



COUNTY OF PLACER
Community Development Resource Agency

John Marin, Agency Director

PLANNING

Michael J. Johnson, AICP
Director of Planning

TO: Board of Supervisors

FROM: Michael J. Johnson, Planning Director

DATE: June 12, 2007

SUBJECT: **APPEAL OF PLANNING COMMISSION APPROVAL OF A FINAL MAP MODIFICATION / CONDITIONAL USE PERMIT / VARIANCE/MINOR BOUNDARY LINE ADJUSTMENT - "VILLAS AT HARBORSIDE" (PCPC 2005 0680); CONSIDERATION OF REQUEST FOR WITHDRAWAL OF APPEAL**

ACTION REQUESTED

The Board of Supervisors is being asked to consider an appeal of the Planning Commission's approval of a Final Map Modification/Conditional Use Permit, which allows for the construction of up to nine fractional ownership residential units on three lots and the approval of a variance to front setback requirements to construct a fence, entry gates, carports and parking space. The appellant, Jane Eichlin, has submitted a request for withdrawal of her appeal. The Board of Supervisors has the discretion to accept the withdrawal or to proceed with the hearing on the appeal.

Based upon a recent action by the Tahoe Regional Planning Agency's (TRPA) Board of Directors regarding this project (as described in further detail below), staff recommends the Board grant the appeal and approve the modified/reduced density project (six units in total) as approved by the TRPA Board.

BACKGROUND

At its September 22, 2005 meeting, the Planning Commission considered a Conditional Use Permit, Variance, Subdivision Map Modification and Mitigated Negative Declaration for the development of nine residential fractional time-share units with associated open space and parking on the project site. After receiving public testimony, the Planning Commission unanimously adopted a motion to approve the project as proposed by the applicant.

LETTER OF APPEAL

On October 3, 2005, an appeal of the Planning Commission approval was filed by Jane Eichlin. As set forth by the appellant, the following issues were cited as the basis for the appeal:

- o Notice of the Planning Commission meeting was legally inadequate.
- o The project is inconsistent with local planning regulations.
- o The Variance approval did not comply with State law.
- o The Subdivision Map Modification did not comply with State law.

Subsequent to filing the letter of appeal, and subsequent to a further action by the TRPA (as discussed below), the appellant submitted a letter to the County requesting that the appeal be withdrawn. Because of the public concern that has been associated with the project, staff concluded it was appropriate to bring the appeal, as well as the TRPA-modified project, before the Board for consideration.

ACTIONS SUBSEQUENT TO PLANNING COMMISSION APPROVAL

The appeal of the Planning Commission's approval of the Villas at Harborside project was scheduled for consideration by the Board of Supervisors on several occasions. In considering the merits of the appeal, the Board concluded it was appropriate to have the project considered by the TRPA prior to any final action by the Board. Accordingly, the Board deferred action on the appeal, with the applicant's and appellant's concurrence, until such time that the TRPA took action on the project.

The TRPA Board of Directors considered the proposed project at its April 26, 2007 meeting. Public opposition to the proposed project primarily focused on:

- Insufficient parking, density (including a desire from some to limit the project to one single-family dwelling on each of the three lots, instead of the three residences on each lot as approved by the Planning Commission);
- Perceived impacts to scenic vistas/view corridors;
- Concern with the traffic to be generated by the nine residential units; and
- Compliance with the 1995 Settlement Agreement (that resulted from the original subdivision).

Those expressing support of the project spoke to the project's compliance with the General Plan and zoning designations for the site, the economic revitalization to the Homewood area that would result from this project, improved lake access and view corridor enhancements, and the need to maintain private property rights for a project that complies with code requirements.

After receiving public input and deliberating for several hours, the TRPA Board adopted a motion (12-2) to approve a reduced-density development plan, allowing for six time-share units (two residences on each of the three lots) instead of the previously approved nine units. The TRPA Board's approval addressed previous project approvals and compliance issues by TRPA on Lots 7, 8, and 9 that are not part of the project area considered by Placer County's approval. The TRPA approval also includes \$100,000 landscape security as well as a requirement that \$100,000 be paid to the Homewood Homeowner's Association for lake access enhancements.

