

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



**Agenda of:** May 8, 2008  
**Item No.:** 9.  
**Staff:** Aaron Mount

**SUBDIVISION MAP/DEVELOPMENT PLAN REVISION**

**FILE NUMBER:** TM05-1396/PD90-0002R1/Lake Forest Apartments

**APPLICANT:** Lake Forest Apartments, LLC.

**AGENT:** Lebeck Young Engineering, Inc.

**REQUEST:** The project consists of the following requests:

1. A tentative subdivision map creating 372 parcels ranging in size from 200 square feet to 422,379 square feet on a 23.12-acre site.
2. Development plan revision to convert an existing 220 unit rental apartment complex into airspace condominium units, the addition of 8,673 square feet of decks and balconies, six foot high wood fences delineating rear yards for ground level units, and 35 garages

**LOCATION:** On the north side of Village Center Drive, approximately 400 feet east of the intersection with Francisco Drive, in the El Dorado Hills area, Supervisorial District I. (Exhibit A)

**APN:** 110-130-24

**ACREAGE:** 23.12 acres

**GENERAL PLAN:** Adopted Plan (AP) (Exhibit B & D)

**ZONING:** Limited Multi-family Residential-Planned Development (R2-PD) (Exhibit C)

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

## **RECOMMENDATION:**

Staff recommends the Planning Commission take the following actions:

1. Certify that the project is Categorical Exempt from CEQA pursuant to Section 15305 and 15301(k).
2. Approve the development plan revision, PD90-0002-R, 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.
3. Approve the tentative map, TM05-1396, 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.

**BACKGROUND:** The existing apartment complex received approval for a Development Plan (PD90-00020) by the Planning Commission on June 28, 1990. The final apartment building on the site received occupancy approval on February 26, 1998. The application was submitted on October 2005 and was deemed complete on August 2006. The application was on hold until General Plan policy HO-3g was amended. This policy formerly did not allow multi-family housing developments to be converted to condominiums for a minimum of 20 years following occupancy.

## **STAFF ANALYSIS**

**Project Description:** The project consists of a tentative subdivision map creating 372 parcels ranging in size from 200 square feet to 422,379 square feet on a 23.12-acre site. Of the 372 lots proposed 220 are airspace condominium units, 100 are existing garages, 37 are proposed garages, and 15 are open space lots. A development plan revision to convert an existing 220 unit rental apartment complex into airspace condominium units, the addition of 8,673 square feet of decks and balconies, six foot high wood fences delineating rear yards for ground level units, and 35 garages. 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, a recreation center, and numerous parking areas. Conditions, covenants, and restrictions (CC&R's) will be established for the project development as part of the HOA agreement in compliance with §17.28.121 of the County Code.

**Site Description:** The project site is gently sloping and is at an average elevation of 700 feet above mean sea level. The parcel has been developed in accordance with what is shown on the subject site plan and contains 220 apartment units, a recreation center, 100 garages, and 13.09 acres of open space. The project site is served by an encroachment on to Village Center Drive.

**Adjacent Land Uses:**

	Zoning	General Plan/ Northwest El Dorado Hills Specific Plan	Land Use/Improvements
Site	R2	Multi-Family	Multifamily residential development
North	R1	Single Family	Single family residential subdivision
South	CP	Commercial	District/Community shopping center (Safeway)
East	R1	Single Family	Single family residential subdivision
West	R1	Single Family	Single family residential subdivision

Discussion: The Adopted Plan (AP) General Plan land use designation applies to all parcels being within the Northwest El Dorado Hills Specific Plan. The project parcel and all adjacent parcels have been developed consistent with the Specific Plan.

**Project Issues:** Discussion items for this project include land use and zoning compatibility, affordable housing, road improvements, project site access, parking, utilities, public transportation, open space, exterior modifications, dedication of park land, and non-motorized transportation.

**Affordable Housing:** General Plan *Policy HO-3g* address's condominium conversions and states "Apartment complexes, duplexes, and other multifamily rental housing shall not be converted to condominiums for at least ten years after issuance of the Certificate of Occupancy. Apartment complexes, duplexes, and other multifamily rental housing that contain any units restricted to households earning 120 percent or less of the area median family income (MFI) shall not be converted to condominiums for at least twenty years after issuance of the Certificate of Occupancy." 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. The final certificate of occupancy for the project site was issued February 26, 1998 and no units within the development are income restricted as they are all market rate rentals. Therefore, a final map may be file after February 26, 2008.

