

**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:

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 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 N. 240-93, a \$35.00 processing fee is required by the County Recorder to file the Notice of Exemption.

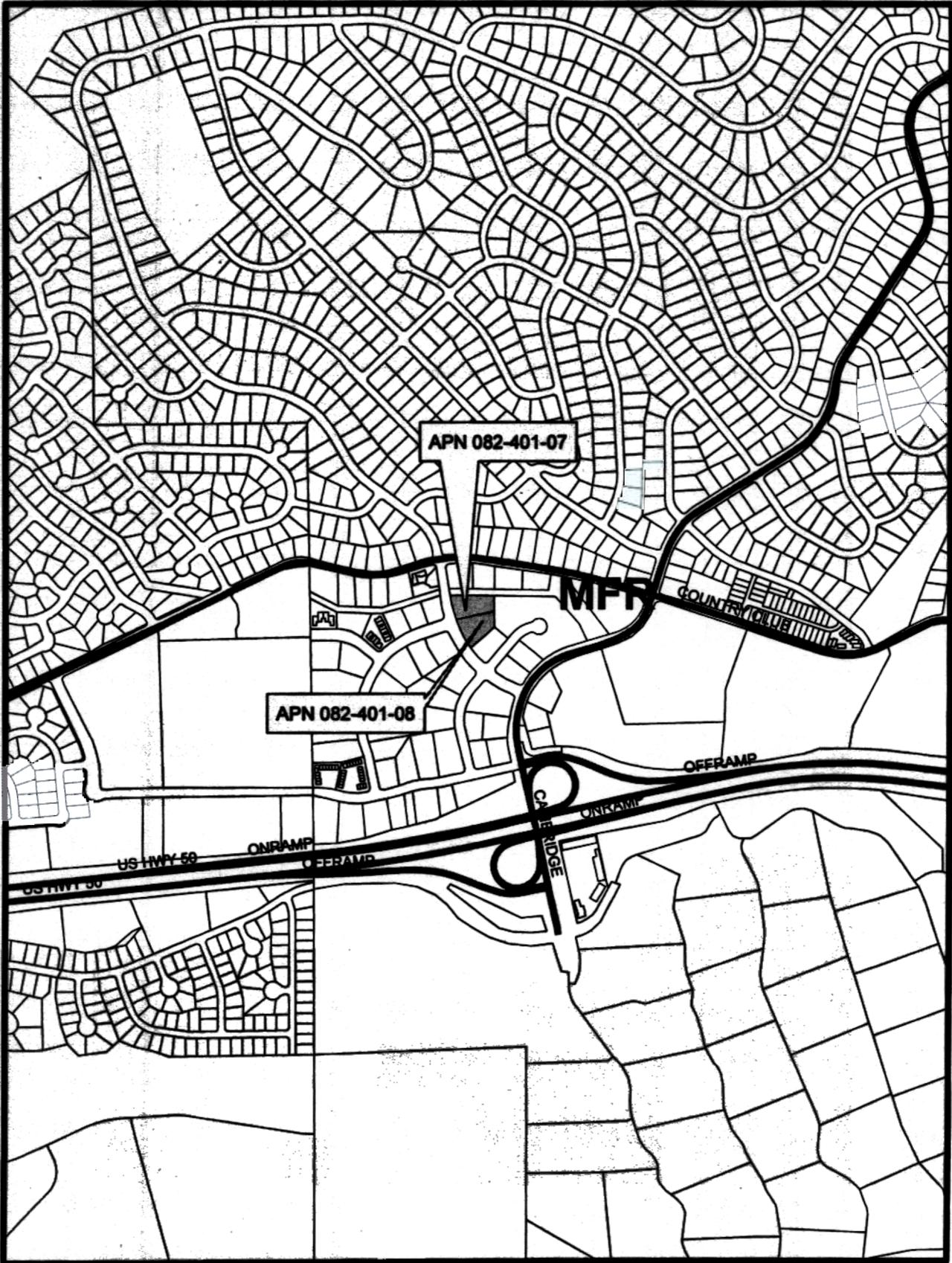
RECOMMENDATION: Recommend approval

SUPPORT INFORMATION

Attachments to Staff Report:

