

**COUNTY OF EL DORADO DEVELOPMENT SERVICES  
PLANNING COMMISSION  
STAFF REPORT**



**Agenda of:** November 12, 2015

**Staff:** Joe Prutch

**REZONE/PARCEL MAP**

**FILE NUMBER:** Z15-0001/P15-0001/Dryden

**APPLICANTS:** John and Kirsten Dryden

**AGENT:** Ogilvy Consulting, Ed Lupyak

**REQUEST:** The proposed project consists of the following requests:

1. Rezone from Tahoe Commercial (CT) to Tahoe One-family Residential (TR1) to align with the TRPA's Plan Area Statements 148 and 150 boundaries and proposed property boundaries;
2. Tentative Parcel Map to create four parcels, three commercial lots (Lot 1 is 0.34 acre, Lot 2 is 0.42 acre, and Lot 3 is 0.45 acre) and one single-family residential lot (Lot 4 is 15.42 acres), from a 16.63 acre parcel; and
3. Design Waivers of the following El Dorado County Design and Improvement Standard Manual (DISM) road standards:
  - a. Roadway width minimum of 18 feet per Standard Plan 101C to be reduced to 12 feet for connecting road to proposed Lots 1, 2, and 4;
  - b. Right of way width minimum of 50 feet per Standard Plan 101C to be reduced to 20 feet for connecting road to proposed Lots 1, 2, and 4;
  - c. Roadway structural requirement of 2.5 inches of hot mix asphalt over 6 inches of class 2 aggregate base per Standard Plan 101C to be waived; and
  - d. The requirement for a fire turnout on Lot 4 per El Dorado County Standard Plan to be waived.

**LOCATION:** On the west side of Highway 89, approximately 0.5 mile north of Bayview Drive, in the Meeks Bay area of Lake Tahoe. Supervisorial District 5 (Exhibit A).

**APN:** 016-410-10 (Exhibit B)

**PARCEL SIZE:** 16.63 acres

**GENERAL PLAN:** Adopted Plan (AP) - Tahoe Regional Plan, Plan Area Statements 148 (Meeks Creek) and 150 (Meeks Bay) (Exhibit C and C-1)

**ZONING:** Tahoe One-family Residential (TR1) & Tahoe Commercial (CT) (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Negative Declaration

**RECOMMENDATION:** Staff recommends the Planning Commission forward a recommendation to the Board of Supervisors to take the following actions:

1. Adopt the Negative Declaration, based on the Initial Study prepared by staff;
2. Approve Rezone Z15-0001 based on the Findings;
3. Approve Tentative Parcel Map P15-0001 based on the Findings and subject to the Conditions of Approval as presented; and
4. Approve the following Design Waivers from the Design and Improvement Standards Manual (DISM) as the Findings could be made:
  - a. Roadway width minimum of 18 feet per Standard Plan 101C to be reduced to 12 feet for connecting road to proposed Lots 1, 2, and 4;
  - b. Right of way width minimum of 50 feet per Standard Plan 101C to be reduced to 20 feet for connecting road to proposed Lots 1, 2, and 4;
  - c. Roadway structural requirement of 2.5 inches of hot mix asphalt over 6 inches of class 2 aggregate base per Standard Plan 101C to be waived; and
  - d. The requirement for a fire turnout on Lot 4 per El Dorado County Standard Plan to be waived.

## **PROJECT DESCRIPTION**

Staff has reviewed the project for compliance with the County's and Tahoe Regional Planning Agency's (TRPAs) regulations and requirements. An analysis of the Rezone and Tentative Parcel Map request and issues for Planning Commission consideration are provided below.

1. **Rezone:** Rezone of property from Tahoe Commercial (CT) to Tahoe One-family Residential (TR1) to align with the TRPA's Plan Area Statements 148 and 150 boundaries (Exhibit E). This will assure that the County's TR1 and CT Zoning Districts align with those boundary lines of the Plan Area Statements. The CT Zoning District would decrease from 9.14 to 1.22 acres (7.92 acre loss) while the TR1 Zoning District would increase from 7.49 to 15.41 acres (7.92 acre gain). No new zoning districts would be established.
2. **Tentative Parcel Map:** Tentative Parcel Map to create four parcels: (three commercial) lot one is 15,033 square feet (0.34 acres), lot two is 18,118 square feet (0.42 acres), lot three is 19,842 square feet. (0.45 acres), and (one residential) lot four is 671,604 square feet (15.42 acres). The

proposed property line between the commercial and residential lots would coincide with the proposed rezone boundary. The Tentative Map includes a 20 foot access easement over the length of the property fronting Highway 89 and a 20 foot wide access and utility easement centered over the boundary line shared between Lots 1 and 2 (Exhibit F). No development is proposed, however, the three commercial buildings are planned to be demolished at a later date.

3. **Design Waivers:** Four design waivers of the County Design and Improvement Standards Manual (DISM) to: 1) reduce the road width; 2) reduce the right-of-way width; 3) omit the requirement to construct the road with 2.5 inches of asphalt over 6 inches of aggregate base; and 4) omit the requirement for a fire turnout.

