

**EL DORADO COUNTY DEVELOPMENT SERVICES  
ZONING ADMINISTRATOR  
STAFF REPORT**



**Agenda of:** March 5, 2008  
**Item No.:** 5.a.  
**Staff:** Thomas A. Lloyd

**VARIANCE**

**FILE NUMBER:** V07-0007

**APPLICANT:** Harvard A. and Joan Gastaldi

**AGENT:** Gene E. Thorne & Associates, Inc.

**REQUEST:** A variance to allow a reduction in front yard setback from 30 feet to 16 feet to allow the construction of a 600 square foot second residence.

**LOCATION:** On the west side of Centennial Court, approximately 150 feet north of the intersection with Smith Flat Road, in the Smith Flat area, Supervisorial District III (Exhibit A).

**APN:** 049-110-03 (Exhibit H)

**ACREAGE:** 2.35 acres

**GENERAL PLAN:** Medium Density Residential (MDR) (Exhibit B)

**ZONING:** Estate Residential Five-acre (RE-5) (Exhibit C)

**ENVIRONMENTAL DOCUMENT:** Categorically exempt pursuant to CEQA Section 15305(a)

**RECOMMENDATIONS** Staff recommends the Zoning Administrator take the following actions:

1. Find that the project is Categorically Exempt pursuant to *CEQA Guidelines Section 15305(a)*; and
2. Approve Variance V07-0007 subject to the conditions in Attachment 1 based on the findings in Attachment 2.

**STAFF ANALYSIS**

**Project Description:** The applicant is requesting a variance to allow a reduction in the front-yard setback from 30 feet to 16 feet to allow the construction of a second residential structure on an existing building pad. The pad has been cleared and graded for more than 80 years, and once was the site of another structure. (Exhibits D and E). The subject parcel is steeply sloped and heavily wooded. As such, potential sites for placement of a second residential unit are few. By utilizing the existing building pad, further ground disturbance will not be necessary, nor will any trees be removed.

**Site Description:** The 2.35 acre subject parcel is located in the Placerville area near the intersection of Smith Flat Road and Centennial Court, adjacent to the El Dorado Trail (Exhibit F). The approximate average elevation of the parcel is 2,200 feet above mean sea level. The site slopes steeply from northwest to southeast, from the rear of the parcel to the driveway encroachment. Existing improvements include a 952 square-foot residence and a two-car detached garage. Vegetation on the site is dominated by mixed conifer and oak woodlands.

**Adjacent Land Uses:**

	Zoning	General Plan	Land Use/Improvements
<b>Site</b>	RE-5	MDR	Developed with single-family dwelling
<b>North</b>	R2A	MDR	Developed with single-family dwelling
<b>South</b>	City of Placerville	AP	El Dorado Trail/ Smith Flat Road
<b>East</b>	R2A	MDR	Developed with single-family dwelling
<b>West</b>	RE-5	MDR	Developed with single-family dwelling

**Discussion:** Due to the steep topography of the site, as well as the vegetative buffer found there, the permitting of the proposed variance to allow the construction of a second residence on an existing building pad within the front yard setback is not anticipated to negatively impact other residential uses in the project area, nor the immediately adjacent El Dorado Trail.

**Variance Findings:** The granting of a variance requires four findings pursuant to *Section 17.24.040* of the *County Zoning Ordinance*. These findings for approval and their respective discussions are listed in Attachment 2 of this report.

**General Plan:** The County General Plan designates the subject parcel as Medium Density Residential. This land use designation establishes areas suitable for detached single-family residences with larger lot sizes. Additionally, this land use designation is to be used transitionally between the more highly developed and the more rural areas of the County. The parcel is located in an area which buffers between the more intense land uses of Placerville to the

south and the larger, more rural County parcels to the north. The existing single family dwelling and the proposed second residential unit are acceptable uses in this designation.