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

EXHIBIT A: VICINITY MAP



PERMIT # TM06-1415
PREPARED BY AARON MOUNT

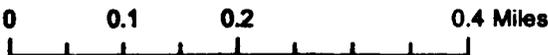
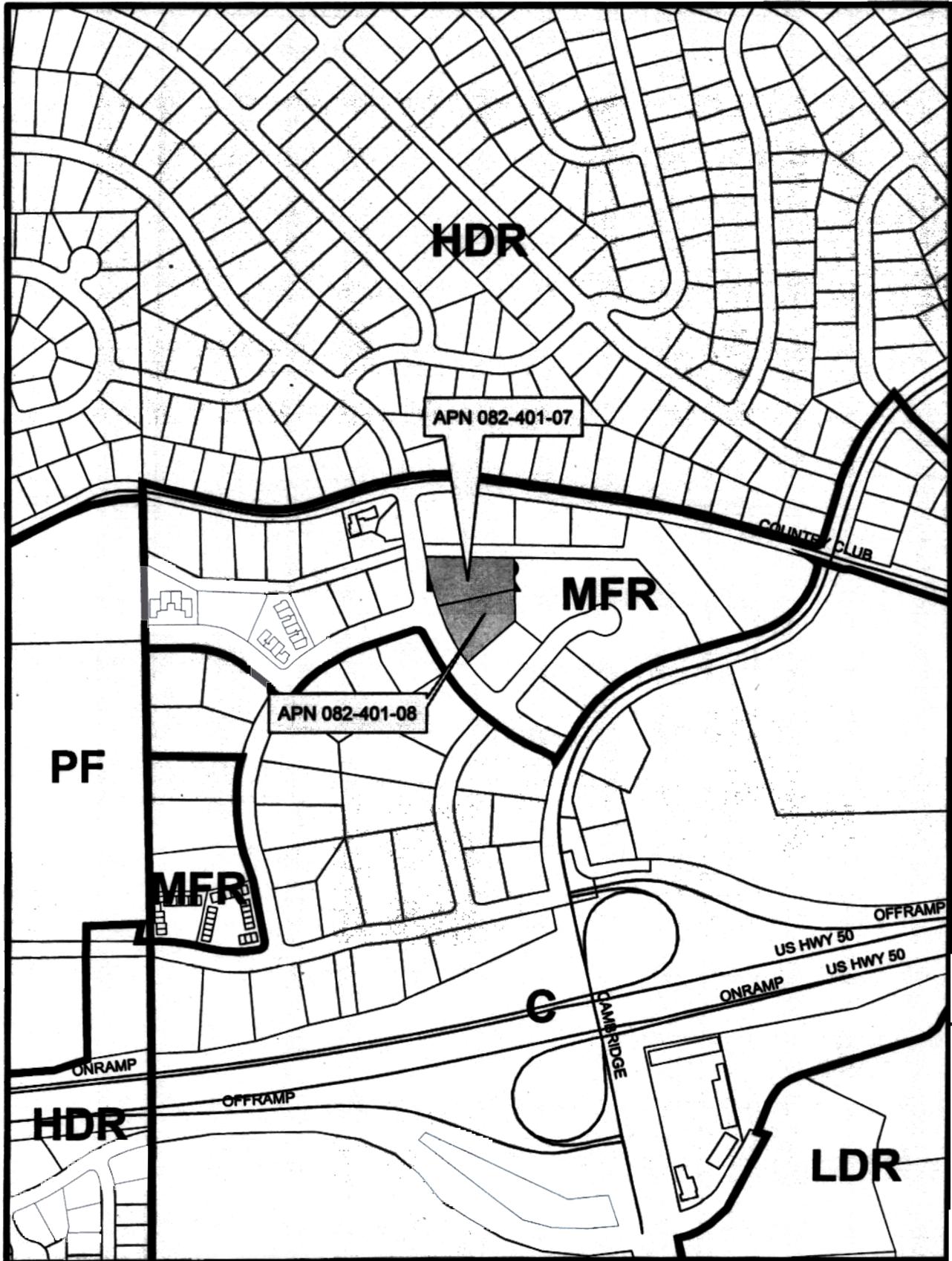


EXHIBIT B: GENERAL PLAN MAP



PERMIT # TM06-1415
PREPARED BY AARON MOUNT

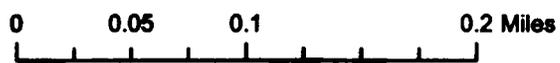
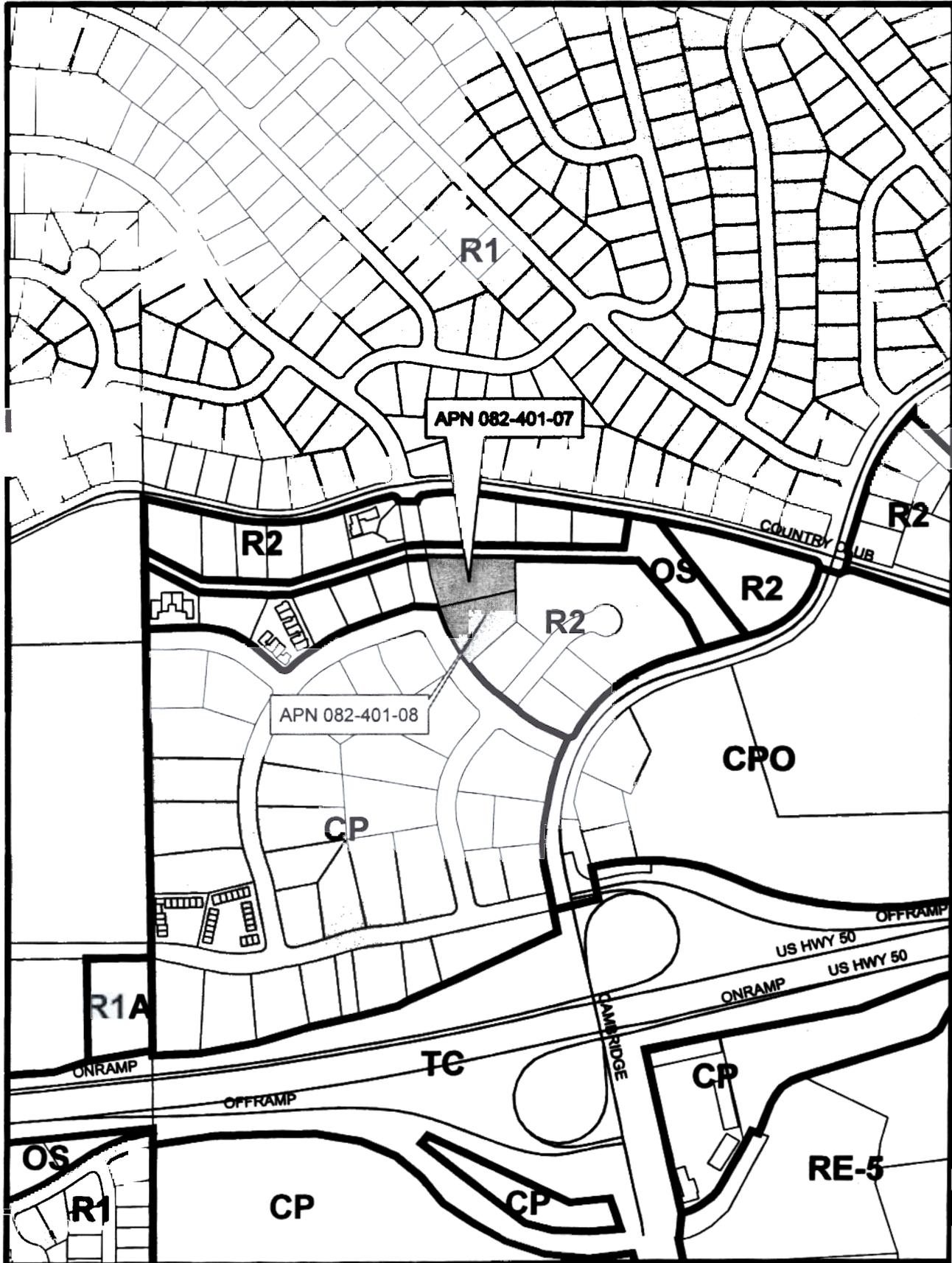
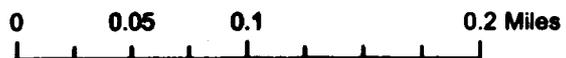


