

**Community Development Department
MEMORANDUM**

DATE: October 2, 2007

TO: City Council

FROM: Steve Calfee, Community Development Director

SUBJECT: **Eskaton Village Condominium Project**

RECOMMENDATION

Receive and file the Condominium Plan for the Eskaton Village Senior Planned Community located at 3364 Blairs Lane.

DISCUSSION

Approximately four years ago, the City Council approved the Eskaton Village Planned Development located on Blairs Lane, south of Broadway. The planned senior community consisted of four components and accessory uses. The four components included detached single-family homes, a 60-unit apartment facility (also referred to as assisted living facility), a congregate care facility, and a special care unit. Accessory uses included a pool and clubhouse, an extensive landscaping and pathway system, open space and the like.

Eskaton representatives are proposing an amendment to the Planned Development to change the 60-unit apartment facility into "for-ownership" condominium units and "for-ownership" garages. The proposed condominiums are what are commonly referred to as "air space" condominium units. In general, an "air space" unit provides ownership for the interior space of the units between the walls, ceiling and floor. The remaining structure, including exterior walls, aisles, elevators, stairways, utilities and other facilities common to an "air space" condominium, as well as the surrounding grounds and electromechanical equipment are owned in common by an association. In this case, the association will be the Eskaton Placerville Condominium Association which is a non-profit corporation. The non-profit corporation collects assessments from the owners/tenants to maintain the facility and grounds.

Attached, the City Council will find the proposed Condominium Plan to convert the apartment component of the project into "for-ownership" units. The attached exhibit identifies the common areas and "for-ownership" areas throughout each floor and grounds of the facility. Eskaton representatives also submitted the Declaration of

AGENDA

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Covenants, Conditions, and Restrictions (CC&R's) for the project, as well as a Reservation of Easements predominantly assigned to the Association. The CC&R's are lengthy - 87 pages. As such, they have not been included in the City Council packets, but may be reviewed in the Community Development Department. Staff has reviewed the CC&R's and has not identified anything uncommon to matters normally included in CC&R's. Summarized, the CC&R's include provisions for assessments, maintenance, restrictions and use of property, easements, insurance, damage or destruction, mortgage guarantees and a number of generalized provisions.

The Subdivision Map Act (§66427 et. seq.) contains certain provisions for the local governing body with respect to review and approval of condominiums and/or condominium conversions. The Map Act provides for the governing body to review the three-dimensional portion or portions of the condominium and contains provisions for the governing body's acknowledgement that the proposed condominium units are consistent with the previously approved community apartment project. The Map Act suggests that such type of acknowledgement is routine provided that the general layout, architecture and number of condominium units is consistent with any previous project entitlements, i.e. the apartment units. Hence, this matter is a Consent Item on the City Council Agenda. The Map Act does not require a Tentative Map for a condominium project, such as this, when consistent with a previously approved community apartment. In fact, the Map Act suggests that the governing body does not have the right to deny a Condominium Plan. It should be noted that the parcel upon which the condominium project is proposed was subject to a two-way Subdivision Map recently approved by the City Council.

In light of the consistency between the previously approved community apartment facility and the proposed condominium plan, staff recommends that the Council receive, review and file the condominium plan for the Eskaton Village Senior Planned Community located at 3364 Blairs Lane.

Prepared by:

Reviewed by:

Steve Calfee
Community Development Director

John Driscoll
City Manager/City Attorney