

COUNTY OF PLACER COMMUNITY DEVELOPMENT RESOURCE / AGENCY

Michael J Johnson, AICP Agency Director

PLANNING SERVICES DIVISION

Paul Thompson, Deputy Director of Planning

HEARING DATE: March 28, 2013

ITEM NO.: 3

TIME: 10:30 am

TO:

Placer County Planning Commission

FROM:

Development Review Committee

DATE:

March 21, 2013

SUBJECT:

SUBDIVISION MODIFICATION/ VARIANCE (PSM 2012 0227)

PECK RESIDENCE

CATEGORICAL EXEMPTION

GENERAL PLAN AREA: Alpine Meadows

GENERAL PLAN ZONING: RS (Residential-Single-Family)

ASSESSOR'S PARCEL NUMBER: 095-460-020 and 095-450-019

STAFF PLANNER: Allen Breuch, Supervising Planner

LOCATION: The subject property is located at 1411 Juniper Mountain Road in the Alpine

Meadows area.

APPLICANT: Arthur and Kirsten Peck

PROPOSAL:

The applicant requests approval of a Subdivision Modification of Alpine Meadows Estates, Unit No. 11 Subdivision and Variance to the front setback requirement of 20-feet from property line to allow 5feet from property line (2.5-feet from eave) in order to construct an entryway to a new single-family dwelling that will replace an existing residence on the lot.

CEQA COMPLIANCE:

The project is Categorically Exempt pursuant to Section 18.36.050 A. and Section 18.36.070 A.1. of the Environmental Review Ordinance, (Class 3 New construction or conversion of small structures and Class 5 Minor alterations in land use limitations) (CEQA Guidelines, Sections 15303 and 15305). 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	RS (Residential Single-Family)	Single-Family Residence
North	RS (Residential Single-Family)	Residential
South	RS (Residential Single-Family)	Residential
East	RS (Residential Single-Family)	Residential
West	RS (Residential Single-Family)	Residential

ANALYSIS:

The Peck property comprises 11,649 square feet (0.26 acre) in area and is located on the north side of Juniper Mountain Road, off Alpine Meadows Road in the Alpine Meadows area (Attachment B). The adjacent properties are currently developed with single-family residences. The property is rocky in composition and has a steep (43%) upward slope from Juniper Mountain Road and is scattered with pines and firs. On-site improvements consist of a single-family dwelling and an associated two-car garage that lies on an easement on the adjacent property (Lot 17) to the east.

The property owners propose to demolish the existing dwelling and replace it with a 3.828 square foot two-story residence that is designed to tapper up the steep slope. The new home will include a covered entryway that connects the proposed residence to Juniper Mountain Road where an existing two car garage is located on the adjoining property.

The proposed entryway is located at the south east corner of the lot where an existing open air stair case currently exists. To minimize grading and provide a gradual ascent from the street, the applicant is proposes to use the same general location for the new covered entryway. Minimal grading is proposed with the new home as it will take advantage of the existing pad location and will maintain appropriate drainage away from the structure.

Approximately 186 square feet of the entryway is proposed within the required mapped front setback. The proposed entryway would extend approximately 15 feet into the existing 20 foot front setback, resulting in a front setback of 5-feet (2.5 feet from eaves) from the front property line. The Final Map for Alpine Meadows Estates, Unit No. 11 was recorded in November of 1971. On the Final Map, a 20-foot front setback was established along the frontage of all the lots within the subdivision. The Pecks are requesting a Subdivision Modification and Variance to allow for a 5-foot front setback in order to allow for the construction of the proposed covered entryway.

The applicants have explored other alternatives to try and locate an entryway outside of the required setback. However, due to the steep terrain, the existing rocky composition, and the need for a safe protected entryway from heavy winter snow, there was no alternative location available to the entryway outside the mapped front setback. From a review of other properties located along Juniper Mountain Road, staff determined that there have been a previously approved Variances granted for construction within the 20 foot front setback. Therefore, the granting of a 5 foot building setback for the subject property would not be considered a granting of special privileges.

Staff has concluded that there are special circumstances applicable to the project based on the steep topography of the site and the need for a safe entryway to the residence, as well as the location of the existing street improvements, which restricted the use of the site. The proposed project would minimize disturbance to the lot, in that the existing graded area will be used. The project would also allow snow storage along the property's street frontage.

RECOMMENDATION:

Staff recommends the Planning Commission approve the Subdivision Modification and Variance (PSM 20120227) to allow for a 5-foot front setback (two and half to eave) measured from the property line in order to permit construction of a covered entryway subject to the following findings and attached recommended Conditions of Approval (Attachment A).

