



**COUNTY OF PLACER**  
**Community Development Resource Agency**

Michael J. Johnson, AICP  
Agency Director

**PLANNING**

E.J. Ivaldi, Deputy Director

**MEMORANDUM**

**Hearing Date: March 4, 2015**  
**Hearing Time: 2:30 PM**

**DATE:** February 25, 2015

**TO:** Zoning Administrator

**FROM:** Development Review Committee

**SUBJECT:** PLN 15-0005 – Variance to the allowable maximum Secondary Dwelling Floor Area square footage

**OWNER:** Cherryvale Holdings, LLC c/o: John and Jill Waid

**APPLICANT:** Ogilvy Consulting

**STAFF PLANNER:** Stacy Wydra, Senior Planner

**ZONING:** Plan Area Statement 021 – Tahoe Estates

**LOCATION:** 6229 North Lake Boulevard, Carnelian Bay

**APN:** 117-010-012-000

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**PROPOSAL:**

The applicant requests approval of a Variance to code section 17.56.200.E.1., of the Zoning Ordinance, to allow for a maximum floor area of 1,200 square feet for the existing Secondary Residential Dwelling unit where 840 square feet is the maximum allowed. Access to the project site is off of North Lake Boulevard in Carnelian Bay, California.

**CEQA COMPLIANCE:**

The proposed project has been deemed Categorical Exempt per Section 18.36.050 Class 3 A – “New construction or conversion of small structures” of the Placer County Environmental Review Ordinance and Section 15303 of the California Environmental Quality Act (CEQA). The exemption is applied to “construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel or to be associated with a

project within a two-year time period. Examples of this exemption include but are not limited to: one single-family residence or a second dwelling unit in a zone which permits residential uses.”

**DISCUSSION:**

***General Plan / Zoning Consistency:***

The project site is governed by the North Tahoe Area General Plan and is zoned Plan Area Statement (PAS) 021 – Tahoe Estates Residential. The Residential classification are areas that have the potential to provide housing for the residents of the Region. In addition, the purpose of this classification is to identify density patterns related to both the physical and manmade characteristics of the land and to allow accessory and nonresidential uses that complement the residential neighborhood. These lands include: (i) areas no developed for residential purposes; (ii) areas of moderate-to-good land capability; (iii) areas serviced by utilities; or (iv) areas of centralized location in close proximity to commercial services and public facilities. Single-Family residences and accessory uses such as secondary dwelling units are allowed uses.

***Background:***

This 1.1 acre split-lakefront parcel is located within the Agate Bay subdivision, spanning Highway 28 (North Lake Boulevard) in Tahoe Vista. The inland segment of the parcel is 2,388 square feet, with approximately 80 feet of frontage along Lake Tahoe. Moderately steep slopes, with open exposed talus, mixed conifers and shrubs, characterize the project site. The parcel currently has an approximately 2,295 square foot residence and approximately 2,389 square feet of residential accessory structures.

Based on historical research completed by David Herzog, Certified Engineering Geologist, this site was historically impacted during the construction of State Highway 28 in the 1930's and subsequent rock quarrying activity from the 1930's until the late 1960's when the Tahoe Marina Subdivision was established. This disturbance at the site created a cut slope at approximately the 6,260-foot elevation.

In 2009 an Administrative Approval was approved for relief from Section 17.56.180.C.8.a of the Placer County Zoning Ordinance to allow for the construction of the 2,389 square foot residential accessory structure where 1,600 square feet is the maximum. The residential accessory structure was approved for the second residence, not to exceed 840 square feet of floor space, with a garage and mechanical room below and attached stair/elevation tower and storage rooms associated with the main residence access was approved.

It was determined through the Administrative Approval that based on the size of the parcel, the sizes of the surrounding parcels, the setbacks in the vicinity of the expanded accessory structure, the proximity to adjoining structures, and the slope of the parcel warranted approval of the Administrative Approval. Relative to Section 17.60.105.A.5. of the Zoning Ordinance, the Planning Director found that the property is proportionately larger than the minimum parcel size upon which the standard is based and the property is located in an area of generally larger (than the minimum) parcel and the larger accessory building has setbacks which are proportionately greater than the minimum.

***Proposal:***

The proposed project consists of an addition to the existing floor area of the secondary dwelling unit/garage structure. This remodel will convert the existing attic to a second

bedroom and a loft/living area. Access will be provided from a new, interior spiral staircase located on the second level. The addition will not result in any changes to the exterior or the height of the secondary dwelling unit, however it will add approximately 360 square feet of livable area, resulting in the total area of the secondary residence to 1,200 square feet. Per Section 17.56.200.E.1 the proposed floor area of the Secondary Dwelling will be 360 square feet over the maximum allowed 840 square feet for a parcel between one (1) and 2.29 acres.