EXHIBIT C: ZONING MAP



PERMIT # TM06-1415
PREPARED BY AARON MOUNT





Tentative Subdivision Map

Statewide Commission *July 8 2006-07-05*
 CAMERON PARK NORTH UNIT NO. 5
 A PORTION OF SECTION 4 & 5,
 T. 8 N., R. 9 E., M. 14 N.
 COUNTY OF EL DORADO
 STATE OF CALIFORNIA
 MAY, 2006
 T-20

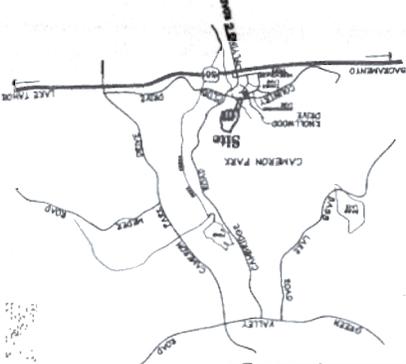
CARLTON ENGINEERING INC.



OWNER / APPLICANT:
 WATSON, LTD.
 C/O DAVID LONG
 8000 SHANILLE PLACE
 MONTE SERENO, CA 95050
 MAP PREPARED BY:
 CARLTON ENGINEERING INC.
 3000 FONDERSA ROAD
 SHIPLEY SPINGS, CA 95002

SCALE OF MAP:
 1" = 20'
 CONTour INTERVAL:
 5'
 SECTION, TOWNSHIP, RANGE:
 T. 8 N., R. 9 E., M. 14 N.
 ADJACENT PARCEL NO.
 002-401-07 & 08
 PRESENT ZONING:
 R2S
 PROPOSED ZONING:
 R2S
 TOTAL PARCEL AREA:
 60.82 SQFT
 TOTAL NUMBER OF PARCELS:
 20
 HUNDRED PARCEL AREA:
 705 SQFT
 WATER SURFACE:
 EL DORADO REGULATION DISTRICT
 EL DORADO REGULATION DISTRICT
 CAMERON PARK C&D FEE
 DATE OF PREPARATION:
 MAY 2006

