

Findings

1.0 CEQA FINDINGS

1.1 This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 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 planned development combining zone district.

The project is consistent with the Policy 2.2.3.1 as the project provides 38 percent open space.

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 project is consistent within the Limited Multifamily Residential (R2) Zone District. The existing structures and the proposed project are allowed uses in R2 Zone.

A planned development application is required to allow 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.

Because the project site has already been developed, the planned development would allow modification of the offsite parking requirements to allow a parking area which does not meet the parking requirements of the Zoning Ordinance. The site has been developed, and no additional areas are available for additional parking.

4.0 TENTATIVE MAP FINDINGS

4.1 The proposed map is consistent with the general plan;

The existing multifamily development is consistent within the Multifamily Residential (MFR) land use designation. The proposed conversion of the apartment complexes to condominium would be consistent within the MFR land use designation.

4.2 The design or improvement of the proposed subdivision is consistent with the applicable general plans;

No development would be proposed in conjunction with the application. The existing multifamily development is consistent within the MFR land use designation.

4.3 The site is physically suitable for the type of development;

The project site is developed with an existing multifamily development. The condominium conversion would not involve additional development that would not be suitable for the project site.

4.4 The site is physically suitable for the proposed density of development;

The project site is developed with a nine-unit multifamily development which is consistent with the density requirements of the Multifamily Residential (MFR) land use designation. The project would not involve development that would exceed the density requirements of the MFR land use designation.

4.5 The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat;

No development is proposed on the project site that would result in significant environmental damage. The project would be required to construct a four foot wide sidewalk across a channelized drainage which would not injure fish wildlife or their habitat.

5.0 PLANNED DEVELOPMENT FINDINGS

5.1 That the planned development request is consistent with the General Plan;

The proposed planned development would allow the conversion of existing multifamily units to individual condominium units which is consistent with General Plan.

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

The project would not create additional development on-site; however, the proposed changes to the site would provide a desirable environment. The project would provide the required minimum 30 percent open space as well as individual yards for each unit. Additionally, the project would be required to provide sidewalks along the frontage to provide pedestrian access in the area.

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 allow 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.

Because the project site has already been developed, the planned development would allow modification of the off-site parking requirements to allow a parking area which does not meet the parking requirements of the Zoning Ordinance. The site has been developed, and no additional areas are available for additional parking.

5.3.1 Parking Requirement Modifications

The proposed reduction in the required off-street parking may be approved provided the following findings can be made:

5.3.2 The intent of the parking ordinance is preserved;

5.3.3 The parking provided is sufficient to serve the use for which it is intended;

5.3.4 The modification will not be detrimental to the public health or safety.

The multifamily development was finalized and has been in use since 1985. The deficient parking on-site has not been significant as off-site parking is allowed along the project site frontage on Cimmarron Road. The project would create individual condominium

units for each of the units. No development is proposed in conjunction with the project that would result in the requirement of additional parking.

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 development is consistent with the surrounding land use improvements. The project site has been previously developed and does not negatively impact any natural or scenic features of the site.

6.0 DESIGN WAIVER FINDINGS

Design Waiver: To reduce the sidewalk improvement from six feet to four feet.

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 four feet in width. The proposed design waiver would allow sidewalks which would be consistent with the existing improvements.

6.2 Strict application of the design or improvement requirements of this chapter would cause extraordinary and unnecessary hardship in developing the property,

Construction of a six foot sidewalk would require additional grading and site improvements for the construction over the existing drainage under Cimmarron Road.

6.3 The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public,

The proposed four foot sidewalk would provide pedestrian access within the project site and would not pose any health or safety risks in the project vicinity.

6.4.1 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 proposed four foot sidewalk would be consistent with the Design and Improvement Standards Manual and the El Dorado County Subdivisions Ordinance.

Conditions

Planning Services

1. This parcel map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibit D (tentative parcel map) dated December 21, 2006, 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:

- a. Rezone from Limited Multi-family Residential-Design Control-Airport Safety (R2-DC-AA) to Limited Multi-family Residential-Planned Development-Airport Safety (R2-PD-AA);
- b. Development plan to convert an existing nine unit rental apartment complex into nine airspace condominium units with common areas under management of a homeowners' association (HOA); and
- c. A tentative subdivision map creating nine airspace condominium units and one open space parcel on one parcel consisting of 0.44-acre (Exhibit B).

One design waiver has been proposed for the following: To reduce the sidewalk improvement from six feet to four feet.

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. 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. The applicant shall be subject to all noticing requirements under the Subdivision Map Act. Prior to final map recordation, proof of legal noticing to all tenants shall be submitted to Planning Services demonstrating compliance.
4. The applicant shall be subject to notification to buyers that the structures pre-date 1994 building code changes in relation to condominium conversions.
5. 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.
6. 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.
7. Prior to recordation of the final map all Development Services fees shall be paid.
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 California 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.

Department of Transportation

Project Specific Conditions

9. The applicant shall construct a Type 2 curb and gutter and a four foot wide sidewalks along ~~Cimmarron Road~~, along the entire project frontage of Cimmarron ~~Court~~ Road, 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. These improvements shall be substantially complete or the applicant shall obtain an approved improvement agreement with security as determined by the Department of Transportation, prior to the recordation of the final map.

10. Upon discretionary approval, the applicant 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.
11. Upon discretionary approval, 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 the recordation the final map.
12. The applicant shall join and/or form an entity, satisfactory to the County, to maintain all roads and drainage facilities not maintained by the County prior to the recordation of the final map. 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 good 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

13. 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.
14. 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.
15. The construction of all required improvements shall be completed with the presentation of the final map to the Development Services Director 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 materialmen 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.
16. 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.

17. 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.
18. 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.
19. 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.
20. 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.
21. 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.
22. Subdivision improvements shall include rough grading of driveways for all lots with street cuts or fills along the frontage of six feet or more difference in elevation, or as found necessary for reasonable access by the County Engineer. Construction of said driveways shall conform to the Design and Improvements Standards Manual and the Encroachment Ordinance. As an alternative, a Notice of Restriction shall be filed against all downhill lots with fill in excess of six feet which allows structural driveway access only.

23. Turnarounds shall be constructed at any proposed entry gates within this subdivision and are subject to the review and approval by the Department of Transportation at the improvement plan stage.
24. The Master Covenants, Conditions, and Restrictions (CC&Rs) shall provide that no parking be permitted within cul-de-sac bulbs which have a radius to curb-face which is less than County standards and shall provide for enforcement of such provisions. Additionally, the CC&Rs shall include a provision for off-street parking to compensate for lack of parking normally provided within the cul-de-sac bulb and shall either provide a three-car driveway or provide sufficient depth of driveway (18 feet per parking stall) to accommodate longitudinal and/or lateral parking for three spaces.
25. 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).
26. 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.
27. Construction activities shall be conducted in accordance with the County noise regulation or limited to the following hours and days: 7:00 a.m. and 5:00 p.m. on any weekday; 8:00 a.m. and 5:00 p.m. on Saturdays; and prohibited on Sundays and holidays.

Surveyor's Office

29. 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.