

**COUNTY OF PLACER
COMMUNITY DEVELOPMENT RESOURCE AGENCY**

**PLANNING SERVICES
DIVISION**

Michael J Johnson, Agency Director

Paul Thompson,
Deputy Director of Planning

HEARING DATE: August 22, 2013
ITEM NO.: 1
TIME: 10:05 am

TO: Placer County Planning Commission
FROM: Development Review Committee
DATE: July 29, 2013
**SUBJECT: SUBDIVISION MODIFICATION AND VARIANCE (PSM 2013 0179)
BEAR CREEK ASSOCIATION SUBDIVISION – VASTINE GARAGE AND DECKS
CATEGORICAL EXEMPTION**

COMMUNITY PLAN AREA: Alpine Meadows

GENERAL PLAN DESIGNATION: Single-Family Residential, 1 – 2.5 units/acre

ZONING: RS (Residential, Single-Family)

APN: 095-232-004

STAFF PLANNER: Stacy Wydra, Senior Planner

LOCATION: The subject property is located at 2039 Bear Creek Drive in the Bear Creek Association Subdivision, in the Alpine Meadows area.

APPLICANT: Olson-Olson Architects, LLP for owners, Jacob and Tricia Vastine

PROPOSAL:

The applicants request the approval of an amendment to the Bear Creek Association Subdivision Final Map to modify the 30-foot mapped front setback shown on Lot 98 to allow for a mapped front setback of 16 feet measured from the front property line in order to permit the construction of a garage and entry feature addition accessory to the existing single-family residence and for consideration of the reduction to the 100 foot water course setback of Bear Creek for a 29-foot watercourse setback for the addition to the existing upper deck and lower patio located on the project site at 2039 Bear Creek Drive in the Alpine Meadows area.

CEQA COMPLIANCE:

The project is Categorically Exempt per Section 18.36.050, Class 3 (New construction) of the Environmental Review Ordinance (CEQA Guidelines, Section 15303).

PUBLIC NOTICES AND REFERRAL FOR COMMENTS:

Public notices were mailed to property owners of record within 300 feet of the project site. Other appropriate public interest groups and citizens were sent copies of the public hearing notice, including the North Tahoe Regional Advisory Council Municipal Advisory Council. Copies of the project plans

and application were transmitted to the Community Development Resource Agency Staff and the Departments of Public Works and Environmental Health Services, the Air Pollution Control District and Special Districts for their review and comment.

EXISTING ZONING AND LAND USE:

Location	Zoning	Alpine Meadows General Plan	Existing Conditions & Improvements
Site	RS (Residential Single-Family)	Single-Family Residential, 1 – 2.5 units/acre	Single-Family Residence & Parking Pad
North	RS (Residential Single-Family)	Single-Family Residential, 1 – 2.5 units/acre	Residential
South	RS (Residential Single-Family)	Single-Family Residential, 1 – 2.5 units/acre	Residential
East	RS (Residential Single-Family)	Single-Family Residential, 1 – 2.5 units/acre	Residential
West	RS (Residential Single-Family)	Single-Family Residential, 1 – 2.5 units/acre	Residential

BACKGROUND AND ANALYSIS:

The Vastine property comprises 10,610 square feet (0.24 acre) and is located on the southeast side of Bear Creek Drive, off of Alpine Meadows Road, in the Alpine Meadows area. The adjacent properties, and the properties across the street, are currently developed with single-family residences. There are existing single-family residences and/or garages that have been constructed within the recorded, mapped setback within the general vicinity of the subject parcel.

Staff visited the site in June of 2013 and found that the property is a downsloping parcel with vegetation consisting of multiple Ponderosa Pines and Firs. The project site is currently developed with an 1,855 square foot single-family residence, parking pad and stairs leading down to the entrance of the residence and a rear deck. The existing residence sits on the down sloping lot directly above Bear Creek. The house is askew to the front and side property lines and represents an existing non-conformance with respect to the required 100 foot setback from centerline of Bear Creek. Approximately 62 square feet of the existing 1,855 square foot residence and 186 square feet of the existing deck are located within the watercourse setback from centerline of Bear Creek. The watercourse setback was established in 1990 and setback distances are development standards in the Placer County Zoning Ordinance.

