



**COUNTY OF PLACER
COMMUNITY DEVELOPMENT RESOURCE / AGENCY**

**PLANNING SERVICES
DIVISION**

Michael J Johnson, Agency Director

Paul Thompson,
Deputy Director of Planning

HEARING DATE: October 30, 2013

ITEM NO.: 1

TIME: 10:05 am

TO: Placer County Planning Commission

FROM: Development Review Committee

DATE: October 15, 2013

**SUBJECT: SUBDIVISION MODIFICATION / VARIANCE (PSM 2013 0232)
STAFFORD GARAGE AND ACCESSORY RESIDENTIAL STORAGE
CATEGORICAL EXEMPTION**

GENERAL PLAN AREA: North Tahoe Area

ZONING: Plan Area Statement 014 - Cedar Flat Residential

STAFF PLANNER: Allen Breuch, Supervising Planner

LOCATION: The subject property is located at 820 Carnelian Circle in the Fulton Acres, Unit No. 3 Subdivision in the Carnelian Bay area.

ASSESSOR'S PARCEL NUMBER: 092-031-021

APPLICANT: Ken Anderson, LT Vista Technical Design on behalf of Richard Stafford

PROPOSAL:

The applicant requests approval of a Subdivision Modification to the Fulton Acres, Unit No. 3 Subdivision (Lot 199) and a Variance to allow a 0-foot front setback where 20-feet is required in order to permit the construction of a single car garage with an accessory storage area attached to the existing single-family residence.

CEQA COMPLIANCE:

The project is Categorical Exempt per Section 18.36.050, (Class 3 – New construction or conversion of small structures) and Section 18.36.070 (Class 5 – Minor alterations to land use limitations) of the Placer County Environmental Review Ordinance (Section 15303 and 15305 of the CEQA Guidelines). A recommended finding for this purpose is included in the findings section of this report.

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. 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	Existing Conditions and Improvements
Site	PAS 014 Plan Area Statement 014 Cedar Flat -Residential	Single-Family Residence & Parking Pad
North	PAS 014 Plan Area Statement 014 Cedar Flat -Residential	Developed with a single-family home
South	PAS 014 Plan Area Statement 014 Cedar Flat -Residential	Developed with a single-family home
East	PAS 014 Plan Area Statement 014 Cedar Flat -Residential	Developed with a single-family home
West	PAS 014 Plan Area Statement 014 Cedar Flat -Residential	Developed with a single-family home

BACKGROUND:

The Stafford property comprises 22,413 square feet (0.51 acre) and is located on the west side of Carnelian Circle, off of Lakeview Drive, in the Carnelian Bay area (Attachment B). The adjacent properties are currently developed with single-family residences. Staff conducted a field review of the project site on October 8, 2013. The front portion of the subject property has a moderate easterly slope with scattered pines and firs, while the rear portion of the lot reaches an average of a 30% slope and is heavily wooded. On-site improvements consist of paved walkways and three parking spaces and an existing 1,455 square-foot residence that was built in 1976. The front façade of the residence is rotated clockwise 34 degrees off parallel to the front property line, with the building's northeast corner encroaching into the 20-foot mapped front setback.

The owner, Mr. Stafford, proposes to construct directly in front of the existing residence with a 460 square foot addition including a single car garage with the remainder square footage devoted to storage area that is accessory to the main residence. Grading is proposed, but is minimal, to provide a level entrance to the garage and maintain appropriate drainage away from the structure with no tree removals. Approval of a Variance is also required because the proposed garage would extend into the zoning district required 20-foot front setback.

The Final Map for Fulton Acres, Unit No. 3 was recorded in June of 1958. On the Final Map, a 20-foot mapped front setback was established along the frontage of all the lots within the subdivision. Because the proposed project is encroaching into the mapped front setback, the applicant is requesting approval of a Subdivision Modification to allow for a 0-foot front setback in order to construct a single car garage with accessory storage area.

The applicant's lot also includes a 7.5' x 20' utility anchor easement located on the southeast corner of the property where the project proposes to encroach within this easement approximately five feet. A letter from Liberty Utilities, dated September 10, 2013, (Attachment D) has been submitted as part of

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the application which states that Liberty Utilities has no objections to the proposed garage encroachment onto their easement. Staff has included a recommended condition of approval requiring that the applicant provide a final approval letter from Liberty Utilities prior to the County issuing the building permit for the garage addition into the anchor easement.

