

**FROM THE PLANNING COMMISSION MINUTES OF FEBRUARY 10, 2011**

**9. REZONE/TENTATIVE MAP**

**Z10-0006/TM10-1497/Diamond View Estates** submitted by JEANNIE LLEWELLYN/HABENARIA REPENS LLC, TIM VI TRAN/IVY RE INVESTMENTS LLC, and LIN YANG/BLOOMFIELD BUSINESS LLC (Agent: Larry Patterson/Patterson Development) to rezone an approximately two-acre portion of the 30.95-acre parcel from One-Family Residential–Planned Development, (R1–PD) to One-Acre Residential (R1A); Tentative Subdivision Map to create 26 single-family residential lots ranging in size from 1 to 1.7 acres; and Design Waiver request to allow a driveway standard and no roadway frontage for access for Lot 17. The property, identified by Assessor’s Parcel Number 329-201-65, consisting of 30.95 acres, is located on the south side of Turbo Lane, approximately 200 feet southwest of the intersection with Forni Road, in the Diamond Springs area, Supervisorial District III. [*Project Planner: Tom Dougherty*] (Mitigated negative declaration prepared)\*

Tom Dougherty presented the item to the Commission with a recommendation of approval to the Board of Supervisors. He discussed in detail Exhibit F and stated that the public comments received were regarding Lot 16. Mr. Dougherty also referenced two Staff Memos that were submitted to the Commission: (1) Staff Memo dated January 28, 2011 regarding a correction to the Environmental Checklist/Discussion of Impacts; and (2) Staff Memo dated February 8, 2011 regarding a revision to DOT Condition #27.

David Howell stated that his parents and he had purchased the old Gage property approximately 5-6 months ago, which is adjacent to Lot 16, and they were very concerned with the proposed location of the access road. As proposed, the road would go between the homes and be located approximately 50-60 feet from a bedroom window. Mr. Howell had been informed that the applicants had been in discussion with the previous owners in obtaining an easement on the lower end of the property for the access road and that location would be the Howell’s preference. He did explain that they had not spoken with the applicant or applicant’s agent as they were unsure what their next steps should be.

Tim Vi Tran/applicant stated that they had explored the option of obtaining an easement on the Gage’s property but issues had arisen and would have to defer to his agent to provide a better explanation. He further said that extra studies had been conducted on the road placement and they felt that the proposed road location was the best solution for the community and the existing homes as it had the least amount of disturbance.

Larry Patterson/applicant’s agent provided a brief history on the access road location, explaining that the project had been originally designed as it is being proposed today, but there had been discussions with the Gage’s in obtaining an easement and, as such, the project had been re-designed. However, when the Gage’s declined the easement, the project was again re-designed to utilize the existing easement. Mr. Patterson also explained that the previous alternative would have required easements being obtained from other property owners and there had been no forward progress made in that area.

Claudia Wade/DOT indicated that their preference is for roadways to align but the sight distance condition addresses any safety concerns.

Commissioner Rain was in favor of moving forward as presented.

Commissioner Mathews stated that although he understood the Howell's concerns, the project, as designed, made sense. He recommended that the Howell's meet with Mr. Patterson and their Board Supervisor to discuss their concerns further.

No further discussion was presented.

**Motion: Commissioner Rain moved, seconded by Commissioner Pratt, and carried (4-0), to recommend the Board of Supervisors take the following action: 1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff with the corrections in "Evaluation of Environmental Impacts" section as identified in the Staff Memo dated January 28, 2011; 2. Adopt the mitigation monitoring program in accordance with CEQA Guidelines, Section 15074(d), as incorporated in the Conditions of Approval as presented; 3. Approve Rezone Z10-0006 based on the Findings as presented; 4. Approve Tentative Map TM10-1497 based on the Findings and subject to the Conditions of Approval as modified: (a) Amend Condition #27 as identified in the Staff Memo dated February 8, 2011; and 5. Approve the request for a Design Waiver to allow a driveway standard and no roadway frontage for access for Lot 17.**

**AYES: Mathews, Pratt, Rain, Heflin**  
**NOES: None**  
**ABSENT: Tolhurst**