

**EL DORADO COUNTY DEVELOPMENT SERVICES
STAFF REPORT**



Agenda of: December 14, 2006

Item No.: 13.a.

Staff: Aaron Mount

REZONE/PLANNED DEVELOPMENT/SUBDIVISION MAP

FILE NUMBER: Z06-0015/PD06-0014/TM06-1415/Knollwood Park Condominiums

APPLICANT: David Long, Marlon, LTD

AGENT: Carlton Engineering

REQUEST:

1. Rezone from Limited Multi-family Residential-Design Control (R2-DC) to Limited Multi-family Residential-Planned Development (R2-PD).
2. Development plan to convert an existing 25 unit rental apartment complex into 25 airspace condominium units with common areas under management of a homeowners' association (HOA).
3. A tentative subdivision map creating 25 airspace condominium units on two parcels consisting of 1.3 acres (Exhibit B).

LOCATION: On the east side of Knollwood Drive, approximately 250 feet south of the intersection with Country Club Drive, in the Cameron Park area (Exhibit A).

APN: 082-401-07 and -08

ACREAGE: 1.3 acres

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

ZONING: Limited Multifamily Residential-Design Control (R2-DC) (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 subject to discretionary review under DR88-0015. Building permits were issued for the units in 1988, with final occupancy for building number 2 on October 11, 1989, and for building numbers 1, 3, and 4 on April 30, 1990. Subsequent permits were issued and finalized for 32 covered car ports. The project site contains two buildings of five units, one building of seven units, and one building of eight units.

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:

1. Rezone from Limited Multi-family Residential-Design Control (R2-DC) to Limited Multi-family Residential-Planned Development (R2-PD).
2. A development plan consisting of 4 residential buildings of 2-story construction containing 23 two-bedroom units and 2 three-bedroom units 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 ground area. The common area contains landscape and natural areas, sidewalks, carports, and several open parking areas. CC&R's will be established for the project development as part of the homeowners association agreement in compliance with §17.28.121 of the County Code.
3. A tentative subdivision map creating 25 airspace condominium units on two parcels consisting of 1.3 acres

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.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	R2-DC	MFR	Multi-family Residential
North	R2-DC- PD/OS	MFR	Undeveloped
South	R2-DC	MFR	Undeveloped
East	R2-DC	MFR	Multi-family Residential
West	R2-DC/CP- DC	MFR/C	Multi-family Residential/Commercial

Affordable Housing: Policy HO-3g address’s condominium conversions and states “New multi-family affordable housing developments shall not be converted to condominiums for at least 20 years after issuance of the Certificate of Occupancy.” The existing apartment complex was certified for occupancy on April 30, 1990. The proposed condominium conversion is consistent with Policy HO-3g based on an interpretation approved by the Planning Commission on March 9, 2006. The specific issue is the definition of affordable housing as noted in Policy HO-3g. The definition of affordable housing in the General Plan has the intention of applying to projects that have specifically designated a portion of the units to specified income levels at the low, lower, and moderate levels. Review of the rent roll has verified that the residential units in question fall at or above the fair market rent levels as specified by HUD for the Sacramento Region.

Open Space: Under General Plan Policy 2.2.3.1, residential Planned Development proposals require “commonly owned or publicly dedicated open space lands of at least 30 percent of the total site.” Commonly owned space is defined as recreational or picnic areas, or that space not occupied by infrastructure, such as parking areas, access roads, and public utilities. The tentative map shows a calculation that shows compliance with the 30 percent requirement with open space acreage of 20,791 square feet or 32 percent.

Lighting: A visual inspection by the agent was performed to verify if the lighting at the subject site is consistent with the requirements of the County’s lighting ordinance. Verbal confirmation was given that it was evident that the developments lighting was not consistent, and therefore, the project has been conditioned to require a lighting plan showing conformance including all lights to be cut shielded and that light will not cross to adjacent parcels.

Parking: On-site parking consists of 53 standard spaces, of which 29 are covered, including two spaces designated handicap accessible. 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. The total requirement for this project is 50 spaces.

Exterior Modifications: No modifications are proposed for the existing exterior building walls, signs, or landscaping. All features were approved by DR88-0015.