General Plan and Zoning Consistency

The project site is located within the Alpine Meadows General Plan and has a land use designation of Single-Family Residential four (4) dwelling units per acre and zoning of RS (Residential - Single-Family). The project site is consistent with the Residential designation and density of the General Plan in that the project consists of an addition to the existing single-family residence. Furthermore, the garage addition is consistent with the intent of the General Plan in that according to the Alpine Meadows General Plan, "In mountainous terrain, special considerations concerning standard "setback" (front yard) provisions should be made. Building sites should be individually considered according to an over-all plan, pedestrian scale, trees, rocks, view and finished grade conditions. To this end, some building may "hug" the street right-of-way, others the quite remote areas requiring winding paths."

The purpose and intent of the RS zone district is intended to provide areas for residential development characterized by detached single-family homes in standard subdivision form. The project consists of a garage addition and deck addition to the existing single-family residence. The proposed Map Modification for the garage and the Variance to the watercourse setback will maintain consistency with the RS zoning district in that the proposed garage and decks are accessory to the existing single-family residence and will not change the density of the single-family residence.

Map Modification – Garage Analysis

The Final Map for the Bear Creek Association Subdivision was recorded in February of 1963. On the Final Map, a 20 foot front setback and a ten (10) foot private road widening easement for a total front setback of 30 feet were established along the frontage of all the lots within the subdivision. The Vastine's are requesting that the Map be modified to allow for a 16 foot front setback in order to allow for the construction of the proposed garage, and driveway. Approximately 103 square feet of the garage is proposed within the 30 foot mapped setback.

The applicant, Olson-Olson Architects, explored other alternatives to try and locate the proposed garage outside of the required setback however, due to the location and placement of the existing residence on the subject parcel, the roof design of the existing residence, the front entrance, and the slope and topography of the site there are limited design choices for the placement of the proposed garage. The applicants are proposing to construct the garage as a replacement to the existing parking pad and utilize the existing driveway to access the garage to avoid unnecessary disturbance to the site. Furthermore, based on the design and location of the proposed garage and its connection with the existing single-family residence approximately 103 square feet of the garage is proposed within the front mapped setback.

A Variance to the required front setback is not required in this case based on the average slope between the edge of the pavement and the front setback line. Section 17.54.140 *Exceptions to Front, Side and Rear Setbacks* of the Zoning Ordinance allows for a reduced front setback for parking on sloping lots 40,000 square feet or less provided that the average slope between the edge of the pavement or traveled way and the front setback line prescribed for the zone district is more than twenty (20) percent, a private garage, carport, uncovered paved parking pad or deck with at least two parking spaces may be built to the property line at the street right-of-way; provided that it is located at least eight-feet (8') from the nearest side lot line of the front half of an adjacent lot, and also satisfies the requirements of providing at least twenty feet from the edge of the roadway to the face of the structure. Although the slope between the edge of pavement and the 30 foot front setback line is an average of 30 percent, this exception cannot be considered because the front setback is a mapped setback on the recorded subdivision for the Bear Creek Association Final Map Subdivision, Book H – Maps, page 19.

In addition, the residential garage addition proposed, contains adequate site distance from the traveled way, allows for a vehicle to be parked in front of the garage without sticking out into the traveled way and provides adequate snow storage areas. Staff does not find that the project would significantly alter the design of the subdivision.

Watercourse Setback Variance Analysis

The project also proposes to encroach into the required 100-foot watercourse setback from centerline of Bear Creek for the construction of an addition to the upper and lower decks. Currently, the southeast corner of the residence, deck and patio are all located within the 100 foot watercourse setback. The topography of the site and the location of Bear Creek limit the possible placement for an addition to the exterior deck and patio. The proposed locations of the decks and

patios results in the most limited excavation, does not disturb any trees and has the least impact on potential flood waters.

The proposed patio and deck are both designed with a very limited footprint to reduce site disturbance. The area of expansion is proposed within areas that are fairly flat and have minimal established vegetation. Construction will not require a traditional concrete foundation, but rather will use several small piers as structural support. This type of construction limits the environmental impact to the site by allowing natural infiltration, causing minimal obstruction to floodwater flows in the event of a flood and allowing natural vegetation growth under the patio. Furthermore, there is a Bear Creek FEMA Zone AE flood plain mapped for this area. The 100-year base flood elevation of Bear Creek adjacent to this parcel is approximately 6,565 feet. The corner of the deck, which is the nearest proposed structure to the creek, is at an approximate elevation of 6,579 feet. Therefore, the structure is proposed well above the base flood elevation by approximately 14 feet.