Vicinity Map



PLANNING COMMISSION
 APPROVAL / DENIAL DATE: _____
 BOARD OF SUPERVISORS
 APPROVAL / DENIAL DATE: _____

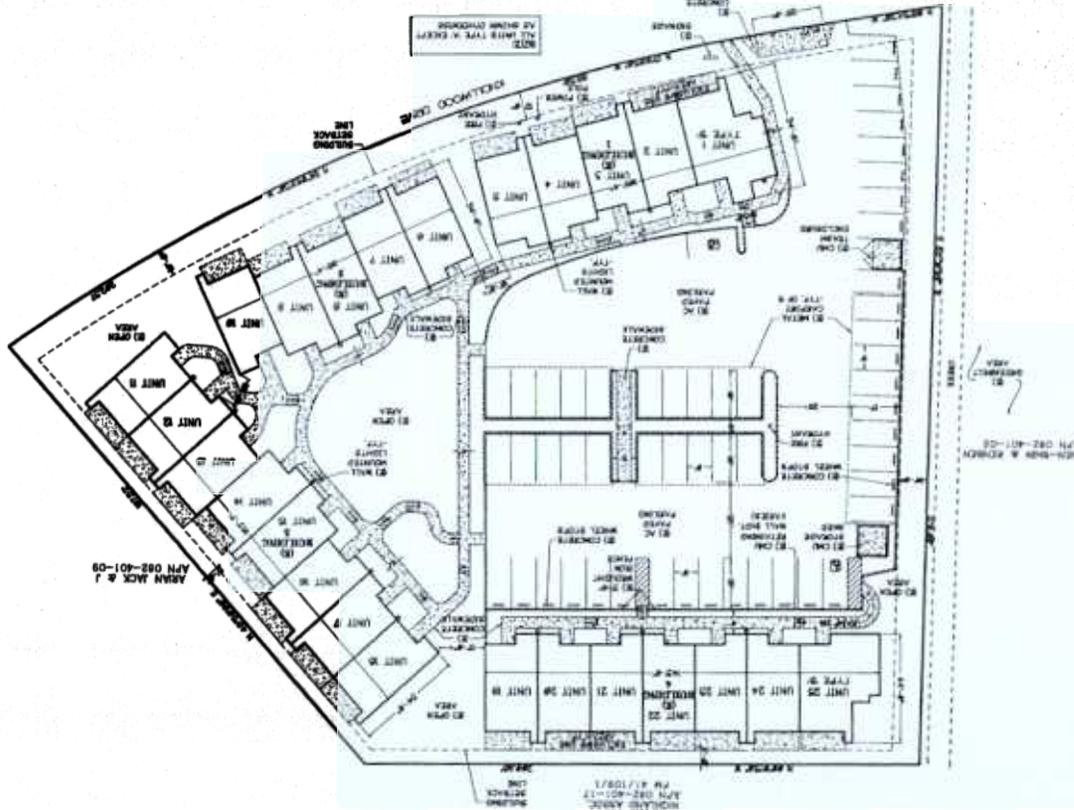


COVERAGE TABLE

AREA NO. 01: 1 COVERAGE

AREA	NO. AC.	1 COVERAGE
PARCEL (SHEETS)	0.00	0.00
PAVING / TRAMP ENCLOSURE	2.56	2.56
RELINERS	0.00	0.00
TOTAL DEVELOPED	2.56	2.56
OPEN SPACE	0.00	0.00

EXISTING 20 UNITS WITH 2 PARKING SPACES PER UNIT - 20 SPACES PROVIDED (20 SPACES)
 EXCLUDES TWO (2) NO ACCESSIBLE SPACES



EXISTING ADJACENT PARCEL NUMBER 002-401-07 & 08

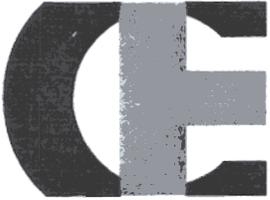


Exhibit E

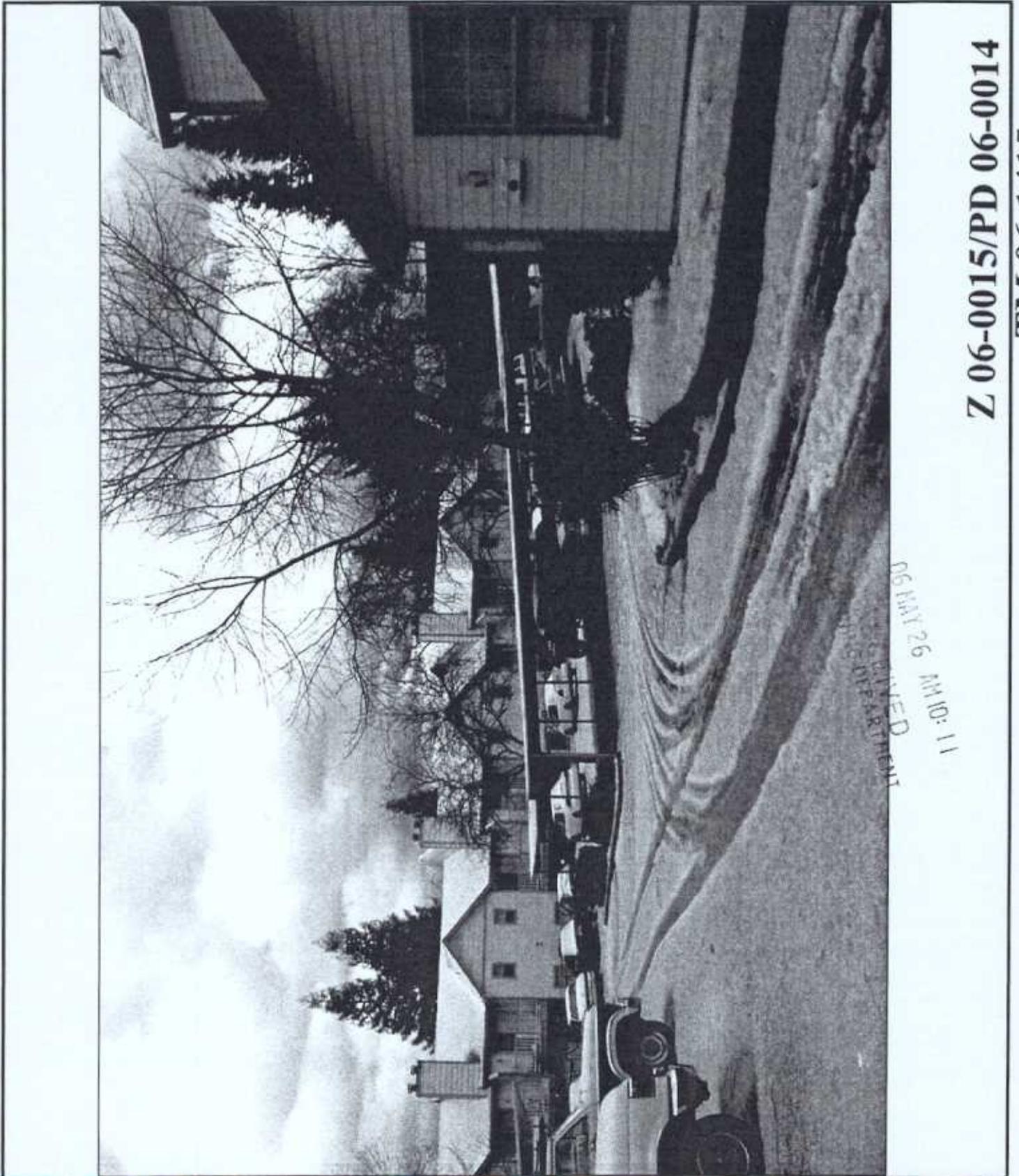
CARLTON
Engineering Inc.
TEAM DRIVEN SOLUTIONS FOR THE BUILT ENVIRONMENT
3083 Pendennis Road, Shingle Springs, CA 95682
Voice 530.677.5515 Fax 530.677.6645

