

FROM THE MINUTES OF JUNE 28, 2007

7. ZONE CHANGE/PLANNED DEVELOPMENT/TENTATIVE MAP (Public Hearing)

b. Z06-0041/PD06-0028/TM06-1427 submitted by DAVID LONG, MARLON LTD (Agent: Carlton Engineering) to rezone property from Limited Multifamily Residential-Design Control-Airport Safety (R2-DC-AA) to Limited Multifamily Residential-Planned Development-Airport Safety (R2-PD-AA); 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; and a tentative subdivision map creating 11 airspace condominium units. A design waiver has also been request to allow the reduction of the sidewalk improvement requirement from six to four feet. The property, identified by Assessor's Parcel Number 116-312-05, consisting of 0.64 acre, is located on the north side of Cimmarron Road, west of the intersection with Cimmarron Court, in the Cameron Park area, Supervisorial District I. (Categorically exempt pursuant to Sections 15305 and 15301(k) of the CEQA Guidelines)

Gina Hunter presented this item in the absence of Jonathan Fong and recommended approval to the Board of Supervisor. Commissioner Machado asked for further clarification on the additional open space adjacent to each multifamily structure.

Nancy Hayes, Carlton Engineering, represented the applicant and agreed to the proposed conditions.

There was no further input.

MOTION: COMMISSIONER MATHEWS, SECONDED BY COMMISSIONER KNIGHT, AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS FIND THE PROJECT CATEGORICALLY EXEMPT PURSUANT TO SECTIONS 15305 AND 15301(k) OF THE CEQA GUIDELINES; APPROVE Z06-0041 REZONING ASSESSOR'S PARCEL NUMBER 116-312-05 FROM LIMITED MULTIFAMILY RESIDENTIAL-DESIGN CONTROL-AIRPORT SAFETY (R2-DC-AA) TO LIMITED MULTIFAMILY RESIDENTIAL-PLANNED DEVELOPMENT-AIRPORT SAFETY (R2-PD-AA), BASED ON THE FINDINGS PROPOSED BY STAFF; AND APPROVE PD06-0028/TM06-1427, ADOPTING THE DEVELOPMENT PLAN AS THE OFFICIAL DEVELOPMENT PLAN, BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS PROPOSED BY STAFF.

Findings

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. Cimarron 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.

Conditions

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.