REVISED PROJECT

Based upon the action taken by the TRPA Board, the applicant has revised the project to reflect the requirements included with the TRPA approval. Similar to the project previously approved by the Planning Commission, this reduced density project would require the following actions:

Variances

The applicant requests Variances to the following:

- 1) To allow for an increase in fence height within the front yard setback area (from three feet to six feet) for the construction of fence and gates located along the front property line.

- 2) To allow a reduction to the front setback requirement of 20 feet from property line to allow for a setback of 14 feet to carport structure(s);
- 3) To allow a reduction in the minimum setback distance for the first parking stall of 40 feet from the curblineline to 33 feet; and
- 4) To allow a reduction to the circulation aisle width requirement from 24 feet to 14 feet.

Consistent with the previous approval by the Planning Commission, staff has concluded that special circumstances still exist on the property that warrant the granting of a Variance, including the small size of the parcels, the presence of a significant number of trees that the applicant has designed the residences and parking around, and the need to minimize visual impacts to the lake between the proposed structures. In response to concerns raised by the TRPA Board, the applicant agreed to reduce the density on the project site from three residences on each lot (for a total of nine residences) to two residences on each lot (for a total of six residences). This reduction in density will allow for more on-site parking, will allow the applicant to design around the existing trees, and will provide improved view corridors through the project site to the lake.

Map Modification

The recorded Final Map for the Harborside at Homewood Subdivision included a 20-foot front setback line on the map. As a result, the Final Map for this subdivision will have to be modified to allow for the carport structures. The Planning Commission concluded that this encroachment into the setback area is an appropriate design solution.

ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration (PEAQ 2005 0136) has been prepared for this project and has been finalized pursuant to California Environmental Quality Act (CEQA). On September 22, 2005, the Planning Commission found that the project had satisfied the requirements of CEQA, and approved a Mitigated Negative Declaration in conjunction with the project approval.

Any action by the Board to accept the withdrawal of this appeal would constitute the final action on the Mitigated Negative Declaration for the purposes of CEQA. Additionally, should it be the desire of the Board to take action to approve a reduced-density project consistent with the action taken by the TRPA, staff has concluded, based upon a review of the environmental document, that the reduced-density would have a corresponding reduction in the impacts associated with the project, and that the previously-approved Mitigated Negative Declaration could be used in conjunction with any approval for a reduced-density project.

RECOMMENDATION

Staff recommends the Board of Supervisors grant the appeal and approve a reduced-density project consistent with the action taken by the Tahoe Regional Planning Agency Board of Directors (for a total of six residential units on the three lots), based upon the following findings and subject to compliance with the revised site plan and the attached approved conditions of approval.

I. CEQA Findings: The Board of Supervisors has considered the proposed Mitigated Negative Declaration, the proposed mitigation measures, the staff report and all comments thereto and hereby adopts the Mitigated Negative Declaration for the Project based upon the following findings:

1. The Mitigated Negative Declaration has been prepared as required by law.
2. There is no substantial evidence in the record as a whole to support a fair argument that the Project as revised and mitigated may have a significant effect on the environment.
3. The Mitigated Negative Declaration has not been substantially revised since it was circulated for public review. No new, avoidable significant effects were identified during the public review process, and the mitigation measures originally included in the Mitigated Negative Declaration adequately reduced potentially significant impacts to less than significant levels. In response to public comments, the proposed density of the Project was reduced from nine residences to six residences. This reduction in density further reduces Project impacts that Placer County found to be not significant without the reduction. In addition, the reduction in density is not required by CEQA, does not create new significant environmental effects, and is not necessary to mitigate an avoidable significant effect. Therefore, recirculation of the mitigated negative declaration is not required. *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1392; *Citizen Action to Serve All Students v. Thornley* (1990) 222 Cal.App.3d 748; 14 Cal. Code Regs 15073.5(c)(2) and (3).
4. The Mitigated Negative Declaration as adopted for the Project reflects the independent judgment and analysis of Placer County, which has exercised overall control and direction of its preparation.
5. A Mitigation Monitoring and Reporting Plan ("MMRP") has been prepared and is hereby adopted to enforce the mitigation measures required by the Mitigated Negative Declaration and Project approvals. The measures therein are fully enforceable through the Project conditions and are incorporated into those conditions by reference.
6. The documents and other materials which constitute the record of proceedings on which this decision is based are under the custody of the Placer County Planning Director, and are located at 3091 County Center Drive, Auburn, CA 95603.