KNOLLWOOD CONDOMINIUMS

SHEET NO. D1 OF THREE

SCALE NONE DATE 3/15/06

WRLK OVERALL EXTERIOR ELEVATIONS



Z 06-0015/PD 06-0014

TM 06-1415

06 MAR 26 AM 10:11
PLANNING DEPARTMENT



CARLTON

Engineering Inc.

TEAM DRIVEN SOLUTIONS FOR THE BUILT ENVIRONMENT

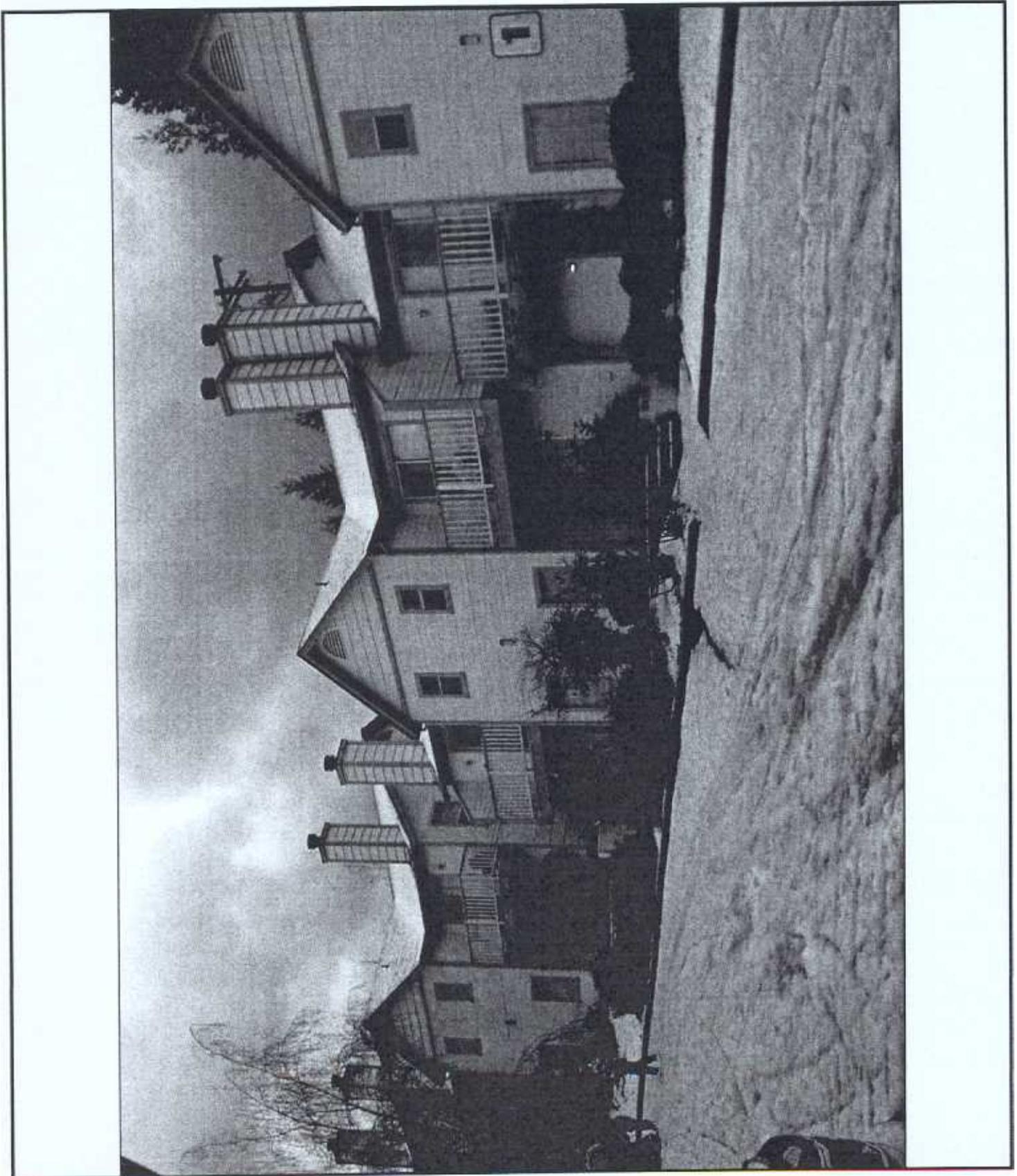
3883 Ponderosa Road, Shingle Springs, CA 95682
Voice 530.677.5515 Fax 530.677.6645