**Site Description:** The elevation of the project site ranges from 6,240 to 6,420 feet above sea level with a slope generally falling from southeast to northwest. The habitat is mostly pine trees with a variety of other understory plant species and grasses. There is no creek traversing the property or standing water. There are three dilapidated commercial buildings, none of which are in use, a single-family residence, and an accessory building. Within the parcel boundaries are three in-holdings, each containing a residential unit, that are under separate ownership and not part of this project. Access to the parcel is from an existing half circle driveway at Highway 89 and a 12 foot driveway to the residence. This driveway also traverses beyond the residence to two of the in-holding residential dwellings and a Tahoe City utility building. The third in-holding residence has its own separate access to Highway 89 that parallels the east property line of proposed Lot 3. The road continues beyond the property boundary providing access to Federal forest lands and a closed solid waste facility (Exhibit G).

The project vicinity is mixed with residential and commercial zoned land with small lot single-family homes to the east, a campground and Highway 89 to the north, and large vacant forest land to the north, west, and south. The Meeks Bay Fire Station is located across Highway 89, approximately 250 feet north of the project site. Approximately 1,200 feet southwest of the parcel's western corner is a closed solid waste facility (formerly known as the "old burn dump"). This closed facility is located over ½ mile from the on-site residence. All lands in the project vicinity are designated by the General Plan as Adopted Plan (AP) - Tahoe Regional Plan and zoned by the Zoning Ordinance as TR1 or CT.

## **STAFF ANALYSIS**

**Project Issues:** Discussion items for this project include access and circulation, fire safety, and public utilities.

**Access and Circulation:** Pursuant to Exhibit 5.3-1 of the County of El Dorado General Plan Environmental Impact Report, Highway 89 is a Caltrans-designated scenic highway proving access to the proposed parcels. There is a curved driveway from Highway 89 fronting the three proposed commercial lots that provides two points of ingress/egress to Highway 89. From the back of this curved driveway, a 12 foot wide road extends southwest to the residences behind the commercial buildings. The road traverses further southwest beyond the residences to the federal forest lands and a closed solid waste facility.

As proposed with design waivers and the inclusion of the recommended conditions of approval, the Transportation Division has no outstanding concerns with the proposed access and circulation. Caltrans commented that they preferred not to build a new driveway connection to the highway; however, the two existing encroachments onto Highway 89 via the circular driveway, along with the proposed 20 foot access easement along the fronts of Lots 1, 2, and 3, will be sufficient to provide access to all four proposed lots.

**Fire Safety:** No comments were received from the Meeks Bay Fire District. The circular driveway and road through the parcels are paved and include three fire hydrants along the road through the residential portion of the property. Therefore the existing circulation system is adequate to support fire safety.

**Public Utilities:** The project site is currently provided water and sewer services by the Tahoe City Public Utility District (TCPUD) and it is expected that any new water and/or sewer service would be provided through the same manner. The TCPUD commented that the applicant will need appropriate permits prior to demolition of the commercial buildings.

**General Plan:** The General Plan designates the subject site as Adopted Plan (AP) - Tahoe Regional Plan. Within the Tahoe Regional Plan, the TRPA designates the subject site as Plan Area Statement (PAS) 148 (Meeks Creek) and PAS 150 (Meeks Bay). PAS 148 covers the residential portion of the project site and has a land use classification of conservation. PAS 150 covers the commercial portion of the project site and has a land use classification of recreation. Under PAS 148, a single family dwelling is an allowed use with a special use permit. In this case the home was built in 1959, prior to the establishment of the TRPA, and is therefore a legal non-conforming use. Under PAS 150, a commercial use is an allowed use with a special use permit. The three commercial buildings will be demolished and when a new proposal comes forward it will have to adhere to the requirements of the Fire Code and TRPA, such as a TRPA special use permit for a commercial use, hotel, or other transient dwelling unit.

### **Tahoe Regional Plan Policies**

A Subdivision of Existing Structures permit was approved by the TRPA on August 4, 2014 (Exhibit H). In that permit, the TRPA stated that the findings required by TRPA ordinances and rules were made. However, no recording of the subdivision map can occur until the permittee obtains a County permit, in this case a parcel map and rezone. Since the TRPA has made the findings to approve the subdivision of existing structures, the proposed project is consistent with the ordinances and rules of the Tahoe Regional Plan.

### **County General Plan Policies**

**Rezone:** Policy 2.2.5.3 requires that the County shall evaluate future rezoning: (1) to be based on the General Plan's general direction as to minimum parcel size or maximum allowable density; and (2) to assess whether changes in conditions that would support a higher density or intensity zoning district. In this case the rezone is not creating a higher density or intensity zoning district as the zoning over the project site will remain the same (TR1 ad CT), just the location of the zone boundary lines is being adjusted to match the Plan Area Statements (see Exhibit E). More

specifically, the existing commercial zoning is decreasing in size while the residential zoning is increasing.

