

**EL DORADO COUNTY
PLANNING AND BUILDING DEPARTMENT
PLANNING COMMISSION
STAFF REPORT**



Agenda of:

November 9, 2023

Staff:

Matthew Aselage

CONDITIONAL USE PERMIT

FILE NUMBER: CUP22-0015/Farrell Nonconforming Use (New Build)

APPLICANT/OWNER: Tom Farrell

ARCHITECT/AGENT: Real Engineering, Inc. c/o Seth Real

REQUEST: Conditional Use Permit for expansion of a nonconforming use consisting of the development and ongoing use of a set of residential accessory structures including the following: an 854-square-foot-pool house, a 120-square-foot addition to the existing residence, an attached 322-square-foot patio cover off the existing master bedroom, an attached 485-square-foot patio cover off the existing living room, and an attached 670-square-foot patio cover off the back of the house.

LOCATION: On the west side of El Dorado Road, approximately 385 feet west of the intersection with Altos Drive, in the El Dorado – Diamond Springs Community Region, Supervisorial District 3 (Exhibit A).

APN's: 329-040-041 (Exhibit B)

ACREAGE: 9.43 acres

GENERAL PLAN: Multi Family Residential (MFR) (Exhibit C)

ZONING: Multi-Unit Residential (RM) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Categorically Exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to CEQA Section 15303 (New Construction or Conversion of Small Structures).

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

1. Certify Conditional Use Permit CUP22-0015 exempt from CEQA pursuant to CEQA Section 15303 (New Construction or Conversion of Small Structures); and
2. Approve Conditional Use Permit CUP22-0015, based on the Findings and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY

The proposed project includes a Conditional Use Permit (CUP) request for expansion of a nonconforming use consisting of the development and ongoing use of a set of residential accessory structures including the following: an 854-square-foot-pool house, a 120-square-foot addition to the existing residence, an attached 322-square-foot patio cover off the existing master bedroom, an attached 485-square-foot patio cover off the existing living room, and an attached 670-square-foot patio cover off the back of the house. The proposed project would not result in changes to site access, circulation, or utility service requirements.

BACKGROUND/HISTORY/EXISTING CONDITIONS/SITE CHARACTERISTICS

The project parcel is currently developed with a single-family residence which was approved in June 2005 per Building and Grading Permit Numbers 162787, 163402, and 163403. Since the residence was constructed an in-ground pool was constructed in September 2022 per Building Permit Number 356015. There has been no additional development on site since construction of the in-ground pool.

The project parcel includes a nonconforming use per the current zoning ordinance as applied. The parcel is within the RM zone district which does not provide an allowance for single-family residential development without approval of a Development Plan. The single-family residence was approved under a prior Zoning Ordinance which allowed for single-family residential development on the project parcel.

The project parcel consists of approximately 9.43-acres of land previously graded and developed with a single-family residence. Prior grading has resulted in a relatively flat area where the existing residence sits as well as within the immediate area of the residence. The proposed project proposes to construct accessory structures in the previously leveled portions of the project parcel. On the project parcel, but beyond the existing leveled portion, there is a decline in elevation to the east and west; there is an incline in elevation along the southern property line. The surrounding properties to the north, east, and west are within the RM zone district and have been developed; properties to the south are within the One-Acre Residential (R1A) zone district and are developed (Exhibit D).

PROJECT DESCRIPTION

The proposed project includes a CUP request to expand a nonconforming use consisting of the development and ongoing operation the development and ongoing use of a set of residential accessory structures including the following: an 854-square-foot-pool house, a 120-square-foot

addition to the existing residence, an attached 322-square-foot patio cover off the existing master bedroom, an attached 485-square-foot patio cover off the existing living room, and an attached 670-square-foot patio cover off the back of the house. The proposed project would not result in changes to site access, circulation, or utility service requirements. The proposed project would result in minimal grading and no trees are proposed for removal.

ANALYSIS

General Plan Consistency: The project is consistent with all applicable General Plan policies including Policy 2.2.1.2. (Residential Land Use Designation), Policy 2.2.5.2 (General Plan Consistency), Policy 2.2.5.21(compatibility with adjoining land uses), TC-Xa (Indefinite Transportation and Circulation Policies), Policy TC-Xb (Available Roadway Capacity), Policy TC-Xc (Developer Traffic Impact Fees), Policy TC-Xd (Level of Service), Policy TC-Xe (Impact of Increased Project Trips), Policy TC-Xf (Conditions for Worsened Circulation Impacts), Policy TC-Xh (Traffic Impact Fees), Policy TC-Xi (U.S. Highway 50 Capacity), Policy 5.1.2.1 (adequacy of public services and utilities), Policy 5.2.1.2 (adequate quantity and quality of water for all uses, including fire protection), Policy 5.7.2.1 (fire protection in Rural Centers and Rural Regions), Policy 6.2.3.2 (adequate access for emergencies), and Policy 7.4.4.4 (Oak Resources Impacts). Further details are discussed in the Findings section.

Zoning Ordinance Consistency: Staff has determined that the proposed project, as conditioned, is consistent with all applicable standards and requirements of Title 130 of the County Ordinance Code (Zoning Ordinance). The project parcel is within the RM zone district, and the project has been analyzed in accordance with all applicable development standards for this zone district. The project parcel includes a nonconforming use developed under a prior Zoning Ordinance. Staff has determined the project is consistent with the required Findings for an expansion to nonconforming uses as discussed in the Findings section.

AGENCY COMMENTS:

The project was distributed to all applicable local, County, and state agencies for review and comment. Comments were received from the County Surveyor's office, the Air Quality Management District, and Pacific Gas and Electric. None of these agencies expressed any issues or concerns regarding this project and presented standard Conditions of Approval per their individual regulations.

ENVIRONMENTAL REVIEW:

Staff has reviewed the project per the requirements of CEQA and has determined the project to be exempt from CEQA Guidelines pursuant to CEQA Section 15303.e (New Construction or Conversion of Small Structures) which includes, "Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences." Each of the structures as proposed would be considered accessory structures to the primary residential use of the site. Therefore, the project is consistent with this exemption from CEQA Guidelines.

Filing of a Notice of Exemption is required in accordance with CEQA Guidelines Section 15062 to initiate a 35-day statute of limitations on legal challenges to the County’s decision that the project is exempt from CEQA. The applicant shall submit a \$50.00 recording fee to Planning Services in order for the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments to Staff Report:

Findings
Conditions of Approval

Exhibit A.....Location/Vicinity Map
Exhibit B.....Assessor’s Parcel Map
Exhibit C.....General Plan Land Use Map
Exhibit D.....Zoning Map
Exhibit E.....Project Plan Sheets