**Utilities:** The project site is currently served by public water and sewer. A meter award letter is required as a condition of approval as the site would change from single site ownership to individual ownership of each unit. The applicant and El Dorado Irrigation District will decide whether the development is served by master meters or individual meters.

**Site Access:** The applicant has proposed gating the entrance to the existing development as they feel that with a change in the demographics from renters to owners, owners will prefer to have restricted access. A proposal acceptable to El Dorado County Department of Transportation (DOT) has been submitted showing a turnaround in front of the gate (Exhibit G). El Dorado Hills Fire District has recommended approval of the gate request with conditions that it provides appropriate emergency access and a maintenance contract.

**Public Transportation:** El Dorado Transit has requested the applicant be conditioned to construct a curbside bus transfer facility along the frontage of Village Center Drive (Exhibits K and L). El Dorado transit has stated that if the project is approved that it can be assumed that the percentage of transit dependent residents will increase if the units are converted from high-end rental units to more modest owner-occupied properties. El Dorado transit is concerned that while creating an increased transit demand, the project area is not currently served by adequate transit service. The request is consistent with General Plan *Policy TC-2d* which encourages the development of transit transfer facilities. The applicant has submitted several conceptual site plans for the curbside bus transfer facility, but none have been designed to the satisfaction of DOT and El Dorado Transit. The final proposal submitted by the agent would site the transit facility mainly in front of an adjacent single family residential lot which is not acceptable to DOT or El Dorado Transit.

**Non-motorized Transportation:** DOT has recommended conditions to sign, stripe, and stencil for a class II bike lane on both sides of Village Center Drive, from Salmon Falls Road to Francisco Drive. This request is consistent with the El Dorado County Bicycle Transportation Plan adopted by the County Board of Supervisors January 25, 2005. Further, General Plan *Policy TC-4a* requires implementation of the Bicycle Plan and *Policy TC-4i* requires all development to include pedestrian/bike paths to connect to adjacent development, schools, parks, and commercial areas.

**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 open space percentage was evaluated and approved with the development plan approved in 1990. The tentative map shows a calculation that complies with the 30 percent requirement, with open space acreage of 13.09 acres or 56 percent.

**Exterior Modifications:** No modifications are proposed for the existing exterior building walls, signs, or landscaping. All features were approved by PD90-0002. The development plan revision is requesting the addition of 8,673 square feet of decks and balconies, the conversion of 35 parking spaces to garages, and six foot high wood fences to delineate rear yards for ground level units.

**Parking:** The project site currently contains 472 parking spaces. Section 17.18.060 of the Zoning Ordinance requires 2 spaces for every single-family attached unit and as the project contains 220 units the existing parking is adequate. The Development Plan revision is requesting to convert 37 parking spaces to garages for a total of 137 garage units. The only potential issue that may arise is that if a majority of the 137 garages are used for storage, the parking ratio would be deficient especially in regards to visitor parking.

**Dedication of Park Land:** This project is exempt from dedication of park land or in lieu fees as specified in Section 16.12.090 of the Subdivision Ordinance which states “The provisions of this section do not apply to stock cooperatives or condominium projects which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added”.

**General Plan:** This project is consistent with the policies of the adopted 2004 El Dorado County General Plan. Findings for consistency with the General Plan are provided in Attachment 2. The General Plan designates the subject site as Adopted Plan (AP) as the project site is within the Northwest El Dorado Hills Specific Plan (NWEDH). The existing development was approved in conformance with the NWEDH Specific Plan.

**Zoning:** The subject site is zoned Limited Multi-family Residential – Planned Development (R2-PD). The existing development is consistent with the development standards as defined in §17.28.120 of the County Code. The Development Plan revision has requested modification to the development standards for the R2 Zone District to allow zero and airspace lot lines as defined by the Tentative Map. This is requested to change the apartment units to individual ownership condominium units.

**Public Comment:** A letter was received from the Rolling Hills Estates Owners Association, dated September 26, 2007, concerning an adjacent parcel which is designated Lot J on Final Map G-89 (APN 110-130-04). According to the letter the developer of the project parcel was required to landscape the aforementioned lot as detailed in the Northwest El Dorado Hills Specific Plan and development agreement DA86-02. As the development agreement DA86-02 expired in 2002 and the parcel in question is owned by the Rolling Hills Estates Home Owners Association, Planning Services believes that a nexus with the project does not exist and that the matter is a civil dispute.

