGINEER: Carlton Engineering

REQUEST: Tentative parcel map to establish a financing map subdividing a 4.22-acre lot into a 2.22-acre Parcel 1 and a 2.0-acre Parcel 2 consistent with the project description and conditions of previously approved special use permit S05-0003 for the Diamond Villas phased senior housing project. (Exhibit A)

LOCATION: West side of Panther Lane approximately one mile south of the intersection with Fowler Lane and Pleasant Valley Road in the Diamond Springs area, Supervisorial District III. (Exhibit B)

APN(s): 054-431-21

ACREAGE: 4.22 acres

ZONING: Multifamily Residential (MFR) (Exhibit E)

GENERAL PLAN: One-family Residential, Limited Multifamily Residential-Design Control (R1, R2-DC) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Addendum to Negative Declaration

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND

On November 17, 2005, the Planning Commission approved a special use permit for the subject property to allow for the development of senior housing. The project involves development of three buildings, each of which provides various levels of assistance for elderly residents. Conditions of approval allow for the construction of the development in two phases. Following the approval of the special use permit, the developer has continued to make progress toward implementation of the project by preparing working drawings, filing an application for a building permit, and grading the property in preparation for the first phase of construction. However, subsequent to the approval of the special use permit, the initial source of funding is no longer available and lending institutions at this time will support funding of each of the two phases of development if the property is divided into two parcels to reflect the two phases of development. Therefore, in order to carry out the project, the Zoning Administrator is being asked to approve a tentative parcel map to divide the property into two separate parcels. In doing so, the developer would agree to file a deed restriction that would tie the division of land to the senior residential development authorized by the special use permit.

STAFF ANALYSIS

Project Description: The project would divide the 4.2-acre property into two parcels of 2 acres and 2.22 acres. The new property lines would generally follow the demarcation of the two phases of development. Access and parking easements would ensure right of use of the driveways and parking stalls by the users of both resulting parcels. Further, creation of the parcels would be contingent upon carrying out the approved special use permit for senior residential care facilities in accordance with its design and conditions of approval.

Site Description: The 4.22-acre, irregularly configured site is relatively flat. The site is undeveloped with limited vegetation. The conditions of the special use permit require preservation of significant trees.

Adjacent Land Uses: The property is surrounded by single-family dwellings, a senior apartment complex, and undeveloped land. The following table identifies current zoning, land use designations, and uses of the adjacent parcels:

| | Zoning | General Plan | Land Use/Improvements |
|--------------|---------------|---------------------|--|
| Site | R1, R2-DC | MFR | Vacant, use permit approved for senior care facility |
| North | R2, R2-DC | MFR | Multifamily residential |
| South | RF | MFR | Vacant |
| East | R1, R20,000 | MFR, HDR, MDR | Single Family Residential, Roads |
| West | C-DC | C | Vacant |

Project Issues: This project is linked to special use permit S05-0003 and is being processed for the purposes of a financing map. All of the conditions of special use permit S05-0003 would continue to apply to this project. A condition of this map would require that a Notice of Restriction (NOR) be recorded with the filing of the final map to limit development on either parcel to that which was approved by S05-0003. All of the required road and infrastructure improvements were reviewed and implemented as conditions of project approval under S05-0003. Those improvements would continue to apply to this map action.

General Plan: This project is consistent with applicable policies of the adopted 2004 El Dorado County General Plan. Findings for consistency with the General Plan are provided in Attachment 2, as reviewed and analyzed under the previously approved special use permit S05-0003, including those necessary to preserve oak woodland tree canopy. Overall, the Housing Element of the General Plan establishes Policy HO-4a, which encourages the development of senior residential facilities. This map action would be processed in conformance of the previously approved two phases senior care facility use permit, each of which has been considered to be consistent with the policies of the General Plan.

Zoning: The previously approved special use permit was issued in conformance with the regulations established by the Zoning Ordinance, as required for a use permit to allow senior care facilities within the One-Family Residential (R1) and Limited Multifamily Residential-Design Control (R2-DC) zones. The proposed parcels of 2.0 and 2.2 acres would be consistent with the zoning established for the properties, which call for a minimum of a 6,000 square foot lot. The design of the facility would continue to meet the development plan approved by the use permit application. This project meets all of the development regulations established for each zone. Such regulations require setbacks for each zone to be 20 feet for front, 5 foot for side, and 15 foot for rear yard setbacks. In addition, each new parcel provides a minimum of 60 feet of parcel width and required road frontage and does not exceed the maximum 35 percent lot coverage for the R1 and 50 percent maximum lot coverage for the R2-DC Zone District.

Agency and Public Comments: There are no agency or public comments required for this project. Applicable conditions were imposed with the approval of S05-0003, and would be carried over to the resultant parcels by means of the recommended Notice of Restriction (NOR). No new impacts or issues would result from approval of this parcel map.

ENVIRONMENTAL REVIEW

From the time the Planning Commission adopted the Negative Declaration for the special use permit S05-0003 in October 2005, the project itself has not changed, there have been no changes in the conditions of the property or related environment, and no new information is at hand that would warrant a new Negative Declaration. *Section 15164(b) of the California Environmental Quality Act Guidelines* provides for the preparation of an 'addendum' to a previously adopted Negative Declaration when the above-cited conditions are satisfied. Therefore, an addendum to the previously adopted Negative Declaration is attached for the Zoning Administrator's consideration.