II. Conditional Use Permit: Having considered the staff report, supporting documents and public testimony, and all notices having been given as provided by law, the Board of Supervisors hereby finds that:

1. The proposed use is consistent with all applicable provisions of Chapters 17 and 18 of the Placer County Code. The proposed site design and proposed land uses are consistent with the zoning designation for the site. The use proposed fits within the definition of Timeshare (Residential Design) a use allowed in the zoning district with the approval of a Use Permit
2. The proposed use is consistent with the objectives, policies, general land uses and programs as specified in the Placer County General Plan and the West Shore Area General Plan. The proposed use would result in a less intense development pattern than what is permitted under the General Plan and Area Plan and the proposed land uses are consistent with both the General and Area Plans' land use designations.
3. The establishment, maintenance or operation of the proposed use will not be detrimental to the health, safety, and general welfare of people residing or working in the neighborhood of the proposed use, and will not be detrimental or injurious to property or improvements in the neighborhood or the general welfare of the County.
4. The proposed use is consistent with the character of the immediate neighborhood and will not be contrary to its orderly development. The proposed use is consistent with the Placer County Zoning Ordinance and General Plan, and the West Shore Area General Plan, and does not conflict with adjacent land uses. Lot 5, immediately south of this project, contains nearly identical structures to the proposed project, and the site is surrounded by uses that largely support the tourist industry, an industry that will be served by the proposed use.
5. The proposed use will not generate a volume of traffic beyond the design capacity of all roads providing access to the use, consistent with the applicable requirements of the Placer County General Plan and the West Shore Area General Plan. Transportation and circulation studies and analyses reveal that the design capacity of all roads providing access to the project will adequately support the volume of traffic generated by the proposed use.
6. There is no substantial evidence in the record as a whole to support a fair argument that the Project as revised and mitigated may have a significant effect on the environment.

III. Final Map Modification:

1. The proposed subdivision amendment does not significantly alter the design of the subdivision and is consistent with the General Plan for the area, and with applicable County Zoning Ordinances.

2. The project is physically suitable for the type and proposed density of the existing development. The proposed use would result in a less intense development pattern than what is permitted under the Placer County General Plan and West Shore Area General Plan and the proposed land uses are consistent with both the General and Area Plans' land use designations, as well as the County Zoning designation.
3. The project, with the recommended conditions, is compatible with the neighborhood. The proposed use is consistent with the Placer County Zoning Ordinance and General Plan, and the West Shore Area General Plan, and does not conflict with adjacent land uses. Lot 5, immediately south of this project, contains nearly identical structures to the proposed project, and the site is surrounded by uses that largely support the tourist industry, an industry that will be served by the proposed use.
4. The project's design and proposed improvements are not likely to cause substantial environmental damage or public health problems. There is no substantial evidence in the record as a whole that the Project as revised and mitigated may have a significant effect on the environment, and the Project will not be detrimental to the health, safety, and general welfare of people residing or working in the neighborhood of the project.

IV. Variance:

1. There are special circumstances applicable to this property, specifically the location(s) of several trees that the applicant is preserving to the maximum feasible extent, proximity to Lake Tahoe, the high level of pedestrian traffic from nearby uses, the infrequent traffic patterns associated with the timeshare use of the property, and small size of the parcels, which would make the strict application of Chapter 17, Placer County Code, result in depriving the property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
2. The variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the same zone district. The variance will not result in a special privilege to the applicant but, rather, will result in parity between this property and others in the area. The project is also consistent with the designated allowable land uses in the Commercial/Tourist Zoning District.
3. The variance does not authorize a use that is not otherwise allowed in the zoning district. The use proposed fits within the definition of Timeshare (Residential Design), a use allowed in the zoning district with the approval of a Use Permit. The project approval includes approval of a conditional use permit.

4. The granting of the variance does not, under the circumstances and conditions applied in the particular case, adversely affect public health or safety, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements. The variance to fence height is appropriate due to the highly visible nature of the site including pedestrian use of the roadside and the open design of the fence. The fence is also designed to match the fences on the parcels south of the property. Reduction of parking lot standards is not significant due to the low volume of traffic.
5. The variance is consistent with the Placer County General Plan and the West Shore Area General Plan. The proposed use would result in a less intense development pattern than what is permitted under the General Plan and Area Plan and the proposed land uses are consistent with both the General and Area Plans' land use designations.
6. The variance is the minimum departure from the requirements of the ordinance necessary to grant relief to the applicant, consistent with Chapter 17.60.100 (D) (Action on a variance), Placer County Code.