ANALYSIS:

General Plan and Zoning Consistency

The project site is located within the North Tahoe Area General Plan and has a land use designation of residential. The purpose and intent of the Cedar Flat Residential Plan Area Statement is to provide areas for residential development characterized by detached single-family homes in low density residential subdivisions. The proposed Map Modification and Variance to the front setback for a single car garage with accessory storage will be consistent with the residential zone district in that the proposal is accessory to the existing single-family residence and will not change the density of the subject property.

Variance

The applicant has explored other alternatives to try and locate the proposed garage outside of the required setback and took into account adequate site distance from the traveled way, tree removal and snow storage areas. However due to the location of the existing residence on the subject parcel, the roof design of the residence, and the required TRPA coverage associated with the parcel, there are limited design choices for the placement of the proposed one car garage with accessory storage.

As a result, the proposed area for construction is limited to the front of the existing residence with approximately 330 square feet of the 460 square feet located within the 20-foot front setback. In reviewing this request, the DRC determined that the proposed encroachment of the single car garage and storage would result in a minimal departure from the development standards recognizing that only 330 square feet of the proposal would be within the required front setback.

Staff has determined that there are other single-family residential properties within the general vicinity of the proposal with either garages or entry way features that were approved within the front setback. The properties with approved encroachments into the front setback include garages located at 820 and 940 Carnelian Circle and a front entry feature located at 840 Carnelian Circle.

A Variance to the required 20-foot setback is required for this project since the average slope between edge of pavement and the front setback line is not greater than 20 percent, which would have allowed a Zoning Ordinance exception to be approved for a garage within the front zoning setback. Therefore, the Development Review Committee analysis of the project site determined that there were several special circumstances applicable to the site which warrant relief to the front setback established in the Cedar Flat Residential Plan Area Statement. The constraints to the parcel include the narrow pie shape design of the property towards the front and the steep slope of the property towards the rear which makes building a garage difficult. Also considered was the existing location of the 1 ½ story residence which limited where the garage could be built since there would be a significant retrofit of the residence required if it was attached directly to the side of the structure.

RECOMMENDATION:

Staff recommends the Planning Commission approve the Subdivision Modification and Variance (PSM 20130232) to allow for a 0-foot front setback measured from the property line in order to permit construction of a single car garage with accessory storage subject to the following findings and attached recommended conditions of approval.

FINDINGS:

CEQA

1. The Planning Commission finds that the proposed project is Categorically Exempt pursuant to Section 18.36.050, (Class 3 – New construction or conversion of small structures) and Section 18.36.070 (Class 5 – Minor alterations to land use limitations) of the Placer County Environmental Review Ordinance (Section 15303 and 15305 of the CEQA Guidelines) because the one-car garage with enclosed accessory residential storage to the existing residence would not result in any considerable environmental impacts.

Subdivision Modification

- 1 The proposed Subdivision Modification does not significantly alter the design of the subdivision and will not affect the consistency of the Fulton Acres, Unit No. 3 Final Map with the North Tahoe Area General Plan in that parcels within close proximity of the subject parcel have been granted reduced setbacks for the construction of garages and residences within the recorded, mapped setback.
2. 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 modified conforms to Section 66474 of the Subdivision Map Act. The change in circumstances, in this case, are based on the existing location of the improvements together with the parcel's sloping topography, which limit expansion to the existing single-family residence.
3. The project, with the recommended conditions, is compatible with the single-family residential neighborhood.
4. The project is physically suitable for the type of existing development within the Cedar Flat Residential 014 Plan Area Statement.
5. The 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.

Variance

- 7 There are special circumstances applicable to the property, including the awkward shape of the parcel, sloping topography, location of the existing single-family residence 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.
- 8 The Variance authorized does not constitute a granting of special privileges inconsistent with the limitations upon other properties in the vicinity and in the same zone district in that other single-family residences within the neighborhood of the subject parcel contain garages, covered walkways and parking pads within the required 20-foot front setback. The proposed construction is located within an area which will required the least amount of disturbance and no removal of existing trees.
- 9 The Variance does not authorize a use that is not otherwise allowed in the PAS 014 (Plan Area Statement 014 Cedar Flat –Residential).