NOTE: Pursuant to Resolution No. 240-93, a \$50.⁰⁰ processing fee is required by the County Recorder to process this Addendum to a Negative Declaration.

RECOMMENDATION

The Zoning Administrator take the following action:

1. Adopt the findings, including CEQA in Attachment 2;
2. Adopt the addendum to the Negative Declaration for S05-0003 (Exhibit I) prepared by staff; and,
3. Approve P07-0007 subject to the Conditions in Attachment 1.

SUPPORT INFORMATION

Attachments to Staff Report:

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|--------------------|--|
| Attachment 1 | Conditions of Approval |
| Attachment 2 | Findings |
| Exhibit A | Tentative Parcel Map P07-0007 |
| Exhibit B | Vicinity Map |
| Exhibit C | Aerial Map |
| Exhibit D | General Plan Land Use Map |
| Exhibit E | Zone Map |
| Exhibit F | Approved Special Use Permit S05-0003 Site Plan |
| Exhibit G | Parcel Map (32-132) |
| Exhibit H | Assessor's Map |
| Exhibit I | Addendum to Negative Declaration S05-0003 (CEQA) |

ATTACHMENT 1

CONDITIONS OF APPROVAL

**File Number P07-0007 – Diamond Villas Senior Housing
August 15, 2007 Zoning Administrator Hearing**

CONDITIONS OF APPROVAL

Project Description

1. This tentative parcel map is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibits marked Exhibits A-I dated August 15, 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:

Approval of this project allows only the following: A tentative parcel map in order to establish a financing map by subdividing a 4.22 acre lot into a 2.22 acre Parcel 1 and a 2.0-acre Parcel 2 to meet the conditions of previously approved special use permit S05-0003 for the Diamond Villas phased senior housing project

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 must be submitted for review and approval and shall be implemented as approved by the County.

2. 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.

3. The applicant shall make full payment of planning processing fees for the tentative parcel map application to Planning Services prior to filing the parcel map with the County Surveyor.
4. A Notice of Restriction shall be recorded with the parcel map that states the following: *No development may occur on Parcels 1 or 2, except as provided for by the approval of special use permit S05-0003. All development shall be consistent with the approved project description, conditions of approval, and approved exhibits of S05-0003.*

County Surveyor

5. All survey monuments must be set prior to filing the parcel map.
6. Prior to filing the parcel map, a letter to the County Surveyor will be required from all agencies that have conditions placed on the map. The letter will state that all conditions placed on the map by that agency have been met.

ATTACHMENT 2 **FINDINGS**

File Number P07-0007 – Diamond Villas Senior Housing August 15, 2007 Zoning Administrator Hearing

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 prepared an addendum to the previously approved Negative Declaration for the Diamond Villas Senior Housing use permit S05-0003 together with the comments received during the public review process. The addendum is prepared based on *CEQA Guidelines Sections 15164(b)* and reflects the independent judgment of the County. The addendum has been completed in compliance with CEQA and is adequate for this project.

1.2 All related impacts were considered during the review of special use permit S05-0003 and with the Negative Declaration that was prepared for the project. The processing of a financing map would not involve substantial changes requiring major revision of the previous Negative Declaration due to the involvement of new significant environmental effects. Further, there would be no substantial increases in the severity of significant effects previously identified in the Negative Declaration because no significant effects were identified under the current application.

1.3 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 TENTATIVE PARCEL MAP FINDINGS

2.1 *The proposed tentative parcel map, including design and improvements, is consistent with the General Plan.*

This tentative parcel map is being processed for financial purposes only and is consistency with the policies of the General Plan. All necessary improvements were previously considered with the approval of the use permit application S05-0003 that approved the Diamond Villas Senior Housing Project. The improvements for roads and necessary infrastructure was accounted for during the review and with the approval of that project and a Notice of Restriction (NOR) shall be placed on the final map to ensure that the senior care facility and required improvements are made.

The map creates a 2.22-acre Parcel 1 and a 2.0-acre Parcel 2 and no minimum or maximum parcel size is required by the Multi Family Residential (MFR) General Plan land use designation. Density is not an issue for this project because the special use permit approved a senior housing care facility with private and semi private units. The creation of two lots with this tentative parcel map will not have any additional impacts.

2.2 *The proposed tentative parcel map conforms to the applicable standards and requirements of the County's zoning regulations and Minor Land Division Ordinance.*

The tentative parcel map provides enough land area to accommodate the placement of each senior housing facility approved by special use permit S05-0003 on Parcels 1 and 2 without affecting the development standards established for the R1 and R2-DC zones, including those established for setbacks with the creation of the new parcels. This map, based on the associated project conditions outlined by special use permit S05-0003, meets the standards of the Zoning Ordinance and the Minor Land Division Ordinance.

2.3 *The site is physically suitable for the proposed type and densities of development.*

The senior housing was previously approved by special use permit S05-0003 which found the site as being physically suitable for the proposed development. The map would not affect the suitability or density associated to the site because this map is only intended to be processed for financial purposes in association with the existing use permit.

2.4 *The proposed subdivision is not likely to cause substantial environmental damage*

As designed, the two-parcel map will have no effects on the environment. There will be no improvement required with this map, and the previously approved special use permit S05-0003 accounts for all associated impacts and environmental concerns. An addendum to the previously adopted Negative Declaration was developed for this project.