Other Issues: Under General Plan Policy TC-5a, sidewalks and curbs are required of all residential subdivisions creating lots of 10,000 square feet or less. As a result, the Department of Transportation has conditioned the project to comply with Standard Plans 104 and 101B. No additional right-of-way will be required. Though no design waivers were requested by the applicant, the Department of Transportation has no objections to reducing the sidewalk requirement from standard six foot width to a five foot width along the project frontage.

General Plan: The project has been reviewed in accordance with the El Dorado County 2004 General Plan policies, and it has been determined that the project is consistent with the General Plan. Findings of consistency with the General Plan are provided in Attachment 2

Zoning: The subject site is zoned Limited Multi-family Residential – Design Community (R2-DC). The existing development is consistent with the development standards as defined in §17.28.120 of the County Code.

Public Comments: At the time of the preparation of this report, staff had not received any comments from the public. New issues may arise as a result of the public notice of the hearing which will be discussed at that time.

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 \$35.00 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 15305 and 15301(k);
2. Approve Z06-0015, a rezone from Limited Multi-family Residential-Design Control (R2-DC) to Limited Multi-family Residential-Planned Development (R2-PD), based on the findings in attachment 2;
3. Approve the development plan, PD06-0014, 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, TM06-1415, 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	Tentative Subdivision Map
Exhibit E	Photographic Building Elevations
Exhibit F	Subdivision Map Act Notification Requirements
Exhibit G	Noticing Requirements Letter (June 28, 2006)
Exhibit H	Assessor's Parcel Map
Exhibit I	Interpretation of General Plan Policy HO-3g

ATTACHMENT 1 CONDITIONS OF APPROVAL

FILE NUMBER Z06-0015/PD06-0014/TM06-1415

CONDITIONS

1. The subject tentative map and planned development approval is based and limited to compliance with the project description 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 Multi-family Residential-Design Control (R2-DC) to Limited Multi-family Residential-Planned Development (R2-PD).
- b. Development plan to convert an existing 25 unit rental apartment complex into 25 airspace condominium units with common areas under management of a homeowners' association (HOA).
- c. A tentative subdivision map creating 25 airspace condominium units on two parcels consisting of 1.3 acres (Exhibit B).

Tentative Map

Planning Services

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. Prior to final map recordation, a lighting plan shall be submitted in conformance with §17.14.170 of the County Code.
4. The applicant shall be subject to all noticing requirements under the Subdivision Map Act, as outlined in Exhibit F. Prior to final map recordation, proof of legal noticing to all tenants shall be submitted to Planning Services demonstrating compliance.
5. The applicant shall be subject to notification to buyers that the structures pre-date 1994 building code changes in relation to condominium conversions.

Department of Transportation

6. 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 commencement of any improvements on the project facilities.
7. 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.
8. The developer shall construct a five-foot wide sidewalk along Knollwood Drive, per Standard Plans 104 and 101B. In addition, a timber barricade, approved by the Department of Transportation, shall be installed at the north end of this proposed sidewalk to prevent inadvertent access to the drainage facility along the northern boundary of this project. This work must be substantially complete, as determined by the Department of Transportation, prior to filing the final map.

Surveyor's Office

9. 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

FILE NUMBER Z06-0015/PD06-0014/TM06-1415

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 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.”

2.0 General Plan Findings

- 2.1 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.
- 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 Administrative Findings

3.1 Tentative Map

- 3.1.1. The proposed tentative map, including design and improvements, is consistent with the General Plan policies and land use map.
- 3.1.2. The proposed tentative map conforms with the applicable standards and requirements of the County's zoning regulations and the Major Land Division Ordinance.
- 3.1.3. The site is physically suitable for the proposed type and density of development.
- 3.1.4. The proposed subdivision is not likely to cause substantial environmental damage.

- 3.1.5. The 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.”

3.2 Planned Development

- 3.2.1. That the planed development request is consistent with the General Plan;

Discussion: The proposed zone change request to rezone the property from Limited Multi-family Residential-Design Control (R2-DC) to Limited Multi-family Residential-Planned Development (R2-PD) 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.

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

Discussion: The development plan is consistent with the existing development.

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

Discussion: 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.

- 3.2.4. That the site is physically suited for the proposed uses;

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

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

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

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

Discussion: The existing development conforms to its multi-family 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.