

09-1514

■ Alan Hines
■ 4226 Greenview Dr.
■ El Dorado Hills, CA 95762

RECEIVED

OCT 06 2009

**EL DORADO COUNTY
BUILDING DEPARTMENT**

October 6, 2009

Mr. Jon Fong
El Dorado County, Planning Services Dept.
2850 Fairlane Ct.
Placerville CA 95667

Re: Unauthorized Grading (Permit #170853), Parcel Split (P09-0007/Z09-0005)

Dear Mr. Fong,

As you are aware, the applicant for parcel split (P09-0007) Mr. Gularte, without permit, has graded large portions of his site hoping to create a second building pad, allowing for the parcel split. I have attached as Exhibit A, two El Dorado County letters dated January 14, 2008 and June 10, 2009, acknowledging the unauthorized grading. I hereby request the County mandate the restoration of the site, consistent with the As-Built Grading Plan, dated February 15, 2008, attached hereto as Exhibit B.

The following are the salient facts:

- Property acquired 2005
- Grading Permit issued April 2006
- Grading began and was completed in 2006
- Authorized grading disturbed 29,570 sq ft
- Unauthorized building pad and secondary road
 - Disturbed in excess of 20,000 sq ft
 - 977 cu yd of cut and 1,228 cu yd of fill were created
- Parcel Split and Rezone application May 2009, utilizing unauthorized pad
- Without unauthorized pad, parcel split is not viable

The authorized and unauthorized grading began and was completed in 2006. Attached as Exhibit C are photographs of the site in 2004 and 2008 clearly depicting the scope of the 2006 work. As annotated in the photographs there was significant grading performed beyond that authorized under the grading permit. The applicant, without authorization, disturbed in excess of 20,000 square feet creating the pad near La Sierra Road ("La Sierra Pad") and the unauthorized secondary road ("Secondary Road") connecting to the north pad ("Permitted Pad"), please reference Exhibit D.

The As-Built Grading Plan, Exhibit B, indicates the disturbed area for the work completed in compliance with the permit as 29,750 square feet, just slightly below the 30,000 square foot threshold for reasonable use, established in General Plan Policy 7.1.2.1. If the unauthorized disturbed areas associated with the La Sierra Pad and the Secondary Road are included, total site disturbance exceeds 50,000 square feet.

Submitted by Greg Gularte
#28
at Board Hearing of 1/12/10

Carlton Engineering conducted a detailed evaluation of the La Sierra Pad and determined that 711 cubic yards of cut and 962 cubic yards of fill were required to build the pad, disturbing in excess of 14,000 square feet, please reference Exhibit E. In addition, it has been estimated the unauthorized road from the La Sierra Pad to the Permitted Pad resulted in an additional 266 cubic yards of cut and fill respectively and disturbed in excess 5,000 square feet in the creation of the 281 by 16 foot wide road. In total, the unauthorized grading produced in excess of 977 cubic yards of cut and 1,228 cubic yards of fill. These quantities far exceed the 250 cubic yard County limit in effect at the time.

The applicant is a geotechnical engineer and is intimately familiar with County grading requirements. It would be inappropriate for the County to allow him to profit from such willful and intentional violation. I respectfully request that the County not reward this type of action and thereby require that the applicant return the slopes to their original condition. Had the site not been altered without authorization there would be no area with slopes of less than 30 percent within the entire parcel.

In short, the subject property only marginally satisfied the criteria to become a parcel in 1992, supporting just one home site. Due to the unauthorized grading performed by the applicant, the same conclusion is unavoidable. The property is too steeply sloped to lend itself to division as noted by County staff in its June 10, 2009, letter attached as Exhibit A. I request that staff recommend denial of this project.