10. 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 location of the residential garage addition provides adequate site distance from the travelled way and allows adequate snow storage areas on site.
11. The Variance is consistent with the Placer County General Plan and the North Tahoe Area General Plan as single-family dwellings and associated accessory structures are permitted uses in the Plan Area Statement.
12. The Variance is the minimum departure from the requirements of the Ordinance necessary to grant relief to the applicant in that the applicant explored other possible alternative site locations for the single car garage with accessory storage, however, these alternative locations were infeasible due to location of the existing residence, the topography, and available areas for snow storage.

Respectfully submitted,



Allen Breuch
Supervising Planner

ATTACHMENTS:

- Attachment A – Recommended Conditions of Approval
- Attachment B – Vicinity Map
- Attachment C – Site Plan
- Attachment D – September 10, 2013 Liberty Utilities letter

cc: Michael J Johnson - Agency Director
Paul Thompson – Deputy Planning Director
Sharon Boswell - Engineering and Surveying Department
Justin Hansen - Environmental Health Services
Andy Fisher - Parks Department
Gerry Haas - Air Pollution
Karin Schwab - County Counsel's Office
Ken Anderson – Applicant
Subject/chrono files



**RECOMMENDED CONDITIONS OF APPROVAL – SUBDIVISION
MODIFICATION/VARIANCE "FULTON ACRES UNIT 3 – STAFFORD
RESIDENCE" (PSUA-338/PSM 20130232)**

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. The Subdivision Modification and Variance (PSM 2013 0232) is approved for a 0-foot front setback where 20-foot is required in order to permit construction of a single car garage with accessory storage attached to an existing single-family residence located at 820 Carnelian Circle (APN 092-031-021) and as shown on the approved site plan, elevations, and floor plans.
2. Prior to Building Permit issuance, the applicant shall record a Notice of Variance to Lot 199 of the Final Map for the Fulton Acres Unit No. 3 Subdivision. The Notice of Variance shall specify a 0-foot front setback along the Carnelian Circle property frontage. A copy of the recorded document shall be submitted to the Planning Services Division prior to Building Permit issuance.
3. A portion of the proposed structure on this lot is affected by an existing 7.5' x 20' anchor utility easement (ref: Fulton Acres Unit No. 3 Subdivision (Book F, Page 32)) Prior to any Building Permit issuance, the applicant shall provide the County an approval letter from Liberty Utilities for the portion of the easement affected by this project (contact Rick Madrid, Senior Utility Design Administrator for Liberty Utilities, at (530) 546-1720).
4. The applicant shall comply with any conditions imposed by California Department of Forestry or the serving fire district.
5. The project shall comply with any conditions imposed by the Tahoe Regional Planning Agency and evidence of their approval shall be provided to the Placer County Planning Services Division prior to building permit issuance.
6. 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 Stafford Map Modification and Variance (PSM 2013 0232). 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.