Respectfully submitted,



MICHAEL J. JOHNSON, AICP
Director of Planning

ATTACHMENTS:

- Exhibit 1 – Appellant's Request to Withdraw the Appeal
- Exhibit 2 – Conditions of Approval

cc: Jane Echlin – Appellant
David Antonucci – Applicant
North Tahoe Regional Advisory Council

Copies sent by Planning:

- Sarah Gillmore – Public Works Department
- Grant Miller – Environmental Health Services
- Brent Backus – Air Pollution Control District
- Bob Reiss - Building Department
- Bob Martino - Building Department
- Christa Darlington – County Counsel
- Michael Johnson – Planning Director
- Allen Breuch – Supervising Planner
- Subject/chrono files
- Steve Buelna – Senior Planner
- North Tahoe Regional Advisory Council

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BOARD OF SUPERVISORS
BOS rec'd

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David H. Blackwell
E-mail: dblackwell@allenmatkins.com
Direct Dial: 415.273.7463 File Number: J4534-002/SF671299.01

March 10, 2006

Honorable Chair Robert Weygandt
and Supervisors
Board of Supervisors
County of Placer
175 Fulweiler Avenue
Auburn, CA 95603

RECEIVED

MAR 14 2006

CLERK OF THE
BOARD OF SUPERVISORS

Re: *Appeal of Planning Commission Approvals of Villas at Harborside*

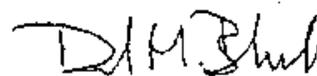
Dear Chair Weygandt and Supervisors:

We represent Jane Echlin ("Appellant"), who appealed certain approvals granted by the County Planning Commission on September 22, 2005 for the proposed Villas at Harborside timeshare project ("Project"). The appeal is tentatively scheduled for the Board's April 3 Agenda.

Since the filing of the appeal, Appellant's representatives have been in discussions with Project representatives. As a result of those discussions, counsel for the Project proponent addressed Appellant's concerns regarding the Project's parking impacts, as set forth in the attached March 6 letter from Randall M. Faccinto to David H. Blackwell. In that letter, Mr. Faccinto represents that the Project and the adjacent projects owned by the Project owner: will not create any offsite parking impacts; has met all applicable parking requirements on site; and the Project owner has not entered into any parking agreements with nearby properties to reduce overflow parking. Appellant requests that the administrative record for this Project include this letter and attached letter from Mr. Faccinto.

→ Based upon and as a direct result of these express representations from the Project proponents, Appellant would like to withdraw her appeal. Pursuant to Placer County Code section 17.60.110.D.5, Appellant hereby requests that this Board consent to her withdrawal of her appeal.

Respectfully submitted,



David H. Blackwell

8

2

Allen Matkins Leck Gamble & Mallory LLP
Attorneys at Law

Placer County Board of Supervisors

March 10, 2006

Page 2

cc: Jane Echlin
Christiana Darlington, Esq.
Randall M. Faccinto, Esq.

9



**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT -
"VILLAS AT HARBORSIDE" (PCPC 2005 0680)**

THE FOLLOWING CONDITIONS SHALL BE SATISFIED BY THE APPLICANT, OR AN AUTHORIZED AGENT. THE SATISFACTORY COMPLETION OF THESE REQUIREMENTS SHALL BE DETERMINED BY THE DEVELOPMENT REVIEW COMMITTEE (DRC), COUNTY SURVEYOR, AND/OR THE PLANNING COMMISSION.