The applicants reviewed alternative placement options for the deck and patio construction and determined that there were no other feasible alternatives. Due to the fact the existing deck is located within the watercourse setback any expansion to the existing deck would be within the watercourse setback. The slopes on the north and south sides of the existing residence would require significant cuts to the natural grade and removal of several trees would be necessary on either side.

Based on the construction methods, minimal site disturbance and the existing encroachments into the 100 foot required watercourse setback staff does not find that the 29 foot watercourse setback would create a detriment to the residence and residents nor to the creek.

RECOMMENDATION:

The Development Review Committee (DRC) recommends the Planning Commission approve the Subdivision Modification (PSM 20130179) to allow for a 16-foot front setback measured from the property line in order to allow construction of a garage and entry feature and to allow for a 29 foot watercourse setback from the centerline of Bear Creek for the construction of a lower patio and upper deck addition to the existing residence subject to the following findings and attached recommended conditions of approval.

FINDINGS:

CEQA

1. The project has been determined to be Categorically Exempt per Section 18.36.050E, Class 3 (New Construction) of the Environmental Review Ordinance (CEQA Guidelines, Section 15303). Class 3 exemptions consists of construction and location of limited numbers of new structures including but not limited to garages and patios.

Subdivision Modification

2. The proposed Subdivision Modification does not significantly alter the design of the subdivision and will not affect the consistency of the Bear Creek Association Subdivision with the Alpine Meadows General Plan in that parcels within close proximity of the subject parcel have been granted reduced setbacks for the construction of garages and residences with the recorded, mapped setback.
3. Pursuant to Section 66472.1, (*Amending of Final Maps*) of the Subdivision Map Act, Placer County finds that there are changes in circumstances that make the front setback as applied by the conditions of the map no longer appropriate or necessary. The modifications do not impose any additional burden on the fee owners of the real property, and the modifications do not alter any right, title, or interest in the real property reflected on the recorded map, and Placer County finds that the map as modifies conforms to Section 66474 of the Subdivision Map Act. The change

in circumstance is that existing setbacks together with the parcels sloping topography, the setback requirement of the map, the location of Bear Creek on the southern end of the property and existing on-site conditions limit the expansion to the existing single-family residence. Furthermore, the construction of the existing single family residences throughout the subdivision have dictated the character of the neighborhood determining that the designated setback is not essential to provide adequate snow storage and building setbacks, for example as previously intended.

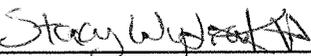
4. The project, with the recommended conditions, is compatible with the single-family residential neighborhood with garages.
5. The project is physically suitable for the type and proposed density of the existing development. The development proposed is a garage and a covered entry feature to be used by the existing single-family residence. The project does not exceed the allowed density of one single-family dwelling per parcel of the Residential zoning district for the Bear Creek Association Subdivision.
6. Granting the Subdivision Modification will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zoning district in which the property is located in that other Map Modifications have been approved on parcels within close proximity to the subject parcel. It can be demonstrated through previous reduced setback approvals that granting the Subdivision Modification will not be materially detrimental to the neighborhood and surrounding properties or to snow removal operations.

Variance

1. There are special circumstances applicable to the property, including topography, location or surroundings and existing site improvements and building design, and because of such circumstances, the strict application of this chapter would deprive the property of privileges enjoyed by other property in the vicinity and under identical zoning classification in that the location of the proposed patio and deck within the 100 foot watercourse setback are dictated by the location of the existing single-family residence, the existing encroachments of the residence and deck in the watercourse setback, the sloping topography of the project site, and the location of the Creek as described in the staff report. Furthermore, the design of the deck and the construction will reduce any impacts associated with the location. These listed conditions create special circumstances applicable to the project which would otherwise warrant the Variance requested.
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 in that the construction of a patio and deck is in keeping with the existing encroachments into the watercourse setback of both single-family residences and exterior accessory structures such as patios and decks within the general vicinity of the subject parcel. To the north and the south of the subject parcel there are existing encroachments of portions of single-family residences and exterior accessory structures that are located within the required watercourse setback. Therefore, based on the existing on-site conditions, the location of the existing single-family residence, the existing encroachments, and the proposed encroachment being a patio and deck it can be determined that the setbacks proposed will be adequate and will not constitute a grant of special privileges.
3. The Variance does not authorize a use that is not otherwise allowed in the zoning district in that the construction of patio and deck are allowed accessory uses to single-family residences which is an allowed use within the Residential Single-Family zoning district of the Placer County Zoning Ordinance and the use will be a compatible use within this location.

