



COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

PLANNING

EJ Ivaldi, Deputy Director

Date: March 4, 2015
Time: 1:45 PM

DATE: February 20, 2015

TO: Zoning Administrator

FROM: Development Review Committee

SUBJECT: PLN15-00009 – Variance to Controlled Access, Zoning Ordinance Section 17.54.070.B (i.e. Requirement for Forward Facing Entry into Right of Way)

OWNER: Tahoe Truckee Investment, LLC.

APPLICANT: Tahoe Truckee Investments, LLC.

STAFF PLANNER: Heather Beckman, Assistant Planner

ZONING: Plan Area Statement 028 (Kings Beach Residential)

LOCATION: 8627 Trout Avenue, Kings Beach

APN: 090-124-016-000

PROPOSAL:

The project proposes to construct a new duplex at the subject site and requests approval of a Variance to Controlled Access requirement which calls for vehicles to exit a multi-family or commercial property in a forward facing direction (Section 17.54.070.B).

CEQA COMPLIANCE:

The Variance is categorically exempt from the provisions of CEQA per Section 18.36.050; Class 3A New Construction of the Placer County Environmental Review Ordinance (CEQA Guidelines Section 15303).

PROJECT DESCRIPTION:

The project proposes a 2,239 square foot duplex with a 479 square foot garage. A total of four onsite parking spaces (two for each unit) are required. The project proposes stacked parking for each unit, with one garage space and one uncovered driveway space for each. The proposal does not provide for maneuverability to enable vehicles to enter into roadway in a forward facing direction.

BACKGROUND/EXISTING CONDITIONS:

The project site is located at 8627 Trout Avenue of the Brockway Vista Subdivision in Kings Beach, California and is within Plan Area Statement 028 (Kings Beach Residential) zone district of the North Tahoe Community Plan. Multi-family dwellings are an allowed use for this Plan Area Statement at a maximum density of 15 units per acre. The proposed duplex meets these density requirements. The undeveloped 6,250 square foot parcel is directly adjacent to other multi-family residences. The parcel is flat and somewhat forested with native Jeffrey pine trees. The property is only 50 feet wide and therefore meets the Narrow Lot exception (Section 17.54.140.B.4) for reduced side setbacks that are reduced to 10 percent of the lot width, or in this case, five feet on each side. The required front setback is 45 feet from the centerline of the traveled way, and the rear setback is 10 feet from the property line.

ANALYSIS & DISCUSSION:

The small size and narrow width of the parcel presents practical limitations in terms creating enough onsite maneuverability to enable vehicles to enter the roadway in forward facing direction. There is insufficient land area to develop the duplex and a turn-around or hammerhead for vehicle maneuverability. If the Variance is approved, the proposed duplex will function like the surrounding single family residences which likewise back into the roadway. Multi-family residential projects are an allowed use for this area, and it can be determined that proposed project does not grant a special privilege or pose a detriment to the surrounding neighborhood and streetscape.

Based upon these circumstances, which provide support to allow for vehicles to back into the roadway, it can be determined that there will be no significant impacts created should the Variance be approved.

RECOMMENDATION:

Staff recommends the Zoning Administrator find the project to be categorically exempt from the California Environmental Quality Act (CEQA) and approve the Variance. Specifically the Variance waives the Controlled Access requirement (Section 17.54.070.B) and allows vehicles to back into the roadway from this multi-family development based on the following findings and subject to the recommended conditions of approval (Attachment A).

FINDINGS:

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:

CEQA COMPLIANCE - VARIANCE:

Environmental Review / California Environmental Quality Act (CEQA):

1. *This project is categorically exempt from the provisions of CEQA per Section 18.36.050, A (Class 3) [New Construction] of the Placer County Environmental Review Ordinance, October 4, 2001. Class 3 consists of construction and location of limited numbers of new, small facilities or structures, including but not limited to accessory structures including garages. The project will not create a significant impact to the surrounding properties, structures, or public.*

VARIANCE

1. *There are special circumstances applicable to the property including the small size and narrow width which limit the land area that is needed to create vehicle maneuverability (e.g. turn around or hammerhead) to allow for forward facing entry into the roadway. Because of such circumstances, the strict application of this chapter would deprive the property of privileges enjoyed by other properties in the vicinity and 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 multi-family development is an allowed use within and is in keeping with the residential development in the general vicinity. The proposed duplex will function like the surrounding single family residences which likewise back into the roadway.*
3. *The Variance does not authorize a use that is not otherwise allowed in the zoning district in that multi-family developments are an allowed accessory use within the PAS 028 King Beach Residential zoning district and the North Tahoe Community 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. This requirement was intended for larger commercial parking lots and developments. Based on the proposed use and insignificant traffic flow, staff concludes the proposed design will not create a safety risk.*
5. *The Variance is consistent with the intent of the Placer County General Plan and the Residential Zoning District in that multi-family developments are an allowed use and that backing into the roadway is in keeping with the neighborhood function as was supported by the additional findings described in this staff report.*
6. *The Variance is the minimum departure and is necessary to grant relief to the applicant in that the small size and narrow width of the parcel does not provide enough land area to allow for sufficient vehicle maneuverability for forward facing entry into the roadway; thus the Variance allowing for vehicles to back into the roadway is the only means to enable development of the duplex.*