Sincerely



Alan Hines

Cc: Lou Rain, Planning Commissioner District 1
John Knight, Supervisor District 1
Jim Wassner, Code Enforcement
Tom Burnett, Building Department

DEVELOPMENT SERVICES DEPARTMENT

File

County of
EL DORADO

<http://www.co.el-dorado.ca.us/devservices>

170853

PLANNING
SERVICES



PLACERVILLE OFFICE:

2850 FAIRLANE COURT
PLACERVILLE, CA 95667
(530) 621-5355
(530) 642-0508 Fax
Counter Hours: 7:30 AM to 4:30 PM
planning@co.el-dorado.ca.us

LAKE TAHOE OFFICE:

3368 LAKE TAHOE BLVD. SUITE 302
SOUTH LAKE TAHOE, CA 96150
(530) 573-3330
(530) 542-9082 Fax
Counter Hours: 7:30 AM to 4:30 PM
tahoebulki@co.el-dorado.ca.us

EL DORADO HILLS OFFICE:

4950 HILLSDALE CIRCLE, SUITE 100
EL DORADO HILLS, CA 95762
(916) 941-4967 and (530) 621-5582
(916) 941-0289 Fax
Counter Hours: 7:30 AM to 4:30 PM
planning@co.el-dorado.ca.us

January 14, 2008

Mr. Greg Gularte
PO Box 490
Lincoln, CA 95648

RE: Revision to Issued Grading Permit - Planning Review
Assessor's Parcel No. 110-590-54 (Old APN 067-250-54); Building Permit No. 170853

Dear Mr. Gularte:

Planning Services is reviewing the revision to the above issued grading permit for compliance with El Dorado County regulations and the RE-10 zone district.

The natural slopes on the subject parcel are between 45 and 50 percent. Development on slopes greater than 30 percent is prohibited by General Plan policy 7.1.2.1, unless reasonable use of the property would otherwise be denied. The original grading permit was approved based on a disturbance area of approximately 30,000 square feet. This is the threshold for staff approval of development on slopes exceeding 30 percent. The revised grading plan shows an area of disturbance of approximately 50,000 square feet. This is beyond staff's authority to approve, and will need to be reviewed by the Planning Commission for a determination of reasonable use.

The application you will need is a Site Plan Review, and a copy is enclosed for your use. It is also available on the Planning Services website should you need additional copies. The associated application fee is \$300, plus time and materials if additional processing time is required beyond the initial 3 staff hours allotted. The submittal requirements are spelled out in the application and a checklist is included.

Please note that the Planning Commission may or may not approve your application. It is possible that upon review, restoration of the site may be required. Also, the original permit had the dwelling outline labeled as 'house footprint', while the revised plan is labeled as 'possible building site'. The Planning Commission will not approve grading on slopes for a project which is a concept only. Please confirm that this is where the building site will be and revise the plan prior to submittal of the Site Plan Review Application.

You may call for an appointment to submit your application with any Planner in either our Placerville or El Dorado Hills office. If you have any further questions, you may contact me at (916)358-3600.

Sincerely,

Ellen Van Dyke
Associate Planner

Enclosure: 1. Site Plan Review Application
2. Agreement for Payment of Processing Fees (Time & Materials form)

EXH A

DEVELOPMENT SERVICES DEPARTMENT

COUNTY OF
EL DORADO

<http://www.co.el-dorado.ca.us/devservices>

PLANNING
SERVICES



PLACERVILLE OFFICE:
2850 FAIRLANE COURT
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SOUTH LAKE TAHOE, CA 96150
(530) 873-3330
(530) 642-9082 Fax
Counter Hours: 8:00 AM to 4:00 PM
tahoebuilt@co.el-dorado.ca.us

June 10, 2009

Greg Gularte
1560 Ridgeview Circle
Auburn, CA 95603

**Re: Determination of Application Completeness
Lakeview Villas/ Z09-0005/P09-0007
APN 110-590-54**

Dear Mr. Gularte:

Planning Services has reviewed your application and found it to be complete. Preliminary review of the project indicates that it may be exempt from CEQA. Staff will shortly begin review of the project to determine whether it is subject to environmental review under the California Environmental Quality Act (CEQA). An evaluation will also begin of the proposed project's consistency with applicable State and County regulations.

Our review is based on the following project description:

The project would include a Rezone of the property from the Estate Residential -10 Acre (RE-10) zone district to the Estate Residential-5 Acre (RE-5) zone district. A Parcel Map is requested to divide the property into two (2) parcels, Parcel No. 1 to be 8.62 acres and Parcel 2 to be 5.6 acres.

Please review this description carefully. If you believe the project description is incorrect or does not include components that you intend to include as part of the project, please contact us immediately. Further review of the project will be limited to this project description unless you provide us with corrections within five (5) days of receipt of this letter. We reserve the right to request additional information to clarify any changes or additions that are made to the project description in response to this letter, as our completeness determination is based upon the material provided with your application.

