

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



Agenda of: May 16, 2012
Item No. 4.a.
Staff: Tom Purciel

TENTATIVE PARCEL MAP

FILE NUMBER: P11-0006 / Massolo

APPLICANT: David Shelton, P.E.

REQUEST: Tentative parcel map to create two parcels of 7,197 square feet and 14,616 square feet in size from a 21,813 square foot parcel. Both parcels would be served by public sewer and public metered water facilities.

LOCATION: On the east side of Rubicon Drive, 0.5 mile east of the intersection with State Route 89 in the Tahoma area, Supervisorial District 5 (Exhibit A).

APN: 016-211-14 (Exhibit B)

LOT SIZE: 21,813 square feet

GENERAL PLAN: Adopted Plan (AP) Tahoe Regional Planning Agency (TRPA) Tahoe Regional Plan – Plan Area Statement 149, Rubicon, Residential Land Use Classification (Exhibit C)

ZONING: Tahoe One-Family Residential (TR1) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Negative Declaration

RECOMMENDATION:

Staff recommends the Zoning Administrator take the following actions:

1. Adopt the Negative Declaration based on the Initial Study prepared by staff; and
2. Approve Tentative Parcel Map application P11-0006 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

STAFF ANALYSIS

Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the proposal and issues for Zoning Administrator consideration are provided in the following sections.

Background

The project parcel was initially created as Lot 3, Block G of the Rubicon Properties Subdivision, recorded August 9, 1946 (Exhibit F). Subsequently, the boundary of the original Lot 3, Block G was adjusted with the adjoining lot to the south (APN 016-211-13) in approximately 1960, creating the current lot configuration and size (Exhibit B). Existing improvements include a 4,277 square foot primary single-family residence and a 1,520 square foot second residential unit. The existing primary residence currently gains access via private road easement. Access to the existing second residential unit is from Rubicon Drive, a County-maintained road. Both units currently share public metered water and sewer facilities.

Note that Section 17.15.020.A.2 of the County Zoning Ordinance does not allow a secondary residential unit to exceed 1,200 square feet of enclosed habitable living area. The existing second residential unit was permitted by the County in 1962 and allowed to have approximately 1,520 square feet of enclosed living area thus legally nonconforming. Further, the existing primary residence (permitted in 2009) replaced a previous primary residence containing approximately 2,600 square feet. For details, see Assessor's Building Record Fact Sheets, shown as Exhibit H. Therefore, both the existing primary and secondary residential units have been allowed to exceed 1,200 square feet. This project would place each residential unit on its own parcel.

Further, as this project is within the jurisdiction of the TRPA, the applicant also submitted this project to the TRPA for review. TRPA staff have reviewed this project and determined that this project would be consistent with TRPA regulations because this project would not create new development potential in the region and would be limited to subdividing the parcel, placing one of the two existing residential units on each new parcel, consistent with Sections 39.1.3 and 39.2.3 of the TRPA Code of Ordinances. In accordance with the above regulations, a TRPA Subdivision Permit, file No. SUBD2010-0315, was issued for this project on November 30, 2010. A copy of this permit has been included as Exhibit I.

Project Description

The project consists of the creation of two single-family residential parcels, comprising 7,197 square feet and 14,616 square feet in size from a 21,813 square foot parcel. Both parcels would be served independently by public sewer and public metered water facilities. Site access to proposed Parcel 1 would be provided from Rubicon Drive, a County-maintained road. Site access to proposed Parcel 2 would be provided via Lakeside Drive, a 20-foot wide private road easement (Exhibit E).

Site Description

The project is located in the Rubicon Properties subdivision, on the east side of Rubicon Drive, approximately 0.5 mile east of State Route 89 adjacent to Rubicon Bay, South Lake Tahoe. The project parcel is located at elevations ranging from approximately 6,230 feet to 6,330 feet above sea level. The parcel is steeply sloped toward the east and fronts onto the west shore of Lake Tahoe. The site is within an open Jeffrey Pine forest and natural understory vegetation includes annual grasses and manzanita shrubs. Existing improvements include a 4,257 square-foot primary residence, a 1,520 square-foot second residential unit, and metal steps/piers for lake access. Both residential units currently share domestic water service, but have independent public sewer facilities (See Tentative Parcel Map, Exhibit E).