1. This Conditional Use Permit authorizes the construction of the "Villas at Harborside", six fractional ownership residential units on three lots; and a variance to front setback requirements to construct a fence, entry gates, carports and parking spaces.
2. The Variance is approved to allow the following: 1) an increase to the fence height limitation of 3' to allow for a fence and gates that will have heights of 5' (6' pillars) located along the front property line; 2) a reduction to the front setback requirement of 20' from property line to allow for a setback of 14' to carport structure(s); 3) a reduction to the minimum setback distance for the first parking stall of 40' from curblineline to allow for a setback of 33'; 4) a reduction to the circulation aisle width requirement of 24' to allow for widths of 14'.
3. This modification approves an amendment to "Harborside at Homewood" (SUB-338) Final Map, in order to modify the side setback line on Lots #2, 3, & 4 that would allow for a setback of 14' from the property line in order to construct the proposed carports.
4. Applicant shall be required to obtain approval from the Placer County DRC and receive the recommendation of the Tahoe City Design Review Committee prior to building permit issuance. The building materials and vegetation-screening plan will be reviewed and approved by the Design/Site Review Committee.
5. The applicants shall obtain Building Permit approval for any and all portions of this project that require a Building Permit.
6. Prior to Building Permit issuance, the applicant shall prepare and submit to the Planning Department an exhibit map for the Notice of Variance to modify the building setback lines for Lots #2, 3, & 4, as shown on "Harborside at Homewood" (SUB-338) (Book U, Page 39), and to conform with the approval of this application.
7. The owner will replace the removed trees with 15-gallon or larger trees of similar species at locations approved by the Development Review Committee.

8. The applicant shall be required to receive will serve letters from and comply with any conditions imposed by CDF or the serving fire district.
9. The applicant shall be required to provide will serve letters from the appropriate public services and the serving utility and service providers
10. If any archaeological artifacts, exotic rock (non-native), or unusual amounts of shell or bone are uncovered during any on-site construction activities, all work must stop immediately in the area and a qualified archaeologist retained to evaluate the deposit. The Placer County Planning Department and Department of Museums must also be contacted for review of the archacological find(s).

If the discovery consists of human remains, the Placer County Coroner and Native American Heritage Commission must also be contacted. Work in the area may only proceed after authorization is granted by the Placer County Planning Department. A note to this effect shall be provided on the Improvement Plans for the project. **(SR/CR/MM) (PD)**

11. Pursuant to Section 21089 (b) of the California Public Resources Code and Section 711.4 et. seq. of the Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified fees are paid. The fees required are \$880 for projects with Environmental Impact Reports and \$1,280 for projects with Negative Declarations. Without the appropriate fee, the Notice of Determination (which the County is required to file within 5 days of the project approval) is not operative, vested or final and shall not be accepted by the County Clerk. **(SR) (PD)**
12. The applicant shall be responsible for obtaining the approval from all other agencies having jurisdiction over this project, including but not limited to, TRPA, Fish and Game, Army Corps of Engineering and Lahontan Regional Water Quality Control Board.
13. The applicant shall have 24 months to exercise this Conditional Use Permit. If not exercised, it shall expire on June 12, 2009. **(SR/CR) (PD)**



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Via E-mail and Federal Express

May 2, 2007

Mr. Michael Johnson
Planning Director
County of Placer
3091 County Center Drive
Auburn, California 95603

Re: Villas at Harborside – Withdrawal of Echlin Appeal: PCUP 2005 0680

Dear Michael:

On April 3, 2006, the Placer County Board of Supervisors took action to continue the above referenced matter until its first meeting after the hearing of the Villas at Harborside project by the Governing Board of the Tahoe Regional Planning Agency. On April 26, 2007, the TRPA Governing Board approved the Villas at Harborside in a reduced form (six rather than nine timeshare units on the involved three lots). On behalf of our client, the applicant, Nathan L. Topol, we ask that Board action on the request by Jane Echlin to withdraw her appeal of the Placer County Planning Commission's unanimous approval of this project on September 22, 2005, (copy of the request for withdrawal enclosed) be set for the next meeting of the Board of Supervisors. We are copying this request for the Board to calendar this matter directly to the Clerk of the Board of Supervisors.

It is likely the Board will consult with the Planning Department on the completion of this matter. We are writing to ask that you advise the Board of Supervisors that the fact that the project was reduced in density as approved by TRPA does not affect the validity of the Planning Commission's actions on the project and, therefore, acceptance of the withdrawal of the only appeal of that Planning Commission action, leaving County processing completed, is proper and acceptable to the Planning Department.

I also enclose a copy of the memorandum you prepared for the Board of Supervisors for its April 3, 2006 meeting and its cover sheet, so that you can get back up to speed on this quickly. Let me know if you need any other information.

After you have reviewed this letter and enclosures, please give me a call to discuss the matter.

Dr. J. J. ...
Walter ...
Catherine ...
Caleb ...
Kurt ...



Mr. Michael Johnson
May 2, 2007
Page 2

Thank you for your anticipated attention to this matter.

