



COUNTY OF PLACER
Community Development/Resource Agency

PLANNING SERVICES
DIVISION

Michael J. Johnson, AICP
Agency Director

EJ Ivaldi
Deputy Planning Director

HEARING DATE: June 26, 2014
ITEM NO.: 1
TIME: 10:05 am

TO: Placer County Planning Commission
FROM: Development Review Committee
DATE: June 26, 2014
SUBJECT: WASHBURN RESIDENCE (FULTON ACRES #3)
SUBDIVISION MAP MODIFICATION (PSM 20140153)
CATEGORICAL EXEMPTION
SUPERVISORIAL DISTRICT 5, MONTGOMERY

COMMUNITY PLAN AREA: North Tahoe Community Plan

COMMUNITY PLAN DESIGNATION: Residential

ZONING: Plan Area Statement – 014 Cedar Flat Residential

ASSESSORS PARCEL NUMBER: 092-060-007

STAFF PLANNER: Steve Buelna, Supervising Planner

LOCATION: The project site is located at 758 Fulton Crescent Drive in the Fulton Acres #3 Subdivision in the North Tahoe Community Plan in the Cedar Flat area.

PROJECT APPLICANT: Gary Furumoto, Sagan Design Group, on behalf of Hanalee Washburn Trust

PROPOSAL: The applicant requests approval of a Subdivision Map Modification to the Fulton Acres #3 Final Map to modify the 20-foot front setback shown on Lot 189 to allow for a front setback of 14 feet, 6 inches to structure (11 feet to eaves) in order to permit the construction of the garage portion of a new single family dwelling.

CEQA COMPLIANCE:

This project is categorically exempt from environmental review pursuant to Section 15305 of the California Environmental Quality Act Guidelines and Sections 18.36.070 and of the Placer County Environmental Review Ordinance (Class 5 A.1, Minor Alterations in Land Use Limitations). The Planning Commission will be required to make a finding to this effect and a recommended finding for this purpose is included at the end 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. A public hearing notice was also published in the *Sierra Sun*. 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. Comments received have been addressed in the *Discussion of Issues* section of this report.

PROJECT DESCRIPTION:

The project is a modification to the Fulton Acres #3 Subdivision Final Map to modify the 20-foot mapped front setback to allow for a front setback of 14-feet 6-inches to structure (11 feet to eaves) in order to permit the construction of the garage portion of a new single family dwelling. The proposal is to construct a new single family dwelling with an attached garage towards the west of the subject property. This new residence will be accessed off the existing driveway serving the property to the northwest.

SITE CHARACTERISTICS:

The project site comprises 19,300 square feet, is currently undeveloped, and is located on the east side of Fulton Crescent, off of Summit Road, in the Cedar Flat area. The square shaped parcel has moderate to steep topography that slopes downward from the road to the east. The subject property is located in the area of Fulton Crescent Drive where a short section is unimproved, where the majority of either end of Fulton Crescent is paved. The subject property is surrounded by properties that are a mixture of older and more recently constructed residences.

EXISTING LAND USE AND ZONING:

Location	Zoning	North Tahoe Community Plan	Existing Conditions and Improvements
Site	PAS 014 Residential	Single-Family Residential, 1 unit per parcel	Undeveloped
North	PAS 014 Residential	Single-Family Residential, 1 unit per parcel	Undeveloped
South	PAS 014 Residential	Single-Family Residential, 1 unit per parcel	Developed with a single-family home
East	PAS 014 Residential	Single-Family Residential, 1 unit per parcel	Undeveloped
West	PAS 014 Residential	Single-Family Residential, 1 unit per parcel	Developed with a single-family home

DISCUSSION OF ISSUES:

Community Plan/Zoning Consistency

The project site is designated Residential in the North Tahoe Community Plan and is zoned Plan Area Statement 014 – Cedar Flat Residential. Home sites in the remainder of the subdivision include these same land use classifications. The Fulton Acres #3 Subdivision is typical of other developed subdivisions in the North Tahoe Community Plan area in that the subdivisions date around the late 1950's and 1960's and predominantly include lot sizes averaging approximately 0.25 to 0.50-acres on moderate to steeply sloping terrain.

The Final Map for the Fulton Acres #3 Subdivision was recorded in July of 1958. A 20-foot front setback was recorded on the Final Map for all the lots within the subdivision. Due to the steep terrain, geologic conditions, existing vegetation and abundant snowfall in the Tahoe area, homes are typically built close to the front property boundary as a means to limit site disturbance, enable direct access to the home, and to limit the amount of winter time snow removal and snow management required to maintain vehicular and pedestrian access. In reviewing this request, the DRC determined that the proposed encroachment of a portion of the garage into the front setback on Lot 189 would result in a minimal departure from the development standards. The DRC further determined that the proposed residence and attached garage would be consistent with other developed properties in the immediate vicinity and that it would not diminish or detract from the character of the neighborhood. There are a number of other properties in the neighborhood that have been granted relief from the mapped setback to construct portions of structures within the front setback such as garages, elevated parking structures, decks, and portions of residences.