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 in that the proposed deck will be constructed within the confines of the subject parcel and will not encroach over the property lines. The patio and deck are designed to limit environmental impact to the site by allowing natural infiltration, causing minimal obstruction to floodwater flows, and allowing natural vegetation growth under the patio. The structure will not be located within the FEMA 100-year flood plain of Bear Creek. These factors will ensure that the granting of the Variance will not create a detriment to the public or the general welfare of the residents or neighboring residences or residents.
5. The Variance is consistent with the intent of the Alpine Meadows General Plan and the Single-Family Residential Zoning District in that decks are allowed accessory uses to existing single-family residences and the Variance is to the required watercourse setback of Bear Creek for the encroachment into the required 100 foot from creek centerline setback is also supported by the additional findings described in this staff report.
6. The Variance of 29 feet to the watercourse setback is a minimum departure from the requirements of the 100 foot watercourse setback from creek centerline for the RS (Residential Single-Family) zone district of the Placer County Zoning Ordinance and Alpine Meadows General Plan and is necessary to grant relief to the applicant in that the proposed addition to the deck is dictated by the location of the existing residence and deck already within the required watercourse setback, and the placement of the residence.

Respectfully submitted,



STACY WYDRA
Senior Planner

ATTACHMENTS:

- Attachment A – Recommended Conditions of Approval
- Attachment B – Vicinity Map
- Attachment C – Site Plan

cc: Michael J Johnson - Agency Director
Paul Thompson – Deputy Planning Director
Allen Breuch - Supervising Planner
Rebecca Taber - Engineering and Surveying Division
Justin Hansen - Environmental Health Services
Andy Fisher - Parks Department
Gerry Haas - Air Pollution
Karin Schwab - County Counsel's Office
Jacob and Tricia Vastine – Owners
Olso-Olson Architects – Applicant
Subject/chrono files



**RECOMMENDED CONDITIONS OF APPROVAL – BEAR CREEK
SUBDIVISION MODIFICATION "VASTINE RESIDENCE" (PSM
20130179)**

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 Subdivision Modification approves an amendment to Bear Creek Association Final Map Subdivision, Book H – Maps, page 19 to reduce the 30 foot mapped front setback on Lot 98 to allow for a front setback of 16 feet measured from the front property line in order to permit the construction of a residential garage and entry feature accessory to the existing single-family residence at 2039 Bear Creek Drive in Alpine Meadows.
2. This Variance approves the construction of a lower patio and upper deck addition 29 feet into the required 100 foot watercourse setback of Bear Creek.
3. Prior to Building Permit issuance, the applicant shall prepare and submit to the Planning Services Division an exhibit map for a Notice of Map Modification to modify the building setback line for this lot, as shown on Bear Creek Association Subdivision (Book H, Page 19), and to conform with the approval of this application. (PD)
4. Prior to commencement of any work on site, the applicant shall obtain a grading permit for the grading of the site and/or building permit(s) to include both grading and construction of the building. Complete building plans and engineering in accordance with the County Building Code will be required for the structure. (PD)
5. The final site and building designs for the project shall comply with the site plans and building elevations approved on August 22, 2013 and on file in the Community Development/Resource Agency and as modified by the conditions of approval. The garage, patio and decks shall comply with the applicable development standards, including but not limited, to height, on-site coverage allowances, side setbacks. (PD)
6. Prior to the issuance of any grading permit, the applicant shall place tree protection measures, i.e. protective fencing around the trees to be retained. The protective fencing shall be placed around the tree to the drip line. (PD)
7. The applicant shall comply with any conditions imposed by CalFire or the serving fire district, North Tahoe Fire Protection District. (PD)