Very truly yours,

Randall M. Faccinto

cc: Ami Holman, Clerk, Board of Supervisors (via email w/enclosures)
Nathan L. Topol (via email w/enclosures)
Christina Darlington (via email w/enclosures)

County of Placer
Planning Department

BOARD SUBMITTAL COVER SHEET

RECEIVED
MAR 2 2006

TO: Board of Supervisors

FROM: Michael Johnson, Planning Director

DATE: April 3, 2006

PLANNING DEPT.

SUBJECT: APPEAL - VILLAS AT HARBORSIDE - CONDITIONAL USE PERMIT AND
VARIANCE (PCPC 2005 0680) / MITIGATED NEGATIVE
DECLARATION/SUBDIVISION MAP MODIFICATION (PEAQ 2005 0136)

SUMMARY:

The Board of Supervisors is being asked to consider an appeal from Jane Echlin of the Planning Commission's September 22, 2005 approval of the Villas at Harborside project. The project consists of nine, two-story units that will be utilized as time-share residences. The proposed project requires the approval of a Conditional Use Permit and a Variance, along with a Subdivision Map Modification (that will reflect the reduced setback) to allow for the development of the project.

Subsequent to the publication of the Public Hearing Notice for this project, staff received a letter from David H. Blackwell, legal counsel for the appellant, stating that it was the appellant's desire to withdraw the appeal. As set forth in Section 17.60.110(D)(5) of the Placer County Code (Withdrawal of Appeal - Hearing Decisions), an appeal may not be withdrawn except with the consent of the appropriate hearing body (i.e., the Board of Supervisors). Accordingly, there are two actions before the Board:

- Whether or not to consent to accepting the withdrawal of the appeal; or
- If the Board chooses not to accept the withdrawal of the appeal, the Board will need to consider the merits of the appeal.

CEQA COMPLIANCE:

A Mitigated Negative Declaration (PEAQ 2005 0136) has been prepared for this project and has been finalized pursuant to California Environmental Quality Act (CEQA). On September 22, 2005, the Planning Commission found that the project had satisfied the requirements of CEQA, and approved a Mitigated Negative Declaration in conjunction with the project approval.

FISCAL IMPACT: None

RECOMMENDATION:

Staff recommends the Board consider accepting the appellant's request to withdraw the appeal. Should the Board desire to hear the appeal, staff recommends the Board of Supervisors deny the appeal and uphold the Planning Commission's approval of the project.

04PLU5APLNASTEVEBOARD OF SUPERVISORS/VILLAS AT HARBORSIDE/COVER

LETTER OF APPEAL:

On October 3, 2005, an appeal of the Planning Commission approval was filed by Jane Echlin. The appeal asserts that legally inadequate notice, inconsistency with local planning regulations, and inability to make the findings for the variance and map modification as the bases that the Planning Commission decision should be overturned.

The applicant's attorney has contested the appellant's standing to appeal based on Section 17.60.110(b) of the Zoning Ordinance. At the request of the applicant and concurrence of the appellant, the issues of standing to appeal and the merits of the appeal were separated for the December 6, 2005 Board of Supervisors hearing. After considering staff's recommendation and public testimony, the Board decided the appeal would be heard at a future hearing. The Board suggested the project be presented to NTRAC (if practical) prior to the appeal being heard.

The project returned to NTRAC on February 9, 2006, at which time additional opportunity for public input on the project was provided. Several individuals spoke in support of the project was provided, speaking to positive impacts to the community/economy resulting from the proposed project. Others expressed concern over the project, particularly related to potential impacts to the view corridor and parking issues.

One of the issues discussed was the status of the project application to TRPA. On January 5, 2006, the TRPA had issued the second incomplete notice for the project submittal. The applicant represented to NTRAC that they had submitted the information requested by TRPA earlier that morning (February 9, 2006).

Staff contacted TRPA on March 15, 2006 to inquire about the status of the TRPA application. TRPA indicated that, while the applicant has provided additional information, the project remains incomplete pending the review of the re-submittal.

ANALYSIS OF ISSUES

Below are brief summaries and staff responses to the substantive issues listed in Ms. Echlin's appeal. Staff's response to each item is in italics.

