

FROM THE MINUTES OF JANUARY 25, 2007

8. REZONES/PLANNED DEVELOPMENTS/TENTATIVE SUBDIVISION MAPS (Public Hearing)

b. **Z06-0012/PD06-0013/TM06-1414/Pearl Place Town Homes** submitted by JAMES RUCKER to rezone properties from Limited Multifamily Residential (R2) to Limited Multifamily Residential-Planned Development (R2-PD); development plan to convert four new duplex structures into eight individual ownership condominium units consisting of four residential buildings of two-story construction with common areas; and tentative subdivision map creating eight condominium lots and one common area parcel. The properties, identified by Assessor's Parcel Numbers 051-541-04 and -05, consisting of 0.94 acre, are located on the northwest corner of the intersection with Pearl Place and Courtside Drive, in the **Diamond Springs area**. (Supervisorial District III) (Categorically exempt pursuant to Sections 15305 and 15301(k) of the CEQA Guidelines)

Staff: Michael Baron recommended conditional approval. James Rucker stated that a Community Facilities District does exist. Commissioner Mac Cready asked about the 20-year conversion. Peter Maurer said that restriction was recently modified and does not apply to this project. Paula Frantz, County Counsel, said this project was not originally low-cost housing, so the 20-year conversion would not apply in this instance. Commissioner Mac Cready asked the definition of open space. Mr. Maurer replied, stating staff felt this project minimally met the requirement for open space. Commissioner Machado supported this project. There are two-car garages, an appropriate density for this property, and good landscaping. Commissioner Mathews agreed with Commissioner Machado. Mr. Rucker commented they only cover 28 percent of the property. There is a lot of open area for a family with young children. There was no further input.

MOTION: COMMISSIONER MACHADO, 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 105301(k) OF THE CEQA GUIDELINES; APPROVE Z06-0012 REZONING ASSESSOR'S PARCEL NUMBERS 051-541-04 AND -05 FROM LIMITED MULTIFAMILY RESIDENTIAL (R2) TO LIMITED MULTIFAMILY RESIDENTIAL-PLANNED DEVELOPMENT (R2-PD) BASED ON THE FINDINGS PROPOSED BY STAFF; APPROVE PD06-0013/TM06-1414, 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 Finding

1.1 The project has been found to be Categorical Exempt from CEQA pursuant to Section 15305 stating that “Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do 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 not otherwise exempt.” The site is level and no physical changes are proposed as part of this project.

2.0 General Plan Finding

2.1 The proposed use and design conforms to the General Plan in that the parcel is located within a community region, the proposed use and developmental density are consistent with both land use designation and floor area ratio policy and the natural resources on site will be protected pursuant to related policies in the General Plan.

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 Rezone/Planned Development Findings

3.1 That the PD zone request is consistent with the general plan.

The proposed zone change request to rezone the property from Limited Multifamily Residential (R2) to Limited Multifamily Residential–Planned Development (R2-PD) is consistent with its land use designation and Policy 2.2.5.3 regarding rezones in general, as the project is an existing development previously approved under ministerial building permit. Additionally, the General Plan contains several policies pertinent to the project whose consistency was discussed under the General Plan section of the staff report.

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

The development plan is consistent with the existing and surrounding development within the project vicinity.

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

No exceptions to the development standards are proposed other than minimum lot size for each unit.

3.4 That the site is physically suited for the proposed uses.

The site is a new condominium development that is located within a developed high density residential community region.

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

The existing development has been adequately served with water, sewer, and electric and gas utilities. Each unit will continue to be separately metered and served by PG&E for electricity. Gas, water, and sewer services will be administered by the Homeowners Association, and no additional meters will be required or requested from the El Dorado Irrigation District (EID).

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

The new development conforms to its multi-family residential surroundings. Added landscaping required for approval will not detract from the appearance of the site.

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.

As proposed, the tentative map conforms to the Multifamily Residential (R2) General Plan land use designation.

4.2 The proposed tentative map conforms to the applicable standards and requirements of the County's zoning regulations and the Major Land Division Ordinance.

As proposed, the tentative map conforms to the development standards within the Limited Multifamily Residential (R2) Zone District and the Major Land Division Ordinance.

4.3 The site is physically suitable for the proposed type and density of development.

The site is physically suitable for the proposed type and density of development as it is of relatively flat topography, and is located in an area of similar multi-family development.

4.4 The proposed subdivision is not likely to cause substantial environmental damage.

The proposed tentative map is not likely to cause substantial environmental damage, as it is a condominium conversion of a new multi-family complex.

Conditions

1. The subject tentative map and planned development approval is based upon and limited to compliance with the project description, dated **January 25, 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. A rezone of the parcel from Limited Multifamily Residential (R2) to Limited Multifamily Residential - Planned Development (R2 - PD).
- b. A development plan to convert four new duplex structures into eight individual ownership units, consisting of four residential buildings of two-story construction. The common area contains open space and landscape area.
- c. A tentative subdivision map creating eight individual ownership units and one common area parcel on 0.94 acres.

Planned Development

2. All site improvements shall conform to Exhibits E, F, G, H, and I.
3. All exterior lighting shall be shielded in conformance with Section 17.14.170(C) to prevent light and glare from spilling onto adjacent properties or roads.

Tentative Map

Planning Services

4. Prior to recording the final map, CC&Rs with a homeowners' maintenance agreement, to include but not be limited to those requirements under §17.28.121 of the County Code, shall be submitted to Planning Services for review and approval. The CC&Rs shall be recorded concurrently with the final map.
5. The subdivision is subject to parkland dedication in-lieu fees based on values supplied by the Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. The fees shall be paid at the time of the filing of the final map.
6. The subdivider shall be subject to a \$150.00 appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.

Department of Transportation

7. The applicant shall install a four-foot wide sidewalk along the entire frontage of Pearl Place behind the existing curb and gutter. The sidewalk shall be connected to the existing sidewalk on Courtside Drive. The applicant shall obtain an encroachment permit from the Department of Transportation and shall construct the sidewalk per County standards.
8. The curb return at the intersection shall include a pedestrian ramp with truncated domes per Caltrans Standard A88A and four feet of sidewalk/landing at the back of the ramp.

Diamond Springs Fire Protection District

9. Prior to recordation of the final map the applicant shall annex the development into a Community Facilities District (CFD) for the provision of public services permitted under Government Code § 53313, including fire suppression services, emergency medical services, and fire prevention activities and other services for which proceedings are under consideration, and as such, shall be subject to the special tax approved with the formation of such CFD with the developments inclusion or annexation into the CFD.
10. The developer shall provide a Facilities Improvement Letter from the El Dorado Irrigation District, confirming required fire flow.

County Surveyor

11. 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 shall be coordinated with the County Surveyors Office.
12. The applicant shall provide a Parcel Map Guarantee, issued by a title company, showing proof of access to a State or County Maintained Road as defined in 16.44.120(B)(2) with the legal right to improve that access as required by the County Design Manual.