Adjacent Land Uses

	Zoning	General Plan	Land Use/Improvements
Site	TR1	AP(TRPA Regional Plan) PAS 149*	Residential/single-family residence, second residential unit
North	TR1	PAS 149*	Residential/single-family residence
South	TR1	PAS 149*	Residential/single-family residence
East	TR1	PAS 149*	Lake Tahoe
West	TR1	PAS 149*	Residential/single-family residence

*Plan Area Statement 149, Rubicon, Residential Land Use Classification.

ZONING AND GENERAL PLAN CONSISTENCY:

This project is consistent with zoning regulations and applicable policies of the adopted 2004 El Dorado County General Plan. The policies and issues that affect this project are discussed below.

Site Access and Infrastructure: General Plan **Policy 6.2.3.2** directs that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area. **Policy 2.1.1.7** directs that development be limited in some cases until such time as adequate roadways, utilities, and other public service infrastructure becomes available and wildfire hazards are mitigated. **Policy 5.7.1.1** directs that the applicant demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection either are or would be provided concurrent with development.

Discussion: Proposed project access would be from existing driveway encroachments; no additional easements, encroachments or improvements would be required. In addition, site inspections and review of project plans by the Meeks Bay Fire Protection District found that on-site driveways and emergency vehicle access would be adequate to serve the proposed project. Adequate fire and emergency vehicle access would be maintained in perpetuity as part of the approved Fire Safe Plan (Exhibit G).

The project would also include the provision of adequate water supply, emergency water supply, and utilities to serve the proposed map. Therefore, as this project has demonstrated adequate emergency vehicular access, public utilities and emergency water supply, this project would be consistent with the above Policies.

Water and Wastewater: General Plan **Policy 5.2.1.2** directs the applicant to demonstrate adequate quantity and quality of water for all uses, including water and sewer service and fire protection.

Discussion: Public metered water and sewer service would be provided by the Tahoe City Public Utility District. As noted in a letter of September 29, 2011, the Tahoe City Public Utility District has water and sewer capacity to serve both proposed parcels. Therefore, Condition No. 3 will require documentation of independent water service from the water purveyor (i.e. meter award letter, etc.) prior to filing the Parcel Map. In addition, the Meeks Bay Fire Protection District has reviewed the project plans and determined that adequate fire flows are available to serve the project.

Based on this information, the project would be consistent with this Policy regarding availability of reliable water supply.

Fire Safety: General Plan **Policy 6.2.2.2** states that the County shall preclude development in areas of high and very high fire hazard or in areas identified as “urban wildland interface communities within the vicinity of Federal lands that are a high risk for wildfire,” as listed in the Federal Register of August 17, 2001, unless such development can be adequately protected from wildland fire hazard, as demonstrated in a Fire Safe Plan prepared by a Registered Professional Forester (RPF) and approved by the local Fire Protection District and/or CAL FIRE.

Discussion: The project is located within a very high fire hazard area and therefore, will require a Fire District- approved Fire Safe Plan. Accordingly, the Meeks Bay Fire District has reviewed and approved a project-specific Fire Safe Plan, shown as Exhibit G. Therefore, as proposed, this project will be consistent with this Policy and other applicable Fire Safe regulations.

Land Use Compatibility: General Plan **Policies 2.2.1.2** and **2.2.5.2** direct that development be consistent with established land use designations and all other applicable Policies.

Discussion: As discussed above, the subject site is surrounded by residential uses. The parcel is located within TRPA Plan Area Statement (PAS) 149, Rubicon, which is intended for residential use at a density of one single-family residence per parcel. Therefore, as the proposed project density and use is consistent with the density and use permitted under TRPA Plan Area Statement (PAS) 149, Rubicon, this project will be consistent with these Policies because each of the two resulting parcels would contain one of the two existing residences.

Zoning: As proposed, this project will comply with all applicable provisions of the County Zoning Ordinance. Applicable zoning regulations are discussed below.

Discussion: The subject site is currently zoned One-Family Residential District (TR1) which permits a minimum lot width of 60 feet and a minimum lot area of 7,000 square feet when the lot is served by public water and a public sewer system. Proposed Parcel 1 is 7,197 square feet and

approximately 70 feet in width. Proposed Parcel 2 is 10,500 square feet (measured to high water line) and approximately 100 feet in width. Therefore, the new parcels would conform the development standards in Section 17.56.040 for minimum lot width and minimum lot area as well as having the space to comply with the parking requirements of two spaces not in tandem per dwelling unit pursuant to Section 17.18.060. In addition, proposed lot configurations will provide for adequate building setbacks for future structures as required in Section 17.56.040. Therefore, as both project parcels demonstrate consistency with the above development standards and zoning regulations, this project is consistent with the County Zoning Ordinance.

