

FROM THE MINUTES OF JULY 12, 2007

11. TENTATIVE SUBDIVISION MAP (Public Hearing)

TM91-1239C/Serrano/Village H, Unit 3, Lot 117, submitted by JOHN and PATRICIA GRIGSBY for a map correction to the recorded final map to remove the recorded vehicular access restriction adjacent to Gresham Drive to allow for a secondary driveway. The property, identified by Assessor's Parcel Number 123-110-22, consisting of 0.95 acre, is located on the east side of Gresham Drive, approximately 600 feet northwest of the intersection with Bent Creek Court, in the **El Dorado Hills area**, Supervisorial District I. (Statutorily exempt pursuant to Section 15268(b)(3) of the CEQA Guidelines)

Staff: Gina Hunter introduced Patricia Kelly who presented the item and recommended conditional approval.

Kirk Bone represented the applicant. They are in agreement with the staff report. They concur with all the recommendations.

There was no one else in the audience wishing to give input.

Commissioner Mathews asked if the owner will be able to build a granny flat. A gentleman in the audience said there would be no room for additional building.

Commissioner Machado commented the driveway seems to be almost on the property line. The gentleman from the audience said that is because of the slope.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MATHEWS AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, MATHEWS, AND KNIGHT; ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS CERTIFY THE PROJECT IS STATUTORILY EXEMPT FROM THE REQUIREMENTS OF CEQA PURSUANT TO SECTION 15268 (b) (3) AND APPROVE TM91-1239C, SUBJECT TO THE CONDITIONS AND BASED ON THE FINDINGS PROPOSED BY STAFF.

Conditions

1. This subdivision map correction is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibit E (Site Plan Map) dated July 12, 2007, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

A map correction to the recorded final map for Serrano Village H, Unit 3, Lot 117, to allow removal of the portion of the recorded vehicular access restriction from Gresham Drive that is adjacent to the westerly boundary of Lot 117 to allow for a secondary access. The balance of the easements would remain as recorded. Those easements include a 5-foot postal easement, 10-foot drainage and public utility easements and 20 foot slope easement. Lot 118 adjoins to the north and is under the same ownership but it is not encumbered by a recorded vehicular access restriction.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structure, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased, or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

2. Pursuant to Resolution No. 240-93, a \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption. This fee must be delivered to the El Dorado County Planning Services Department within 60 days of the approval of this application by the El Dorado Board of Supervisors.
3. The property owners are responsible for all associated processing and recording fees. Applicant shall file a Certificate of Correction with the El Dorado County Surveyor's Office pursuant to the Subdivision Map Act and County Code for review and approval prior to recordation at the County Recorders Office. The property owners are responsible for all associated processing and recording fees.
4. The driveway access off of Gresham Drive shall be designed to a slope of 20 percent or less and shall serve one single family dwelling only. Verification of the driveway slope shall be made by Planning Services prior to issuance of a building permit.
5. A deed restriction shall be recorded on the property along the entire frontage of Gresham Drive to maintain a minimum sight distance for access to the subject property. The restriction shall limit the height of landscaping or any other obstruction to a maximum height of six (6) inches above the existing ground and shall be confined to the remaining right-of-way behind the curb and gutter and the 20-foot wide slope easement along Gresham Drive. A copy of the deed restriction shall be provided to Planning Services prior to issuance of a building permit.
6. Prior to issuance of a building permit the applicant shall pay all Development Services fees.
7. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs

County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

Findings

1.0 CEQA

- 1.1 This project has been found to be Statutorily Exempt from the requirements of CEQA pursuant to Section 15268(b) (3) of the CEQA Guidelines stating that in the absence of any discretionary provision contained in the local ordinance or other law establishing the requirements for the permit for use approval of a final subdivision map shall be resumed to be ministerial.

2.0 ADMINISTRATIVE

2.1 General Plan

A finding can be made that the proposed use is consistent with the policies in the County General Plan as the single family residence is a permitted use in the Serrano El Dorado Hills Area Plan

2.2 Zoning Ordinance

The project is consistent with the One-family Residential-Planned Development (R1-PD) Zone District. No new conflicts with setbacks or easements relative to structures under construction or any other development standard or requirements of the Zoning Ordinance would be created by the elimination of the vehicular access restriction as proposed by this project. A finding can be made that the proposed use is consistent with the County Zoning Ordinance.

2.3 Subdivisions Ordinance

- A. That there are changes in circumstances which make any or all of the conditions of such a map no longer appropriate or necessary.

The vehicular access restriction was placed as a strict interpretation of the Design and Improvement Standards Manual, Section 2, Subsection B8, which discusses double frontage lots, when Village H was initially designed. The steepness of Lot 117 warrants a double frontage encroachment.

The Department of Transportation (DOT) has reviewed the application to remove a vehicular access restriction along Gresham Drive. The DOT supports the removal of this vehicular access restriction provided the applicant shall place a deed restriction on this property along the entire frontage of Gresham Drive to maintain minimum sight distance for access to this site This restriction shall limit the height of landscaping, or any other obstruction, to a maximum height of six

(6) inches above the existing ground and shall be confined to the remaining right of way behind the curb and gutter and the 20-foot wide slope easement along Gresham Drive.

The encroachment, to access this site off Gresham Drive, shall meet the provisions of El Dorado County Standard Plan 104A-1.

- B. That the modifications proposed did not impose any additional burden on the present fee owner of the property.

The removal of the vehicular access restriction would benefit the current owner and would not impose any additional burden.

- C. That the modifications proposed do not alter any right, title or interest in the real property reflected in the recorded map.

The removal of the vehicular access restriction will not impact the use of Grisham Road (a private road) as access to the property will be maintained and all other easements will remain as originally approved.

- D. That the map as modified conforms to the provisions of Section 66474 of the Government Code.

The request to remove the vehicular access restriction is consistent with the policies in the El Dorado Hills Specific Plan

2.4 Section 66474

- (a) That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans as specified in Section 65451.

The removal of the vehicular access restriction is consistent with the El Dorado Hills Specific Plan which includes text and diagrams as required under Section 65451.

- (b) That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.

The request to remove the vehicular access restriction is consistent with applicable policies in the El Dorado Hills Specific Plan.

- (c) That the site is physically suitable for the proposed type of development.

The site is suitable for the density of the development because the property is zoned one-family residential/planned development district. The request to remove

the access restriction easement does not affect the density allowed in the Serrano El Dorado Hills Area Plan.

- (d) That the site is physically suitable for the proposed density of development.

The site is suitable for the density of the development because the project site is zoned one-family residential/planned development zone district. The request to remove the vehicular access restriction does not affect the density allowed in the Serrano El Dorado Hills Area Plan.

- (e) That the design of the subdivision or type of improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The removal of the vehicular access restriction will not cause substantial environmental damage or substantially injure fish or wildlife or their habitat because this a request for a Map Correction of the recorded Final Map for Serrano Village H, Unit 3, and does not include any construction or grading activities.

- (f) That the design of the subdivision or type of improvements will not cause serious public health problems.

The removal of the vehicular access restriction will not result in or cause a serious health problem because this is a request for a Map Correction of a recorded Final Map for Serrano Village H, Unit 3, and does not include any construction or grading activities.

- (g) Design of the subdivision or the type of improvements will not conflict with the easements acquired by the public at large, for access through or use of property within the proposed subdivision.

The removal of the vehicular access restriction will not impact the use of Grisham Road, (a private road) as access to the property will be maintained and all other easements will remain as originally approved.

The action today can be appealed to the Board of Supervisors within ten working days.