As this project is located immediately adjacent to the El Dorado Trail (Exhibit F), it was distributed to the Division of Airports, Parks, and Grounds. **Policy 2.2.5.21** requires development projects to be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the development project is proposed. This policy, in conjunction with **Policy 9.1.2.4** which directs the County to evaluate every discretionary application as well as public facilities planning with regard to their ability to implement the *Hiking and Equestrian Trails Master Plan* and the *Bikeway Master Plan*, necessitated this distribution. No comment was received from the Division.

Although the majority of the parcel is steeply sloped (Exhibit G), the previously graded building pad is level. As such, the reduced setback granted through this variance will not be utilized for development on slopes of greater than 30 percent, pursuant to **Policy 7.1.2.1**.

While the parcel is heavily forested with mixed conifer and oak woodlands (Exhibit E), the project would be consistent with the oak canopy retention requirements of **Policy 7.4.4.4**. The applicant is requesting the proposed variance to build on a previously graded and cleared pad and, as such, no oaks will be removed and grading is minimized.

**Goal HO-1** seeks to, “provide for housing that meets the needs of existing and future residents in all income categories.” Although second residential units are specifically denoted as affordable housing opportunities only in *Title 17*, this General Plan Goal expresses the desire of the County to further such endeavors.

**Conclusion:** As discussed above, staff finds that the variance, as proposed and conditioned, conforms to the County General Plan.

**Zoning:** The subject 2.35 acre parcel is zoned Estate Residential Five-acre (RE-5). The purpose of this district is to provide for the orderly development of land having sufficient space and natural conditions compatible with residential and accessory agricultural and horticultural pursuits. Additionally, the zone district is intended to provide for protection from encroachment of unrelated uses tending to have adverse effects on the development of the areas so designated.

The project requests a variance based on the regulations established by *Section 17.22.600* for encroachment into required yards for the proposed second residence. *Section 17.28.210D* identifies a front yard setback of 30 feet in the RE-5 Zone District.

*Section 17.15* allows for the construction of a detached single-family residential unit which does not exceed 1,200 square feet of enclosed habitable area on all lots zoned for single-family residential uses, provided that one of the single-family residential units is occupied by the property owner. Additionally, the second residential unit must be architecturally compatible with the primary residence. While no formal elevations or plans for the proposed structure were received, nor required as part of this variance application, these issues will be addressed during the building permit phase.

*Section 17.18.060* requires two parking spaces not in tandem for a single family residence, plus one space for each additional unit. Currently, a two-car detached garage occupies the subject property. Additionally, the parcel has adequate space for parking an additional vehicle as required by *Title 17*. This issue will be addressed formally in the building permit phase, at which time detailed plans with delineated parking spaces will be requirements for submittal.

**Conclusion:** As discussed above, staff finds the variance, as proposed and conditioned, is consistent with all applicable provisions of *County Zoning Ordinance Title 17*.

## **ENVIRONMENTAL REVIEW**

This project has been found to be Categorically Exempt from the requirements of California Environmental Quality Act (CEQA) pursuant to *Section 15305(a)* that allows minor alterations in land use limitations which do not result in any changes in land use or density, including, but not limited to minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel. The project proposes development in the least sensitive parts of the property and impacts to the environment will not occur with the approval of a variance. No further environmental analysis is necessary. Pursuant to Resolution No. 240-93, a \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.

## **SUPPORT INFORMATION**

### **Attachments to Staff Report:**

Attachment 1 .....	Conditions of Approval
Attachment 2 .....	Findings
Exhibit A .....	Vicinity Map
Exhibit B .....	General Plan Land Use Map
Exhibit C .....	Zoning District Map
Exhibit D .....	Variance Site Plan
Exhibit E .....	Photos of Site
Exhibit F .....	Proximity to Trail
Exhibit G .....	USGS Quad
Exhibit H .....	Assessor's Map

# **ATTACHMENT 1**

## **CONDITIONS OF APPROVAL**

### **File Number V07-0007/ Gastaldi Variance Zoning Administrator/XXXX, 2008**

#### **CONDITIONS OF APPROVAL**

1. This variance is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibit marked as Exhibit D dated February 23, 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 reduction in front yard setback from 30 feet to 16 feet to allow the construction of a 600 square foot second residence on an existing building pad shall apply to this structure only. All other structures shall adhere to all required setback requirements.