## **ENVIRONMENTAL REVIEW**

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.” Pursuant to Resolution No. 240-93, a \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.

## SUPPORT INFORMATION

### Attachments to Staff Report:

Attachment 1 .....	Conditions of Approval
Attachment 2 .....	Findings
Attachment 3 .....	Other Standard Subdivision Requirements of Law
Exhibit A .....	Vicinity Map
Exhibit B .....	General Plan Land Use Map
Exhibit C .....	Zoning Map
Exhibit D .....	NEDHSP Land Use Plan
Exhibit E1-3 .....	Tentative Subdivision Map
Exhibit F .....	PD90-0002 Site Plan
Exhibit G .....	Gate Site Plan
Exhibit H .....	Garage Elevations
Exhibit I .....	Map Act Condo Conversion Noticing Requirements
Exhibit J .....	Letter from El Dorado Transit
Exhibit K .....	Bus Transfer Facility
Exhibit L .....	Applicants submitted Bus Transfer Facility Site Plan
Exhibit M .....	Final Map G-89-C
Exhibit N .....	Assessor's Map Bk. 110 Pg. 13

# **ATTACHMENT 1 CONDITIONS OF APPROVAL**

## **Lake Forest Apartments FILE NUMBER TM05-1396/PD90-0002-R-1**

1. This development plan revision and tentative subdivision map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibit E1-3 “tentative map,” dated May 08, 2008 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:

1. A tentative subdivision map creating 372 parcels ranging in size from 200 square feet to 422,379 square feet on a 23.12-acre site;
2. Development plan revision to convert an existing 220 unit rental apartment complex into airspace condominium units, the addition of 8,673 square feet of decks and balconies, six foot high wood fences delineating rear yards for ground level units, and 35 garages to the existing development plan.

The 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.

### **CONDITIONS OF APPROVAL**

2. 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.
3. At the time of map recording, all open space lots shall be dedicated to a Homeowner’s Association or similar entity as open space with appropriate maintenance program.
4. At the time of map recording, CC&R’s shall be submitted and reviewed by Planning Services. Said CC&R’s shall include provisions for maintenance of all commonly maintained facilities and open space.

5. A meter award letter or similar document shall be provided by the water purveyor prior to filing the final map.
6. The subdivider is required to perform off-site improvements. If it is determined that the subdivider does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the subdivider's expense and within 120 days of filing the final map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possessing of the property.
7. Where the subdivider is required to make improvements on land which neither the subdivider nor the County has sufficient title or interest to make such improvements, prior to filing of any final map or parcel map, the subdivider shall submit to Planning Services for approval:
  - a. A legal description prepared by a civil engineer or land surveyor of the land necessary to be acquired to complete the off-site improvements.
  - b. Improvement plans prepared by a civil engineer of the required off-site improvements.
  - c. An appraisal prepared by a professional appraiser of the cost of land necessary to complete the off-site improvements.

Prior to the filing of the final map, the subdivider shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required off-site improvements including the full costs of acquiring any real property interests necessary to complete the required improvements.

In addition to the agreement, the subdivider shall provide a cash deposit, letter of credit, or other acceptable surety in a amount sufficient to pay such costs including legal costs subject to the approval of County Counsel.

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 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.

### **El Dorado County Department of Transportation**

9. The applicant shall sign, stripe, and stencil for a Class II Bike Lane on both sides of Village Center Drive, from Salmon Falls Road to Francisco Drive, prior to the recordation of the map. The applicant shall obtain an encroachment permit for said improvements as approved by DOT.
10. The applicant shall sign along the north side of Village Center Drive, along the entire frontage, for “No Parking” per the requirements of the 2003 Manual of Uniform Traffic Control Devices (MUTCD) and the California Supplement, prior to the recordation of the map. The applicant shall obtain an encroachment permit for said improvements as approved by DOT.

### **El Dorado Hills Fire Department**

11. The conversion from apartments to condominiums shall comply with all provisions of the Uniform Builders Code, especially pertaining to fire suppression.
12. The addressing of each condominium shall be in accordance with Fire Department requirements.
13. The current private road system will become part of the common maintenance area for the complex. The Fire Department would like a condition placed on the responsible party for this common area to handle all parking issues pertaining to “Fire Lane” violations.
14. The private road system shall be conditioned to prohibit the installation of traffic calming devices that utilize a bump or a dipped section of roadway.
15. The entry gate shall conform to the standards set forth by the Fire Department. The project shall be plan checked and inspected for full compliance as well as having an ongoing contract for maintenance.