FINDINGS:

CEQA

1. The project is Categorically Exempt pursuant to Section 18.36.050 A. (Class 3 - New construction or conversion of small structures) and Section 18.36.070 A.1. (Class 5 - Minor alterations in land use limitations) of the Environmental Review Ordinance (CEQA Guidelines, Sections 15303 and 15305). Specifically since the new construction of the single-family residence with proposed entryway will be primarily within the footprint of the existing residence and entryway with minimum grading and earth disturbance.

Subdivision Modification

- 2. The proposed Subdivision Modification does not significantly alter the design of the subdivision and will not affect the consistency of the Alpine Meadows Estates, Unit No. 11, Final Map and with the Alpine Meadows General Plan in that other properties within close proximity of the subject parcel have been granted reduced setbacks for the construction of garages and other entry features.
- 3. Pursuant to Section 66472.1, (Amending of Final Maps) of the Subdivision Map Act, the modifications does 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 circumstance is that existing setbacks together with the parcels topography and existing on-site conditions limit a reasonable access to the residence from Juniper Mountain Road.
- 4. The project, with the recommended conditions, is compatible with the single-family residential neighborhood.
- 5. The project is physically suitable for the type of development within the Residential Single-Family zoning district.
- 6. 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 subject property, including the rocky composition and 43 percent upward slope of the property, 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. Furthermore, the proposed construction is located within an existing disturbed area which will require the least amount of earth disturbance and grading.
- 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. Furthermore, the proposed structure within the setback will only be for a pedestrian access from Juniper Mountain Road to the proposed single-family residence.
- 9 The Variance does not authorize a use that is not otherwise allowed in the RS (Residential Single-family) zoning district.
- 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 entryway 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 Alpine Meadows General Plan as single-family dwellings and associated accessory structures are permitted uses within both plan areas.
- 12. The Variance is the minimum departure from the requirements of the Ordinance necessary to grant relief to the applicant in that the proposed encroachment into the front setback comprises a total of 186 square feet.

Respectfully submitted,

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Allen Breuch

Supervising Planner

ATTACHMENTS:

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

cc: Michael J Johnson - Agency Director
Paul Thompson - Deputy Planning Director
Sharon Boswell - Engineering and Surveying Division
Justin Hansen - Environmental Health Services
Andy Fisher - Parks Department
Gerry Haas - Air Pollution
Karin Schwab - County Counsel's Office
Don Fulda representing the Property Owners Peck
Subject/chrono files



RECOMMENDED CONDITIONS OF APPROVAL – SUBDIVISION MODIFICATION - ALPINE MEADOWS UNIT NO. 11 "PECK RESIDENCE" (PSM 20120227)

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 2012 0227) is approved for a 15-foot front setback where 20-foot is required in order to construct an entry way to a new residence. The entry way is proposed on the parcel located at 1411 Juniper Mountain Road, Lot 18 (APN 095-460-020) as described within this staff report dated March 21, 2013 and as shown on the site plan, elevations, and floor plans
- 2. Prior to Building Permit issuance, the applicant shall prepare and submit to the Planning Department an exhibit map for a Notice of Map Modification to modify the building setback line for Lot 18, as shown on Alpine meadows Estates, Unit No. 11 Subdivision (Book J, Page 51, Sheet 4 of 8), and to conform with the approval of this application.
- 3. The Planning Director may authorize minor alterations to the approved plans and conditions of approval in accordance with Section 17.58.180(A) of the Zoning Ordinance. Major changes and alterations to the approved plans and conditions of approval shall be reviewed and approved by the Zoning Administrator in accordance with Section 17.58.180(B) of the Zoning Ordinance.
- 4. Prior to commencement of any work on site, the applicant shall obtain a building permit(s) for the construction of the entry way addition to a new residence. Complete building plans and engineering in accordance with the County Building Code will be required for the structure.
- 5. The applicant shall comply with any conditions imposed by California Department of Forestry or the serving fire district.
- 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

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fees awarded by a certain development project known as the <u>Peck Map Modification and Variance (PSM 2012 0227)</u>. 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.

- 7. Prior to Building Permit issuance, the applicant shall obtain from the Department of Public Works an encroachment permit for locating the proposed and existing structures within the existing snow storage easement. Said permit shall be in recordable form and hold Placer County harmless from any damage resulting to the structures.
- 8. Any windows of the proposed and existing structure(s) within the snow storage easement and facing south shall be tempered and/or wired safety glass or equivalent.
- 9. A portion of the proposed and existing structure(s) are affected by an existing 10' public utility easement and a 10' multipurpose easement (ref: Alpine Meadows Unit No. 11, recorded in Book J of Maps, Page 51). Prior to any Building Permit issuance, the applicant shall process an abandonment of the public's interest in the portion of the easements affected by this project (contact John Weber at DPW (530)745-7564).

EXERCISE OF PERMIT

10. The applicant shall have 24 months to exercise this Map Modification and Variance. Unless exercised, this approval shall expire on April 2, 2015.