8. The applicant shall comply with any conditions imposed by the Alpine Springs Water District. (PD)

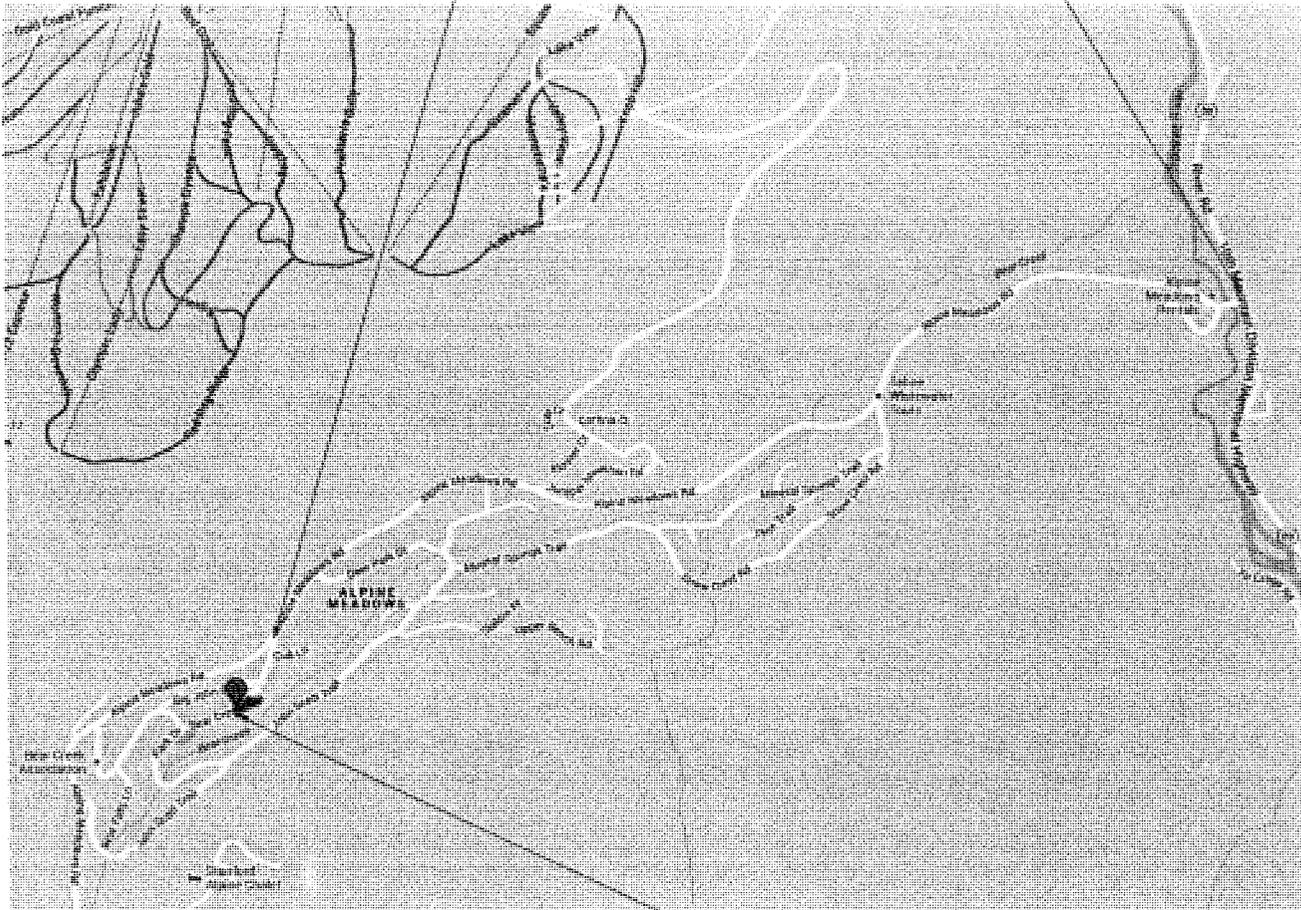
9. The applicant shall, upon written request of the County, defend, indemnify, and hold harmless the County of Placer, the County Board of Supervisors, and its officers, agents, and employees, from any and all actions, lawsuits, claims, damages, or costs, including attorney's fees awarded by a certain development project known as the Vastine Map Modification Project PSM 20130179. The applicant shall, upon written request of the County, pay or, at the County's option, reimburse the County for all costs for preparation of an administrative record required for any such action, including the costs of transcription, County staff time, and duplication. The County shall retain the right to elect to appear in and defend any such action on its own behalf regardless of any tender under this provision. This indemnification obligation is intended to include, but not be limited to, actions brought by third parties to invalidate any determination made by the County under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) for the Project or any decisions made by the County relating to the approval of the Project. Upon request of the County, the applicant shall execute an agreement in a form approved by County Counsel incorporating the provision of this condition. (CC)

10. The effective date of approval shall be September 2, 2013, unless the approval is appealed to the Board of Supervisors. The applicant shall have thirty-six (36) months to exercise this Subdivision Modification and Variance. Unless exercised, this approval shall expire on September 2, 2016. (PD)

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.2 MILES TO ALPINE MEADOWS ROAD

2.4 MILES TO HWY 89



VICINITY MAP

PROJECT LOCATION
2039 BEAR CREEK DRIVE