### **County of El Dorado Office of the County Surveyor**

16. 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.

### **El Dorado County Transit**

17. The project shall construct a curbside bus transfer facility along the frontage of Village center Drive, with dimensions similar to those shown in Exhibit K, between the existing entrance to the complex and the eastern limit of the project.
18. The project shall construct a direct pedestrian connection from the southeast portion of the project area directly to the new bus transfer facility on Village Center Drive, rather than having all pedestrian traffic exit the proposed project along the main driveway.

### **PD90-0002-R-1 Conditions of Approval**

1. The location of structures, driveways, landscaping and other common area improvements shall conform to the approved development plan.
2. Any changes to the approved development and related materials shall be reviewed by the Planning Director for determination of substantial compliance. Any change to the approved development plan which does not substantially comply shall be subject to approval by the Planning Commission pursuant to Section 17.04.070 of the County Zoning Ordinance.
- ~~3. This project will be subject to mass pad review by the Board of Supervisors and final grading plans subject to approval by the Department of Transportation staff engineers.~~
- ~~4. Frontage improvements are to be constructed which include but are not limited to curb, gutter, sidewalk and street section. The location of these improvements are described as along the entire frontage of the proposed Village Center Drive.~~
- ~~5. The development of this project is to be coordinated with the development of the parcels to the south so that alignment and locations of accesses can be determined to provide proper traffic circulation.~~
6. The applicant shall comply with all requirements of the El Dorado Hills Fire Department.
7. The applicant shall comply with all requirements of the County Building Division.
- ~~8. A building permit shall not be signed off by the Planning Division until a water meter has been obtained from EID.~~
9. Prior to the issuance of a building permit, the site plan shall show the location and dimensions of required handicap parking spaces.
10. No lighting shall shine or glare onto adjacent properties. All existing lighting shall conform to §17.14.170 of the County Code and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation.

Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services.

11. No roof-mounted items are permitted.
12. Signage shall be limited to one unlighted sign not to exceed 12 square feet.
- ~~13. This development plan is subject to road impact fees of \$1250 per unit.~~
14. Install a 6 foot solid fence along the boundary line of the eastern side where property abuts a Single Family Residential Zone, as per Policy E iv(b) of the Northwest El Dorado Hills Specific Plan Policies for Residential Land Use. Said fence is subject to review and approval by the Planning Division prior to obtaining a Certificate of Occupancy.
15. Install a 6 foot decorative wooden fence along boundaries abutting Francisco & Village Center Drive as per Section 3.5 of the Landscape Guidelines of the Lake Forest Development Agreement. Said fence shall be of wooden construction with brick columns 2 feet square in section, and 7 feet high at not less that 16 feet to 20 feet apart.

The project fence design shall be in keeping with surrounding area fence designs and is subject to review and approval by the Planning Division prior to obtaining a Certificate of Occupancy.

# ATTACHMENT 2 FINDINGS

## Lake Forest Apartments FILE NUMBER TM05-1396/PD90-0002-R-1

### 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 As proposed, the project is consistent with the Adopted Plan, Northwest El Dorado Hills Specific Plan, land use designation, as the proposed condominium conversion of the existing multi-family development is consistent with the Northwest El Dorado Hills Specific Plan.
- 2.2 The proposal is consistent with General Plan Policies Ho-3g, TC-2d, TC-4a, TC-4i, and 2.2.3.1 concerning affordable housing, public transit, and alternative transportation.

### 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.* As proposed, the tentative map conforms to the Northwest El Dorado Hills Specific Plan and applicable General Plan policies including condominium conversions, transit facilities, alternative transportation, and Planned Development open space.
- 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.* The proposed tentative map conforms to the existing multi-family development and the Major Land Division Ordinance.
- 3.1.3. *The site is physically suitable for the proposed type and density of development.* The existing approved multi-family development is consistent with the required density and is currently serviced with all required public services and facilities.

- 3.1.4. *The proposed subdivision is not likely to cause substantial environmental damage.* 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.”

### **3.2 Planned Development**

- 3.2.1. *That the planned development request is consistent with the General Plan.* As outlined within the staff report and General Plan consistency findings above, the development plan revision is consistent with the applicable policies of the General Plan concerning condominium conversions, transit facilities, alternative transportation, and open space.
- 3.2.2. *That the proposed development is so designed to provide a desirable environment within its own boundaries.* The development plan is consistent with the existing development.
- 3.2.3. *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.