Parks: This project is subject to parkland in-lieu fees.

Discussion: Pursuant to Section 16.12.090.C(3) of the County Subdivisions Ordinance, the subdivision is subject to parkland dedication in-lieu fees based on values supplied by the Assessor's Office, except where it has been determined by Planning Services that the amount of parkland area required is 0.03 acres or less. In that case, there shall be a minimum in-lieu fee of \$150.00. As this project would only require 0.0168 acres of parkland dedication, the minimum flat fee of \$150.00 will be applied to this project. This fee will be payable to El Dorado County and applied to the Tahoe Basin Parks and Recreation District, which includes the unincorporated areas of South Lake Tahoe.

Conclusion: As discussed above, staff finds that the parcel map, as conditioned, is consistent with applicable policies of the County General Plan, Zoning Ordinance and other applicable regulations. Findings for consistency with the General Plan are provided in Attachment 2.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Exhibit J) to assess project-related environmental impacts. Based on the Initial Study, it has been determined that there is no substantial evidence that the proposed project would have a significant effect on the environment. Therefore, a Negative Declaration has been prepared.

NOTE: This project is located within an area that has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened or endangered plants or animals, etc.) and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$2,101.50 after approval, but prior to filing the Notice of Determination on the project. This fee, plus a separate \$50.00 recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$2,101.50 is forwarded to the State Department of Fish and Game and issued to defray the cost of managing and protecting the states fish and wildlife resources.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1Conditions of Approval
Attachment 2Findings

Exhibit ALocation Map
Exhibit BAssessor’s Parcel Map
Exhibit CTRPA Plan Area Statement 149, Rubicon
Exhibit DZoning Map
Exhibit ETentative Parcel Map
Exhibit FSubdivision Map, Rubicon Properties
Exhibit GApproved Fire Safe Plan
Exhibit HAssessor’s Residential Building Records
Exhibit ITRPA Subdivision Permit, November 30, 2010
Exhibit JNegative Declaration and Initial Study

ATTACHMENT 1

CONDITIONS OF APPROVAL

**PARCEL MAP P11-0006/Massolo
Zoning Administrator/May 16, 2012**

Project Description

1. This tentative parcel map is based upon and limited to compliance with the project description, approved exhibits E and G (Tentative Parcel Map and Approved Fire Safe Plan), 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 approval described herein will constitute a violation of permit approval.

The project description is as follows:

The project consists of the creation of two single-family residential parcels, comprising 7,197 square feet and 14,616 square feet in size from a 21,813 square foot parcel, currently identified by Assessor's Parcel Number 016-211-14. Both parcels shall be served by public sewer and public metered water facilities. The approval includes the following:

Parcel Number	Gross Area (in square feet)	Existing Improvements
1	7,197	One 1,520 sq. foot, single-family residence
2	14,616	One 4,257 sq. foot, single-family residence, one 635 sq. foot garage

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 (final parcel map) must be submitted for review and approval and shall be implemented as approved by the County.

Planning Services

2. The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,101.50 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued or Parcel Map filed until said fees are paid.
3. A copy of a meter award letter or similar document to provide water service to each parcel by the water purveyor shall be submitted to Planning Services for review and approval prior to filing the Parcel Map.
4. The applicant shall pay the required Park-in-Lieu fee of \$150.00 to Development Services. A receipt showing compliance with this condition shall be submitted by the applicant to Planning Services prior to filing of the parcel map.
5. This tentative parcel map shall expire in 36 months from date of approval pursuant to Section 16.28 and the State Subdivision Map Act.
6. 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 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.

Meeks Bay Fire Protection District

7. Both proposed parcels shall demonstrate defensible space for both existing structures pursuant to the requirements of the approved Fire Safe Plan. Said Fire Safe Plan shall be consistent with the publication "Living With Fire in the Tahoe Basin". A deed restriction shall be recorded for both parcels requiring both parcels to adhere to the approved Fire Safe Plan in perpetuity. A copy of the recorded deed restriction shall be received and approved by the Meeks Bay Fire District concurrent with the filing of the Parcel Map.
8. Both existing structures shall be addressed with a minimum of 6-inch reflective numbers, or internally illuminated numbers, prior to the filing of the Parcel Map.