The additional 360 square feet of floor space brings the total secondary dwelling floor area to 1,200 square feet, which is the maximum allowable floor space for a parcel of 4.6 acres. The adjacent parcel to the west and north is approximately 10 acres with other parcels in the vicinity ranging from 1.2 to 12.3 acres. Based on the previously approved Administrative Approval the Planning Director it was determined “that this property is proportionately larger than the minimum parcel size upon which the standard is based and the property is located in an area of generally larger (than the minimum) parcel and the larger accessory building has setbacks which are proportionately greater than the minimum.” The maximum Secondary Dwelling floor area for parcels greater than 4.6 acres is 1,200 square feet for the and therefore, the proposed additional floor area is consistent with the previous finding.

### **RECOMMENDATION:**

Staff recommends the Zoning Administrator (ZA) determine the Variance for the project to be categorically exempt from the California Environmental Quality Act (CEQA). Staff recommends approval of the Variance (PLN 15-0005), allowing for the 360 square foot addition, to exceed the maximum secondary dwelling floor area for the existing Secondary Dwelling unit not to exceed 1,200 square feet based on the following findings and subject to the recommended conditions of approval.

### **FINDINGS:**

#### **CEQA COMPLIANCE:**

*Environmental Review / California Environmental Quality Act (CEQA):*

1. *This project is categorically exempt from the provisions of CEQA per Section 18.36.050 (Class 3.) Class 3 A – “New construction or conversion of small structures” of the Placer County Environmental Review Ordinance and Section 15303 of the California Environmental Quality Act (CEQA). Class 3 consists of “construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel or to be associated with a project within a two-year time period. Examples of this exemption include but are not limited to: one single-family residence or a second dwelling unit in a zone which permits residential uses.”. Furthermore, no trees are proposed to be removed nor any exterior modifications are proposed for the increased floor area of the secondary dwelling unit. The project will not threaten the habitat for endangered, rare or threatened species. Approval of the project would not result in significant effects relating to traffic, noise, air quality or water quality, and the site will continue to be served by public water and sewer. Therefore, based upon the above discussion staff concludes the above finding can be made and supported.*

#### **VARIANCE**

Approval or conditional approval of the Variance requests may be granted only when the Zoning Administrator first determines that the Variance satisfies the criteria set forth in California Government Code Section 65906 and those requirements of Sections 17.60.100, by finding that:

1. *There are special circumstances applicable to the property, including size, shape, 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 majority of the subject parcel consists of steep, exposed talus slopes, the lower segment of the parcel fronting State Route 28 (North Lake Boulevard), where the existing accessory structure is located contains the only significant stand of trees on the parcel. Based on the site constraints the property received an Administrative Approval (PAA 200900470 allowing for relief from the permitted size of a residential accessory structure from the 1,600 square feet (Section 17.56.180.C.8) on which the standard is based to 2,389 square feet for an increase of slightly less than 50%. The Planning Director found “that this property is proportionately larger than the minimum parcel size upon which the standard is based and the property is located in an area of generally larger (than the minimum) parcel and the larger accessory building has setbacks which are proportionately greater than the minimum.” This finding supports the special circumstance applicable to the property that the strict application of the Ordinance Section 17.56.200 would deprive the property of privileges enjoyed by other properties in the vicinity under identical zoning classification. 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 under Section 17.60.200.E.1 the maximum Secondary Dwelling floor area is 840 square feet for a parcel between one (1) acre and 2.29 acres is allowed. The adjacent parcel to the west and north is approximately 10 acres with other parcels in the vicinity ranging from 1.2 to 12.3 acres. Other lots in the vicinity are typical Tahoe Basin subdivision lots between 5,000 and 10,000 square foot for which the 840 square foot limitation is based. The size of the subject parcel is more consistent with its neighboring parcels. Per the same Placer County Ordinance the maximum floor area limitation for parcels greater than 4.6 acres is 1,200 square feet. Based on the size of the adjacent parcel the variance does not constitute a grant of special privileges inconsistent with limitation upon other properties in the vicinity and in the same zone district.*
3. *The Variance does not authorize a use that is not otherwise allowed in the zoning district in that the property is located within Plan Area Statement 021 Tahoe Estates where a Single-Family Dwelling is an allowed use. The accessory structure and secondary dwelling is allowed with the existing single-family dwelling. The proposed additional floor area does not change the use of the previously approved accessory structure and will continue to be consistent with the Single-Family Residential zoning district of the Placer County General Plan 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 additional floor space will be contained within the existing structure and within the confines of the subject parcel and will not encroach over the property lines. 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 Placer County General Plan, the North Tahoe Area General Plan and Plan Area Statement 021 Tahoe Estates in that second*

*dwelling residential units are allowed accessory uses to existing single-family residences and the Variance to allow for the additional floor space is supported by the additional findings described in this staff report.*

6. *The Variance is the minimum departure from the requirements of the maximum floor area permitted for Secondary Residential Units and is necessary to grant relief to the applicant in that the additional 360 square feet of floor space brings the total secondary dwelling floor area to 1,200 square feet, which the maximum allowable floor space for a parcel of 4.6 acres. The adjacent parcel to the west and north is approximately 10 acres. Other lots in the vicinity are typical Tahoe Basin subdivision lots between 5,000 and 10,000 square feet for which the 840 square foot limitation is based. The size of the subject parcel is more consistent with the larger neighboring parcels. The additional area is completely contained within the existing structure. There are no proposed changes to the footprint or elevation of the structure. The proposed additional 360 square feet of floor space is the minimum departure from the requirements of this ordinance necessary to grant relief.*

**STAFF SUMMARY AND RECOMMENDATION:**

As supported by the discussion and findings contained in this staff report, staff concludes that the findings to approve the Variance can be made for this project and that none of the findings to deny the Variance may be made.