JOB KNOLLWOOD CONDOMINIUMS

SHEET NO. D2 OF THREE

SCALE NONE DATE 3/15/06

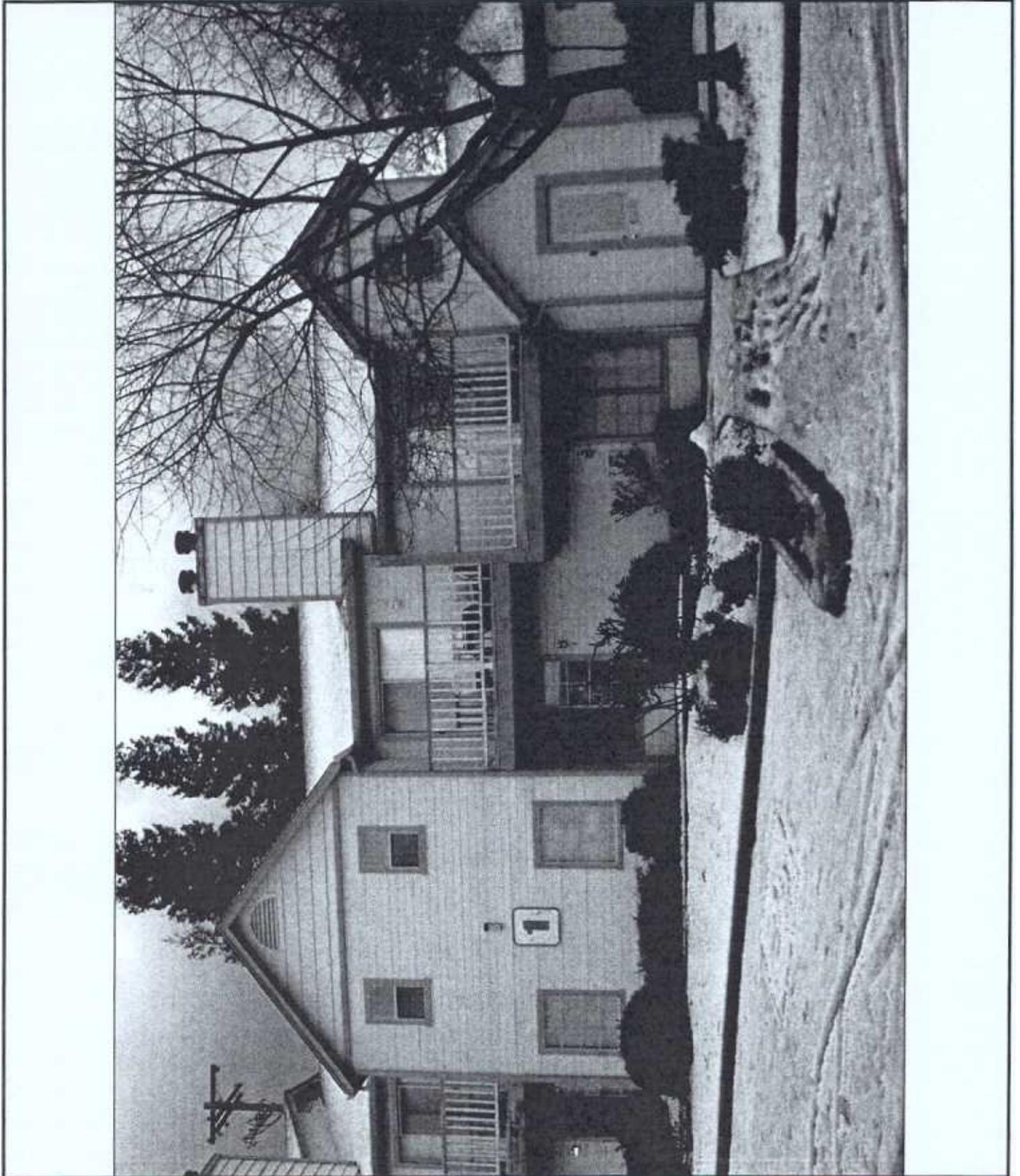
TITLE EXTERIOR ELEVATIONS





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Engineering Inc.
TEAM DRIVEN SOLUTIONS FOR THE BUILT ENVIRONMENT
3083 Ponderosa Road, Shingle Springs, CA 95682
Voice 530.677.5515 Fax 530.677.6645