Exceptions to Setback

The Placer County Zoning Ordinance contains a provision to allow for relief from setbacks in certain instances such as steep topography. Section 17.54.140.A.2.b allows for a reduction in the front setback for parking when the slope of the parcel exceeds 20 percent for the portion of the property between the edge of traveled way and the front property line. The subject property meets the provisions of this section. As such, no Variance is required for the garage portion of the structure that is located within the front setback area and the modification to the Final Map will be sufficient to allow for the project as proposed.

RECOMMENDATION:

Based on the analysis in this report, the Development Review Committee recommends that the Planning Commission **approve** the Subdivision Modification (PSM 20140153) to modify the 20-foot mapped front setback to allow for a front setback of 14-feet 6-inches (11 feet to eaves) in order to construct the garage portion of a new single-family, subject to the following findings and attached recommended Conditions of Approval (Attachment A).

FINDINGS:

CEQA:

1. The Planning Commission finds that this project is categorically exempt from review under CEQA pursuant to Section 15305 of the California Environmental Quality Act Guidelines and Sections 18.36.070 and of the Placer County Environmental Review Ordinance (Class 5 A.1, Minor Alterations in Land Use Limitations). Because the modification to the map to enable the garage portion to be closer to the front property line consistent with the allowances provided by the exceptions for slope in the Zoning Ordinance, the residence will not result in any environmental impacts.

Subdivision Modification:

2. The proposed Subdivision Modification does not significantly alter the design of the subdivision and will not affect the consistency of the Fulton Acres #3 Subdivision with the North Tahoe Community Plan in that parcels within close proximity of the subject parcel have been granted reduced setbacks for the construction of similar improvements within 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 modified conforms to Section 66474 of the Subdivision Map Act. The change in circumstance is that the front setback, together with the slope of the subject parcel significantly limits the potential for construction of the garage portion of a new single-family residence.
4. The project, with the recommended conditions, will be compatible with other single-family residential development in the neighborhood.
5. The project is physically suitable for the type and proposed density of the existing development. The development proposed is an addition to an existing second story deck. The project will not exceed the allowed density of one single-family dwelling per parcel of the Residential zoning district for the Fulton Acres #3 Subdivision.
6. Granting the Subdivision Modification will not be 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.

Respectfully submitted,

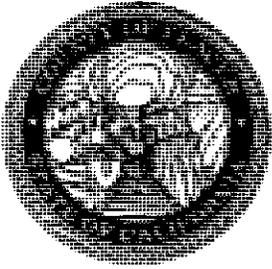


Steve Buelna
Supervising Planner

ATTACHMENTS:

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

cc: Gary Furumoto - Applicant
Michael Johnson, Agency Director
Paul Thompson, Assistant Agency Director
E.J. Ivaldi - Deputy Planning Director
Karin Schwab - County Counsel
Sharon Boswell - Engineering and Surveying Division
Environmental Health Services
Air Pollution Control District
Andy Fisher - Parks Department
David Boesch - CEO Office
Subject/chrono files



**CONDITIONS OF APPROVAL – FULTON ACRES #3
SUBDIVISION MODIFICATION "WASHBURN RESIDENCE" (PSM
20140153)**

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 a Subdivision Map Modification to the Fulton Acres #3 Final Map, Book F of Maps - page 32, to reduce the 20 foot mapped front setback on Lot 189 to allow for a front setback of 14 feet 6 inches measured from the front property line (11 feet to eaves) in order to permit the construction of the attached garage portion of a new single-family dwelling. The parcel, APN: 092-060-070, is located at 758 Fulton Crescent in Cedar Flat.

2. Prior to Building Permit issuance, the applicant shall record a Notice of Variance to Lot 189 of the Final Map for the Fulton Acres #3 Final Map. The Notice of Variance shall specify a 14 foot, 6 inch (11 foot to eaves) front setback along the Fulton Crescent Road property frontage. A copy of the recorded document shall be submitted to the Planning Services Division prior to Building Permit issuance.

3. 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 Washburn Map Modification Project PSM 20140153. 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)

4. The applicant shall have 24 months to exercise this Subdivision Map Modification. The project shall be considered exercised upon completion of the Notice of Variance, and approval of a foundation inspection for the residence. Unless exercised, this approval shall expire on July 7, 2016. (PD/ESD)