OCTOBER, 2013 PC

PAGE 1 OF 3

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ATTACHMENT A

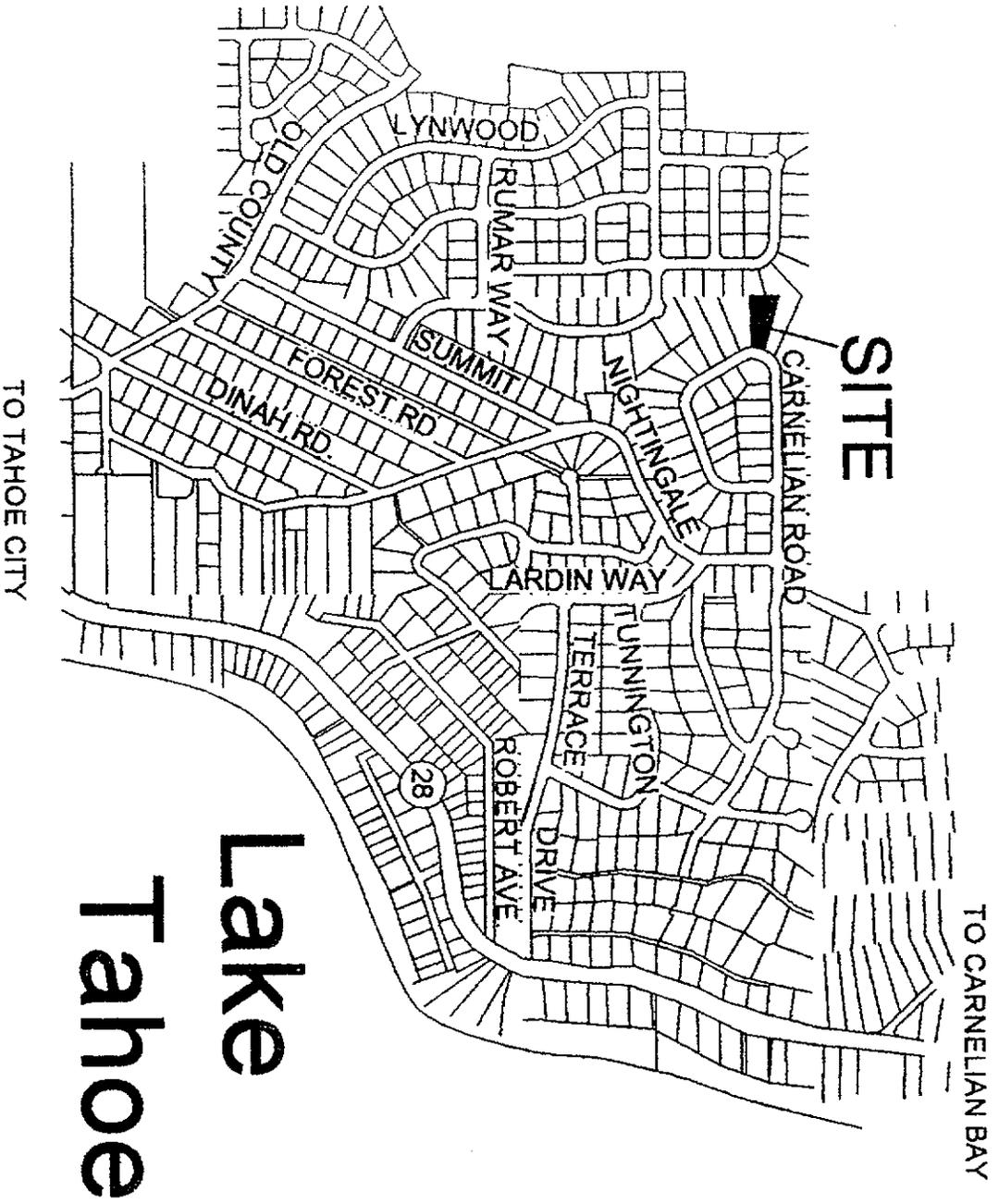
This indemnification obligation is intended to include, but not be limited to, actions brought by third parties to invalidate any determination made by the County under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) for the Project or any decisions made by the 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.

7. Prior to Building Permit issuance, dedicate to Placer County a 20' wide snow storage easement along the property frontage on Carnelian Circle. The County Surveyor will prepare the legal description of the Snow Storage Easement and the document can be obtained by contacting the ESD. The easement needs to be signed and notarized by the applicant prior to Building Permit issuance.
8. Prior to Building Permit issuance, the applicant shall obtain from the Department of Public Works an encroachment permit for locating the proposed structure within the required snow storage easement. Said permit shall be in recordable form and hold Placer County harmless from any damage resulting to the structure.
9. Prior to Building Permit issuance, obtain an encroachment permit from the Department of Public Works (DPW) for any work proposed within the right of way, if applicable.
10. No living space is permitted within the portion of the structure that is proposed within the required front setback. Any windows of the proposed structure within the setback/snow storage easement and facing Carnelian Circle shall be tempered/wired safety glass or equivalent.
11. Prior to Building Permit issuance, provide the ESD with letters/permits from TRPA stating their approval.
12. No portion of the proposed structure, including eaves and footings, shall encroach upon the boundary common to this lot and the public right-of-way of Carnelian Circle, a County maintained road.
13. Prior to pouring the foundation for the proposed garage (and after the forms have been set), the applicant shall provide an Exhibit signed and stamped by a licensed Land Surveyor that precisely identifies the distance from the proposed foundation to boundary common to this lot and the public right-of-way of Carnelian Circle to the satisfaction of the County Surveyor. This certification will be used to verify that the proposed foundation will be constructed consistent with the project site plan and demonstrates that all of the structure (including eaves) will not encroach upon the property boundary. The applicant is advised that a foundation inspection cannot occur until this condition has been satisfied.