JOB KNOLLWOOD CONDOMINIUMS
SHEET NO. D3 OF THREE
SCALE NONE DATE 3/15/06
TITLE TYPICAL UNIT ELEVATION



Condominium Conversion Notification Requirements

Exhibit F

Notice	Description	Responsible Party	Code Sections
60 Day Notice of Intent to Convert to Condominium	Each tenant must receive written notice of intention to file for a condominium conversion at least 60 days prior to the filing of the tentative map or map waiver with the Hearing Officer or Planning Commission for a public hearing. The form of the notice is defined by state law. The notice must state that each tenant will be notified of all public hearings and has a right to appear and speak at the hearings.	Applicant	CGC 66427.1(a) CGC 66452.8 CGC 66452.9
180 Day Notice prior to Termination of Tenancy	Each tenant must receive written notice of the intention to convert to condominiums at least 180 days prior to the termination of tenancy. The notice must also state that should the condominium conversion project be approved, tenants may be required to vacate the premises. This notice is only a warning of a possible conversion and not a notice to vacate the premises	Applicant	CGC66427.1(c)
Notice of Public Hearing	Each tenant will be mailed a Notice of Public hearing at least 10 business days prior to the date of a public hearing for a decision on a condominium conversion;	County	
Copy of Staff Report	Each tenant shall receive a copy of the staff report to a decision maker no later than 3 days prior to the public hearing.	Applicant	CGC 66452.3
10 Day Notice of Approval of Final Map	Each tenant must receive written notice within 10 days of approval of a parcel map, final map, or certificate of compliance for the proposed conversion	Applicant	CGC 66427.1(b)
10 Day Notice of Application for Public Report	Each tenant must receive 10 days written notification that an application for a public report has, or will be submitted to the Department of Real Estate, and that such report will be available on request. There is no requirement for a public report when 4 or fewer units are being converted.	Applicant	CGC 66427.1(a)
Notice of Right to	Each tenant must be provided notice of an exclusive right to contract for the purchase of their unit upon the same terms and conditions that such unit will	Applicant	CGC 66427.1(d)

CGC = California Government Code
CCC = California Civil Code

Condominium Conversion Notification Requirements

Purchase	be initially offered to the general public, or terms more favorable to the tenant.		CGC 66459
90 Day Notice of Intent to Sell	Each tenant must receive 90 days written notice of the intention to sell and the beginning of their 90 day right to purchase period.	Applicant	CGC 66427.1(d) CGC 66459
Notice of Termination of Tenancy	Tenants are also entitled to a written notice to vacate the property. Tenants who have resided on the premises for less than a year shall receive this notice at least 30 days prior to vacating the property, and Tenants who have resided on the premises for a year or more shall receive this notice at least 60 days prior to vacating the property.	Applicant	CCC 1946.1

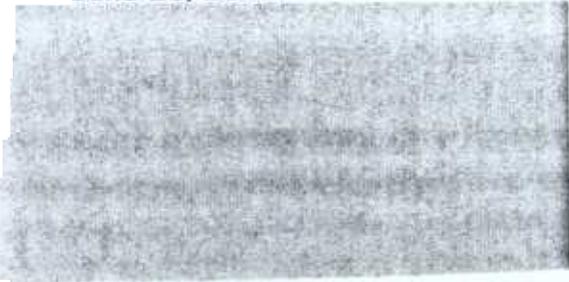
The applicant must submit certification for any of these noticing requirements that have been satisfied prior to the Public Hearing or approval of the Final Map/Parcel Map/Certificate of Compliance.

CGC = California Government Code
CCC = California Civil Code

Exhibit G

**KNOLLWOOD PARK TOWNHOMES
2262 Knollwood Drive
Cameron Park, CA 95682
(530) 672-6882**

June 28, 2006



To the occupant(s) and prospective occupant(s) of the Knollwood Park Townhomes located at 2262 Knollwood Drive, Cameron Park, California, 95682:

The owners of this building located at 2262 Knollwood Drive, Cameron Park, California, has filed or plans to file a tentative map with El Dorado County to convert this building to a condominium. No units may be sold in this building unless the conversion is approved by El Dorado County and until after a public report is issued by the Department of Real Estate.