ATTACHMENTS:

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

**PLANNING DEPARTMENT
RECOMMENDED CONDITIONS OF APPROVAL
APPLICATION NO. PLN15-00009
8627 TROUT AVENUE
TAHOE TRUCKEE INVESTMENTS LLC VARIANCE**

1. The Variance (PLN15-00009) is approved to waive the Controlled Access regulation (which requires vehicles exiting a multi-family or commercial property to enter into roadway in a forward facing direction) for the proposed duplex located at 8627 Trout Avenue in the Kings Beach area of California, APN 090-124-016 and as shown on the submitted site plan and project description on file in the Community Development Resource Agency, 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 Section 17.58.140(D) and 17.58.160(B)(1) of the Zoning Ordinance, the approval of the Variance shall be valid for 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 Variance are extended per Section 17.58.160(B) of the Zoning Ordinance.
3. Prior to grading permit issuance and/or building permit issuance and/or occupancy approvals, the applicant shall comply with any conditions imposed by CDF or the serving fire district.
4. Prior to Building Permit issuance the applicant shall complete a Voluntary Merger for the two legal lots of record.
5. Construct a public road entrance/driveway onto Trout Avenue to a Plate R-18, LDM standard. The design speed of the roadway is 25 mph. The applicant or authorized agent shall obtain an Encroachment Permit from the Placer County Department of Public Works (DPW). The road on the project's frontage shall be widened to the total amount indicated in the highway plan (24' for Trout Avenue), as measured from the inside/northern edge of the existing pervious concrete shoulder on the south side of Trout Avenue.
6. Prior to Building Permit issuance, dedicate to Placer County a 20' wide snow storage easement along the property frontage on Trout Avenue. The County Surveyor will prepare the Snow Storage Easement document. The document can be obtained by contacting the ESD. Prior to Building Permit issuance, the easement paperwork must be signed and notarized, and returned to the County.
7. Prior to Building Permit issuance, obtain a Grading Permit for any excavation/grading work in excess of 3 cubic yards in volume.
8. Prior to issuance of any Building Permits, this project shall be subject to the payment of traffic impact fees that are in effect in this area (Tahoe Benefit District), pursuant to applicable Ordinances and Resolutions. The applicant is notified that the following traffic mitigation fee(s) shall be required and shall be paid to Placer County DPW:
 - a. County Wide Traffic Limitation Zone: Article 15.28.010, Placer County Code

The current total combined estimated fee is \$8,063.74. The fees were calculated using the information supplied. If the use or the square footage changes, then the fees will change. The actual fees paid shall be those in effect at the time the payment occurs.

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 Tahoe Truckee Investments LLC Variance Project PLN15-00007. 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 OF PLACER
Community Development/Resource Agency

Michael Johnson, AICP
Agency Director

**ENGINEERING AND
SURVEYING DIVISION**

Richard Eiri, Deputy Director

MEMORANDUM

TO: Heather Beckman, Planning Services Division
Nicole Hinkle, Planning Services Division

DATE: Feb. 5, 2015

FROM: Andy Deinken, Engineering and Surveying Division

SUBJECT: PLN15-00009: variance to vehicle egress requirements; 8627 Trout Avenue; Kings Beach; Tahoe Truckee Investments (Williams); (APN: 090-124-016)

The applicant proposes to construct a new residential duplex at 8627 Trout Avenue in Kings Beach. The applicant requests relief from Section 17.54.070(B) of the Zoning Ordinance, which states *“All parking spaces (including garage spaces) required for any land use other than a single-family dwelling shall be designed and located to enable the maneuvering of vehicles on the site so that they may leave the building site to enter any public or private road in a forward direction.”* The Engineering & Surveying Division (ESD) supports the Development Review Committee’s recommendation for this Variance application subject to the following conditions:

1. Construct a public road entrance/driveway onto Trout Avenue to a Plate R-18, LDM standard. The design speed of the roadway is 25 mph. The applicant or authorized agent shall obtain an Encroachment Permit from the Placer County Department of Public Works (DPW). The road on the project’s frontage shall be widened to the total amount indicated in the highway plan (24’ for Trout Avenue), as measured from the inside/northern edge of the existing pervious concrete shoulder on the south side of Trout Avenue.
2. Prior to Building Permit issuance, dedicate to Placer County a 20’ wide snow storage easement along the property frontage on Trout Avenue. The County Surveyor will prepare the Snow Storage Easement document. The document can be obtained by contacting the ESD. Prior to Building Permit issuance, the easement paperwork must be signed and notarized, and returned to the County.
3. Prior to Building Permit issuance, obtain a Grading Permit for any excavation/grading work in excess of 3 cubic yards in volume.



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 3, 2015

Subject: **PLN 15-00009, Tahoe Truckee Investments, APN 090-124-016**

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

Perspective, Hope, and Opportunity