EXERCISE OF PERMIT

14. The applicant shall have 24 months to exercise this Map Modification and Variance. Unless exercised, this approval shall expire on November 12, 2015.





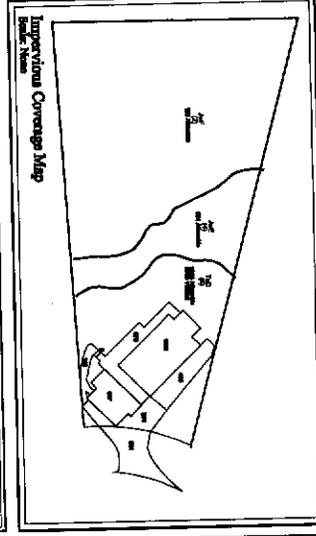
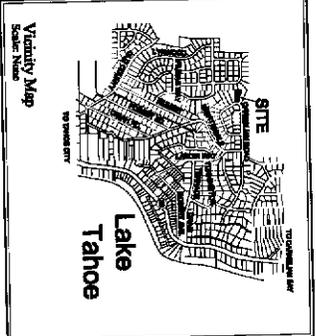
Vicinity Map
Scale: None

Lake
Tahoe

- Site Notes:**
1. From ground on original site plan prepared by Arnes & Assoc.
 2. Improvements shown by LT Vista.
 3. All improvements shall be installed prior to any work of construction of existing improvements, such as, for example, grading, paving, etc.
 4. No trees shall be removed or trimmed other than as shown on the site plan. All trees to be removed or trimmed shall be removed or trimmed prior to the start of construction. All trees to be removed or trimmed shall be removed or trimmed in accordance with the provisions of the City of Lake Tahoe's Tree Ordinance, which is hereby incorporated by reference into this site plan. All trees to be removed or trimmed shall be removed or trimmed in accordance with the provisions of the City of Lake Tahoe's Tree Ordinance, which is hereby incorporated by reference into this site plan.
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REVISIONS:

1. REVISION 1: 10/15/2010
2. REVISION 2: 10/15/2010
3. REVISION 3: 10/15/2010
4. REVISION 4: 10/15/2010
5. REVISION 5: 10/15/2010
6. REVISION 6: 10/15/2010
7. REVISION 7: 10/15/2010
8. REVISION 8: 10/15/2010
9. REVISION 9: 10/15/2010
10. REVISION 10: 10/15/2010
11. REVISION 11: 10/15/2010
12. REVISION 12: 10/15/2010
13. REVISION 13: 10/15/2010
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17. REVISION 17: 10/15/2010
18. REVISION 18: 10/15/2010
19. REVISION 19: 10/15/2010
20. REVISION 20: 10/15/2010



Proposed Site Plan

Scale: 1" = 10'-0"