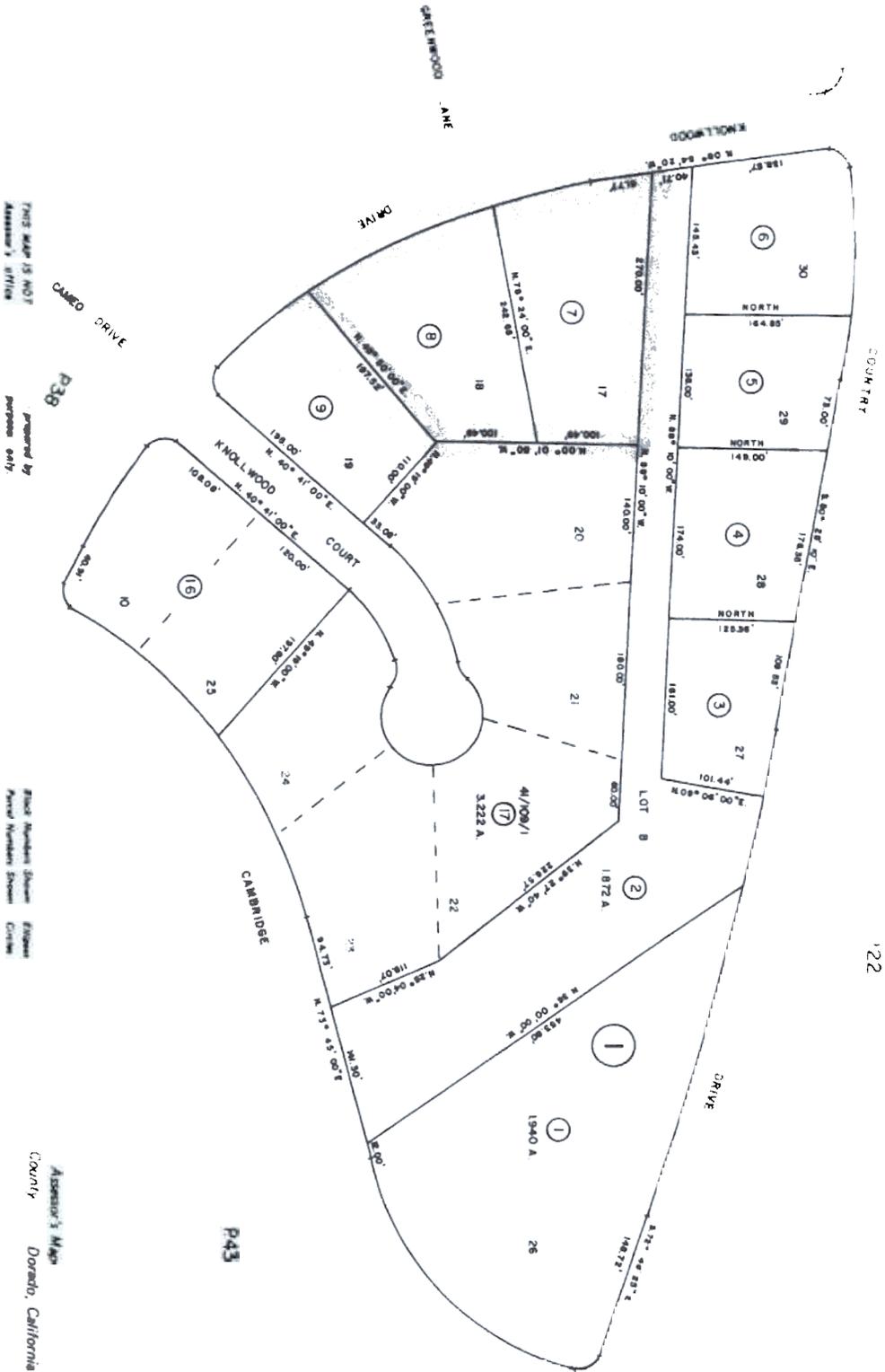
If you are a tenant of this building or if you become a tenant of this building, you shall be given notice of each hearing for which notice is required pursuant to Sections 66451.3 and 66452.5 of the Government Code, and you have the right to appear and the right to be heard at any such hearing.

David J. Long
Owner

Exhibit H

POR. SECS. 4 & 9, T9N., R9E., MDM
CAMERON PARK NORTH UNIT NO. 5
93

8 40



THIS MAP IS NOT
Assessor's Office

prepared by
purpose only

Final Plat/Map/Deed/Right
Final Plat/Map/Deed/Right

Assessor's Map
County
Dorado, California

Affordable Housing Development A housing development “affordable to low and moderate income households” means that at least 20 percent of the units in the development will be sold or rented to lower income households, and the remaining units to either lower or moderate income households. Housing units for lower income households must sell or rent for a monthly cost not greater than 30 percent of 60 percent of the area median income as established by the State of California Department of Housing and Community Development. Housing units for moderate income households must sell or rent for a monthly cost of not greater than 30 percent of the area median income.

While this definition is still somewhat confusing, it appears that the term is intended to apply to projects that have specifically designated a portion of the units to specified income levels.

The word “new”, as used in this policy, can be interpreted to mean any project after it is built (i.e. it is new once it has received its certificate of occupancy) or to mean a project built after the adoption of the 2004 General Plan. There is no clear guidance, but the intent of the policy, which falls under the objective of conserving the County’s current stock of affordable housing (Goal HO-3), is to limit conversions of rental stock to ownership units. This would seem to apply regardless of when the units were constructed.

However, it is appropriate to look back at the context of this policy and how it was amended from the prior version of the Housing Element. Exhibit 1 is a page from the current Housing Element, part of the review of the prior element required for each update. This table lists the previous policies and reviews the degree to which the County was successful in implementing the policies. These prior policies provided for a minimum of 5 years prior to conversion for any multifamily project, and 10 years for specifically affordable projects, as defined. In both cases, the document states that the provisions were rolled over into the current Policy HO-3g. However, the language of this policy did not actually carry them over, but significantly narrowed the scope. If it was the intent to provide similar or greater protection for renters by maintaining the supply of rental units, at least for a period of years, it would be appropriate to apply “new” in the broadest sense and include any projects constructed prior to the adoption of the 2004 General Plan.

Recommendation:

Staff recommends that the Planning Commission find that Policy HO-3g applies to any project that contains residential units allocated to very low, lower, or moderate income households, based on the definition of “affordable development project” provided in the glossary of the 2004 General Plan and the apparent intent by the policy to carry over the provisions of the prior Housing Element as described on Page 210 of the 2004 General Plan. Staff further recommends that the Planning Commission adopt a Resolution of Intention, provided as Attachment 1, amending the Housing Element to conserve the County’s stock of affordable housing and limit conversions of existing rental housing, as provided in Attachment 2.

Attachment 1	Resolution of Intention
Attachment 2	Draft Policy Amendment
Exhibit 1	Page 210 from Current Housing Element