Staff recommends the Zoning Administrator (ZA) approve the Variance Application No. PLN15-0005 as proposed based on the findings contained within this staff report and subject to the conditions of approval.

**ATTACHMENTS:**

Attachment A - Planning Services Division  
Attachment B - Engineering and Surveying Division  
Attachment C - Environmental Health Department  
Attachment D - Project Plans

cc: Engineering and Surveying  
Environmental Health Department  
File  
Owner  
Applicant

**PLANNING SERVICES DIVISION  
RECOMMENDED CONDITIONS OF APPROVAL  
VARIANCE – PLN15-0005  
WAID RESIDENCE – SECONDARY RESIDENTIAL DWELLING UNIT**

1. The Variance (PLN15-0005) is approved for the maximum floor area of 1,200 square feet for the existing Secondary Residential Dwelling unit accessory to the existing single-family residence located at 6229 North Lake Boulevard (APN 117-010-012) as described within this staff report and as described within the project description and as shown on the site plan, except as modified by the conditions of approval.
2. The effective date of approval shall be March 4, 2015, unless the approval is appealed to the Planning Commission. In accordance with Sections 17.58.140(D) and 17.58.160(B)(1) of the Zoning Ordinance, the approval of the variance shall be valid for twenty-four (24) months after its effective date. At the end of that time, the approval shall expire and become null and void unless the time limits of the minor use permit are extended per Section 17.58.160(B)(1).
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. The Secondary Residential Dwelling unit shall comply with the requirements of Section 17.56.200 of the Zoning Ordinance.
4. 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 Waid Residence – Secondary Dwelling Residential Unit PLN15-0005. 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 (County Counsel).



**COUNTY OF PLACER**  
**Community Development/Resource Agency**

Michael Johnson, AICP  
Agency Director

**ENGINEERING AND  
SURVEYING DIVISION**

Richard Eiri, Deputy Director

**MEMORANDUM**

**TO:** Stacy Wydra, Planning Services Division  
Nicole Hinkle, Planning Services Division

**DATE:** February 5, 2015

**FROM:** Ed Staniforth, Engineering and Surveying Division

**SUBJECT:** PLN15-00005: variance to increase the maximum secondary dwelling floor area;  
6229 North Lake Boulevard; Tahoe Vista; Waid; (APN: 117-010-012)

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The applicant requests approval for a variance to the maximum secondary dwelling floor area of 840 square feet to 1,200 square feet. The applicant is requesting to convert 360 square feet of existing attic space to living space. There are no exterior or other modifications to the existing dwelling being requested. The Engineering & Surveying Division (ESD) supports the Development Review Committee's recommendation for this Variance application with no conditions.



PLACER COUNTY  
DEPARTMENT OF PUBLIC WORKS

Ken Grehm, Director  
Peter Kraatz, Assistant Director  
Robert Costa, Deputy Director

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**TO: ED STANIFORTH, ESD** **DATE: February 19, 2015**

**FROM: AMBER CONBOY, DPW - Transportation**

**SUBJECT: TRAFFIC MITIGATION FEE: PLN 15-00005; NORTH LAKE BLVD;  
CARNELIAN BAY; WAID (APN 117-010-012)**

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This project requests approval to construct a 360 SF addition to an existing secondary residence; with the addition, the total SF will exceed the maximum secondary dwelling floor area allowed (17.56.202 Secondary Dwelling – Lake Tahoe Basin). This project will be subject to the payment of traffic impact fees that are in effect in this area (Tahoe District), pursuant to applicable Ordinances and Resolutions. The applicant is notified that the following traffic mitigation fee(s) will be required and shall be paid to Placer County DPW prior to issuance of any Building Permits for the project:

A) County Wide Traffic Limitation Zone: Article 15.28.010, Placer County Code

The current estimated fee is \$1,870.56. The fees were calculated using the information supplied. If either the use or the square footage changes, then the fees will change. The actual fees paid will be those in effect at the time the payment occurs.



## Placer County Health and Human Services Department

Jeffrey S. Brown, M.P.H., M.S.W.  
Department Director

Wesley G. Nicks, R.E.H.S.  
Environmental Health, Director

# MEMORANDUM

DEPARTMENT OF HEALTH & HUMAN SERVICES  
ENVIRONMENTAL HEALTH SERVICES

**To:** Zoning Administrator  
**From:** Justin Hansen  
Land Use and Water Resources Section  
**Date:** February 5, 2015  
**Subject:** PLN 15-00005, Waid, APN 117-010-012

Environmental Health Services has reviewed the above mentioned application for variance and has no comments or recommended conditions of approval.

*Perspective, Hope, and Opportunity*