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. All plans must be submitted for review and approval and shall be implemented as approved by the County.

#### **Planning Services**

2. 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.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or processing against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval by El Dorado County concerning this variance which action is brought within the time period provided for in *Section 66499.37* of the *California Government Code*.

County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

3. Any exterior lighting installed as a result of the proposed second residence shall be shielded

to prevent light and glare from leaving the property and must conform to the provisions of *Section 17.14.170* for *Outdoor Lighting*.

4. Prior to issuance of any permits, the applicant shall pay all Development Services fees in full.
5. Prior to issuance of a building permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval.

**El Dorado County Building Department**

6. The applicant shall obtain all necessary building permits for the proposed second residence.

## **ATTACHMENT 2**

### **FINDINGS**

#### **File Number V07-0007/Gastaldi Variance Zoning Administrator/XXXX, 2008**

#### **1.0 CEQA FINDINGS**

- 1.1 This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to *Section 15305(a)* that allows minor alterations in land use limitations which do not result in any changes in land use or density, including, but not limited to minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel.

#### **2.0 GENERAL PLAN FINDINGS**

- 2.1 The proposed use is consistent with applicable policies in the 2004 El Dorado County General Plan, as discussed in the General Plan section of this staff report, specifically Policies 2.2.5.21, 9.1.2.4, 7.1.2.1, and 7.4.4.4, as well as Goal HO-1, because it is compatible with adjoining land uses, and has been reviewed for consistency with the *Hiking and Equestrian* as well as the *Bikeway Master Plans*. Additionally, no development will occur on slopes greater than 30 percent. Approval of the variance will allow development without the removal of oak canopy. Finally, by allowing construction of a second residential unit, the variance meets with a General Plan Goal to provide for housing that meets the needs of existing and future residents in all income categories.

#### **3.0 VARIANCE FINDINGS**

- 3.1 *There are exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings or uses in the vicinity and the same zone, and have not resulted from any act of the owner or applicant.*

The steepness of the terrain, coupled with the heavily forested nature of the parcel, severely limits the possible sites for placement of structures, pursuant to General Plan Policies 7.1.2.1 and 7.4.4.4. Additionally, a building pad was cleared and graded more than eighty years ago for a structure which no longer exists. These factors lend themselves to the proposed variance as a best use alternative to allow construction on the existing pad.

- 3.2 *The strict application of the provisions of the ordinance requested to be varied would deprive the applicant of the reasonable use of the land or building allowed for other land in the vicinity and the same zone.*

Without the proposed variance, the existing pad could not be redeveloped. The existing woodlands and steep topography would preclude the applicant's ability to place additional structures, such as the proposed second residence, on the subject parcel.

3.3 *The variance is the minimum necessary for the reasonable use of the land or building.*

To utilize the existing graded and cleared building pad, thus avoiding the removal of trees and further disturbance of soil, the proposed setback of 16 feet is the minimum variance necessary. As designed, the proposed structure would be located 16.84 feet from the front property line.

3.4 *The variance is in conformity with the intent of this article and not detrimental to the public health, safety, and welfare, or injurious to the neighborhood.*

Due to the steep topography of the site, as well as the vegetative buffer found there, the permitting of the proposed variance to allow the construction of a second residence on an existing building pad within the front yard setback is not anticipated to negatively impact other residential uses in the project area, specifically those to the east, west, and across Smith Flat Road to the south. Furthermore, this buffer and change in elevation will shield the immediately adjacent El Dorado Trail from negative impacts.