County Surveyor's Office

9. All survey monuments must be set prior to filing the Parcel Map.
10. Provide a Parcel Map Guarantee, issued by a title company, showing proof of access from Parcel 2 to a State or County Maintained road as defined in Section 16.44.120.B.2 of County Code.
11. The road serving the development shall be named by filing a completed Road Name Petition with the County Surveyor's Office. Proof of any signage required by the Surveyor's Office must be provided to the same prior to the filing of the Parcel Map.
12. Situs addressing for the project shall be coordinated with the County Surveyor's Office and the Meeks Bay Fire Protection District prior to filing the Parcel Map.
13. Prior to filing the Parcel Map, a letter will be required from all agencies, including the TRPA, that have placed conditions on the map. The letter will state that **“all conditions placed on P11-0006 by (that agency) have been satisfied.”** The letter is to be sent to the County Surveyor and copied to the Agent and Applicant(s).

ATTACHMENT 2

FINDINGS

**PARCEL MAP P11-0006/Massolo
Zoning Administrator/May 16, 2012**

FINDINGS FOR APPROVAL

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received and considered during the public review process. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA 95667.

2.0 GENERAL PLAN FINDINGS

- 2.1 The project is consistent with TRPA Plan Area Statement (PAS) 149, Rubicon, which is intended for residential use at a density of one unit per parcel. The Plan Area Statement is adopted as the General Plan map for the subject area in accordance with General Plan Policy 2.2.1.2.
- 2.2 The proposal is consistent with applicable General Plan Policies as follows:

Policies 2.1.1.7 , 2.2.1.2 and 2.2.5.2 (land use and compatibility and density):

The project site is surrounded by single-family residential uses and the project consists solely of subdividing two existing single-family residences.

Policies 5.7.1.1 and 5.2.1.2 (adequate water supply and utility infrastructure):

Adequate emergency water supply, storage, conveyance facilities and fire access has been demonstrated for this project.

Policies 6.2.2.2 and 6.2.3.2 (adequate fire safe plan and fire safe access):

A site-specific Fire Safe Plan has been approved for this project consistent with the requirements of these Policies.

As conditioned, the project provides adequate access and site design ensuring compatibility with the surrounding permitted land uses, and is consistent with the General Plan policies identified above.

3.0 ZONING FINDINGS

- 3.1 The project is consistent with the El Dorado County Zoning Ordinance Development Standards because the proposed parcels meet the development standards of the TR1 zone district pursuant to section 17.56.040 for minimum parcel areas, lot widths and minimum building setbacks.

4.0 ADMINISTRATIVE FINDINGS

4.1 Tentative Parcel Map

- 4.1.1 *The proposed tentative map, including design and improvements, is consistent with the General Plan and Specific Plan, where applicable.* As proposed, the tentative map conforms to the General Plan, the TRPA Plan Area Statement, and applicable General Plan policies concerning adequate roadways, utilities, compatibility with the surrounding neighborhood, adequate water supply and fire safe access.
- 4.1.2 *The tentative map conforms to the applicable standards and requirements of the County's zoning regulations and Minor Land Division Ordinance.* The proposed parcel sizes of 7,197 square feet and 14,616 square feet conform to the 7,000 square foot minimum parcel size of the TR1 zone district and all applicable provisions of the Minor Land Division Ordinance.
- 4.1.3 *The site is physically suitable for the proposed type and density of development.* The creation of 2 additional parcels from a 21,813 square foot site creates a density that is compatible with the surrounding existing residential land use densities. In addition, the project was designed in a manner which allows adequate emergency water, emergency access, and wastewater disposal. Further, the proposed development meets the land use and density requirements of the TRPA Regional Plan (Plan Area Statement No. 149) and conforms to the minimum parcel size and development standards of the TR1 Zone District.
- 4.1.4 *The proposed subdivision is not likely to cause substantial environmental damage.* The proposed Parcel Map is not anticipated to cause substantial environmental damage as determined in the Initial Study and Negative Declaration prepared by staff.