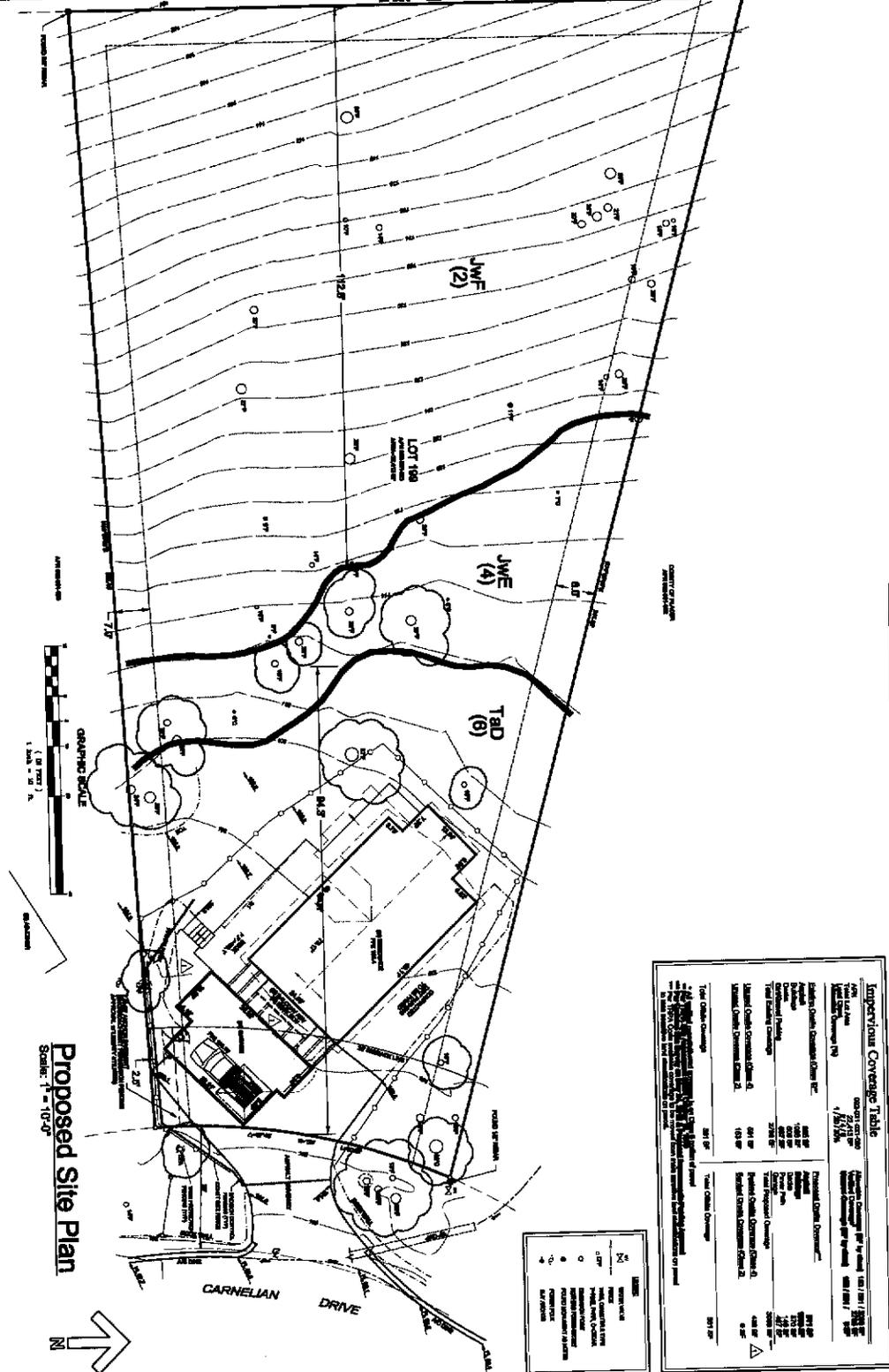
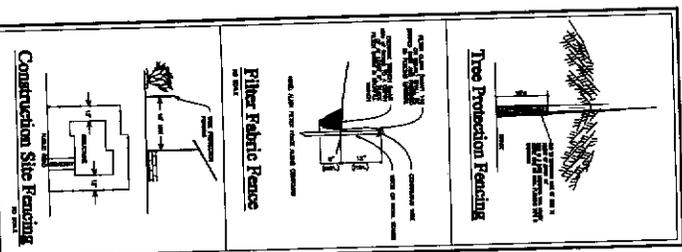
DATE: 10/15/2010

PROJECT: STAFFORD

DESIGNED BY: [Name]

CHECKED BY: [Name]

APPROVED BY: [Name]



Impervious Coverage Table

Category	Area (sq ft)	Volume (cu ft)
Roofs	100,000	100,000
Paved Areas	50,000	50,000
Asphalt	20,000	20,000
Concrete	30,000	30,000
Other	10,000	10,000
Total	180,000	180,000



Liberty Utilities

September 10, 2013

Ken Anderson
P.O. Box 55
Tahoe Vista, CA 96148

RE: 820 CARNELIAN CIRCLE, CARNELIAN BAY, PLACER COUNTY, CA
APN# 092-031-032

Dear Mr. Anderson,

Liberty Utilities has reviewed the proposed garage encroachment into the existing anchor easement at 820 Carnelian Circle and has no objections at this time. Liberty Utilities does not intend to abandon this easement.

If you have any questions please email Rick.Madrid@LibertyUtilities.com or call my direct line at 530/546-1720.

Sincerely,

Rick Madrid
Sr. Utility Design Administrator

RECEIVED
OCT 15 2013

PLANNING DEPT.