Notice of the Planning Commission Hearing Was Legally Inadequate

The late discovery of the need for a Final Map Modification and the decision to hear the item on September 22, 2005 resulted in the lack of a published notice in the Tahoe newspaper for the Map Modification action. However, notice was properly given to all property owners within 300 feet, and was posted in various locations as required for the Conditional Use Permit and Variance application. All notice requirements were also met for the Mitigated Negative Declaration. The only modification needed on the Final Map is to correspond to the Variance, which was properly noticed. Notice of this hearing as well as the previous Board hearing has since been posted in the Tahoe World, thereby satisfying the newspaper-posting requirement.

The Project Is Inconsistent With Local Planning Regulations

1. The appellant cites a portion of the Mitigated Negative Declaration that states that the Project "does not comply with a number of the design requirements for parking areas described in the design guidelines for the area as well as the Zoning Ordinance."

The Mitigated Negative Declaration that was prepared for this project identified that the project did not meet certain design standards and/or requirements. These design deficiencies could be reduced to a less than significant level through the approval of a Variance. A section of the staff report for the Planning Commission analyzed the Variance request to the two parking standards, the setback distance for the carport structure(s), and the fence height limitation (see Exhibit 2). The

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March 10, 2006

Honorable Chair Robert Weygandt
and Supervisors
Board of Supervisors
County of Placer
175 Fulweiler Avenue
Auburn, CA 95603

Re: Appeal of Planning Commission Approvals of Villas at Harborside

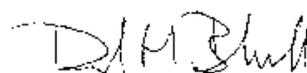
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Since the filing of the appeal, Appellant's representatives have been in discussions with Project representatives. As a result of those discussions, counsel for the Project proponent addressed Appellant's concerns regarding the Project's parking impacts, as set forth in the attached March 6 letter from Randall M. Faccinto to David H. Blackwell. In that letter, Mr. Faccinto represents that the Project and the adjacent projects owned by the Project owner: will not create any offsite parking impacts; has met all applicable parking requirements on site; and the Project owner has not entered into any parking agreements with nearby properties to reduce overflow parking. Appellant requests that the administrative record for this Project include this letter and attached letter from Mr. Faccinto.

Based upon and as a direct result of these express representations from the Project proponents, Appellant would like to withdraw her appeal. Pursuant to Placer County Code section 17.60.110.D.5, Appellant hereby requests that this Board consent to her withdrawal of her appeal.

Respectfully submitted,



David H. Blackwell

Allen Markins Leck Gamble & Mallory LLP
Attorneys at Law

Placer County Board of Supervisors

March 10, 2006

Page 2

cc: Jane Echlin
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March 6, 2006

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rfacciato@stoel.com

BY MESSENGER

David H. Blackwell, Esq.
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San Francisco, CA 94104

Re: Villas at Harborside

Dear David:

As requested by your email message of February 23, 2006, this letter will confirm the following facts:

1. Neither (a) The Villas at Harborside project (Lots 2, 3 and 4 of the Harborside at Homewood subdivision); (b) the adjacent residential development (Lot 5); nor (c) the restaurant/hotel (Lot 6) in the Harborside at Homewood subdivision, whether analyzed as individual projects or as a whole, have been determined by Placer County, or their owner, to create any offsite parking impacts.

2. There are no conditions on the development of any of the above-described Harborside at Homewood lots requiring offsite, overflow parking to be provided by the owner or user of any of those lots. Each of the three, separately permitted, projects (the Villas at Harborside; individual residence on Lot 5 and West Shore Café & Inn) is required to meet, and has met, all applicable parking requirements on site, and none is required to enter into any parking agreements with an owner of any nearby properties to reduce overflow parking created by any component of those projects.

As I have pointed out in the past, the project that your client is appealing, the Villas at Harborside, not only meets, but exceeds by a substantial amount, the parking requirements for the nine interval ownership tourist accommodation units involved. We have supplied your client with descriptions and diagrams of that parking and hope any concerns she might have had about the project's parking in Homewood have been satisfied.

Based on your message to me of February 23, 2006, and the fact that we have provided the information in this letter as you requested, we understand that Ms. Echlin will now withdraw her

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David H. Blackwell, Esq.
March 6, 2006
Page 2

appeal. Of course, it will be in the interest of not only our respective clients, but also the staff of the Placer County Planning Department and Board of Supervisors that notice of withdrawal of the appeal be received by the Clerk of the Board as early as possible

Give me a call if you have any question.

Very truly yours,

Randall M. Faccinto

RMF:tlc

cc: Nathan L. Topol (via facsimile)
David Antonucci (via facsimile)