**Land Use Compatibility:** Policy 2.2.5.21 directs that new development be compatible with the surrounding neighborhood. The parcels to the east of and within the project site contain residential uses, consistent with the large residential portion of the project site. Once the three commercial buildings are demolished, new development would have to meet the requirements of PAS 150 for either recreational or commercial type uses, consistent with the Tahoe Regional Plan. A recreational use, campground, is located directly across Highway 89 from the commercial lots.

**Public Utilities:** Policy 5.1.2.1 requires the approving authority to make a determination of the adequacy of the public services and utilities to be impacted by the development. The property currently is serviced by public water and sewer, electricity, and telephone, and will continue to be so serviced after rezone and map approval.

**Adequate Access for Emergencies:** Policy 6.2.3.2 requires that the applicant demonstrate that adequate access exists, or can be provided, to ensure that emergency vehicles can access the site and private vehicles can evacuate the area. Although Meeks Bay Fire District did not respond to this project, no development is proposed with this project. At the time the three commercial structures are demolished, a building permit would be required and the Fire District would review the permit. Further, any future development on any of the three commercial lots would require TRPA and building permit approval, where the Fire District would review the permit. With future building permits on the commercial lots, a Fire Safe Plan would be required. The existing circular driveway and 12 foot road through the project site have been deemed adequate by the Transportation Division with proposed conditions of approval and design waiver approval.

**Tahoe Basin:** Policy 2.10.1.1 requires the County to apply the Standards of the Tahoe Regional Plan and the Code of Ordinances and other land use regulations adopted by the TRPA in acting on applications for proposed land uses in the Tahoe Basin. The Rezone approval would be consistent with this policy as it would align the County's Zoning District boundaries with the TRPA's Plan Area Statement boundaries.

**Conclusion:** It has been determined that the project would be consistent with the Tahoe Regional Plan and applicable General Plan Policies. Findings of consistency with the Tahoe Regional Plan and General Plan are provided in the Findings.

**Zoning:** The project site is located within the Tahoe One-family Residential (TR1) and Tahoe Commercial (CT) zone districts. However, these zoning district boundaries are not in line with the Plan Area Statement boundaries of the Tahoe Regional Plan. An approved rezone as shown on Exhibit E would make the County Zoning Districts consistent with the TRPA Plan Area Statement boundaries. According to Measure LU-O of the General Plan, the County is directed to modify the County Zoning Ordinance to be consistent with the TRPA Code of Ordinances and Plan Area Statements. This rezone accomplishes this by modifying the County's Zoning District boundaries to comply with the TRPA's Plan Area Statement boundaries.

**TR1 Zoning:** The Tahoe One-family Residential District allows for one-family detached dwellings as uses permitted by right (Section 130.56.020 of the Zoning Ordinance). The development

standards are: maximum lot coverage 35 percent; minimum lot width 60 feet; minimum lot area 7,500 square feet; minimum setbacks of 20 feet front, 5 feet sides, and 15 feet rear; and maximum building height of 40 feet. The proposed TR1 lot meets or exceeds all of the above standards.

CT Zoning: The Tahoe Commercial District allows for various commercial, office, and retail uses as listed in Section 130.56.020 of the Zoning Ordinance. Since the existing commercial buildings will be demolished, the development standards will be reviewed at the time a building is proposed for development. As shown on Sheet 2 of the tentative Map, the buildings on Lots 2 and 3 meet the development standards, but the building on Lot 1 is shown within the road easement and therefore does not meet the minimum setback standards. A condition of approval requiring the demolition of this building on Lot 1 prior to Parcel Map approval will ensure that development standards are met within the CT District prior to Parcel Map recordation. The proposed commercial lots (Lots 1-3) meet the development standards of Section 130.58.040 for minimum lot area (7,500 square feet) and minimum lot width (50 feet).

**ENVIRONMENTAL REVIEW:** Staff has prepared an Initial Study, Environmental Checklist Form (Exhibit I) and has determined that there is no substantial evidence that the proposed project would have a significant effect on the environment. A Negative Declaration has been prepared.

This project is located within or adjacent to an area which has wildlife resources (riparian lands, watercourse, threatened and endangered plants or animals, etc.). In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee after approval, but prior to the County filing the Notice of Determination on the project. This fee, plus a \$50.00 administration fee, is to be submitted to Development Services and must be made payable to El Dorado County. The fee is forwarded to the State Department of Fish and Wildlife and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

## SUPPORT INFORMATION

Findings

Conditions of Approval

Exhibit A .....	Location Map
Exhibit B .....	Assessor's Parcel Map
Exhibit C .....	General Plan Map
Exhibit C-1 .....	TRPA Plan Area Statement Map
Exhibit D .....	Zoning Map
Exhibit E.....	Proposed Rezone Map
Exhibit F.....	Tentative Parcel Map, dated March 4, 2015
Exhibit G .....	Vicinity Aerial Map
Exhibit H .....	TRPA Subdivision of Existing Structures Permit
Exhibit I.....	Proposed Negative Declaration and Initial Study