Advisories:

1. Review of Grading Permit 170853 for the site and historical files, indicates that grading has occurred that exceeds the limits of which was approved. The possible

building area for Proposed Lot 2 has been graded without a grading permit.

2. The project site was created from Parcel Map 92-30 and was Lot No. 4 of said map. This was the third phase of the larger Southpointe project. The third phase was originally envisioned to be divided into smaller lots, which included a rezone component; however, due to topography, the four (4) lot Parcel Map was processed. In 1992, it was determined that 75 percent of the overall site to be divided exceeded 30 percent slope. More critically, several areas contained slopes exceeding 40 percent slope. County regulations at that time required that building sites not exceed 40 percent slope (Design and Improvement Standards Manual, Section 2.B). In addition, areas over 40 percent slope were to be designated as open space. The analysis within the 1992 staff report stated that due to steep topography and limited access, viable building sites would be severely restricted. In particular, for Lot No. 4, it was questioned whether there would be sufficient areas of less than 40 percent slope for residential development and driveway construction. A driveway location was provided for Lot No. 4 to satisfy the slope and viable development concerns.

As indicated by staff in previous discussions, due to site constraints which exist today, and those identified in 1992, the project would be processed with a recommendation for denial. In accordance with CEQA Section 15270 (Projects which are Disapproved), CEQA does not apply to projects which a public agency rejects or disapproves. An Initial Study and subsequent Negative Declaration would not be prepared for this project.

Technical Advisory Committee (TAC) Review:

This application will be distributed to affected departments and agencies for review and comment. At the end of the comment timeframe (15 or 30 days), a TAC meeting will be scheduled to discuss the comments received. You will receive a separate notice of the TAC meeting date, time and location. The following topics could be discussed at the meeting: 1) review of departmental/agency concerns and draft conditions, 2) discussion of environmental document issues, and 3) review project processing timelines. It is recommended that you or your agent be present at the TAC meeting to discuss the progress of your application.

Project Cost Estimate

Based upon our preliminary review, we estimate that processing of your project will require approximately 22 planner hours. Please refer to the attached Project Cost Estimate Worksheet for additional detail on this estimate. Staff will inform you if unforeseen circumstances arise and the original cost estimate may be exceeded. Any deposit balance remaining at completion of case processing will be refunded.

Once staff has utilized the deposit (less the retainer) a monthly invoice will be mailed out. The invoice will contain detailed information of the planner's activities on your project. If

Greg Gularte
Lakeview Villas/ Z09-0005/P09-0007
Determination of Application Completeness
June 10, 2009
Page 3

payment is not received within 25 days of the date of the invoice, the County may elect to stop work and close the file, per #2 of your signed Agreement for Payment of Processing Fees. Any disputes over the charges can be discussed with management before action is taken to suspend processing or close the file.

Please note that effective January 1, 2007, all environmental documents prepared must be sent to the Department of Fish and Game for review and comment. The Department of Fish and Game charges a filing fee pursuant to section 711.4 of the California Fish and Game Code. These fees should be paid at the end of the environmental review process prior to filing the Notice of Determination. Furthermore, pursuant to Section 711.4(c)(3) of the Fish and Game Code, "no project shall be operative, vested or final, nor shall local government permits for the project be valid until the filing fees required pursuant to this section are paid."

If you have questions regarding this letter, please contact me at the number below. Also, please be aware that substantial revisions to submitted information may affect the estimate of time, cost and level of review for your project. If you have any questions regarding this letter or would like to meet, please call me at (530) [621-5378].

Sincerely,



Gina Hunter, Project Planner

Attachment: Project Cost Estimate Worksheet

LEBECK & YOUNG
ENGINEERING, INC.
3400 RIVER LANE, SUITE 202
CARMEL VALLEY, CA 95006
TEL: (415) 871-0000 FAX: (415) 871-0000



AS-BUILT GRADING PLAN

NEW AVE 110-590-54 OLD AVE 067-250-54-1 PM 46/112/4
SOUTHPOINT, EL DORADO HILLS, CA

RECEIVED
FEB 18 2008
6:26 PM
PROJECT: 08-001

6266 GILARTE
P.O. Box 490
Livermore, CA 94550
(916) 765-4284

GI
Geotechnical Institute

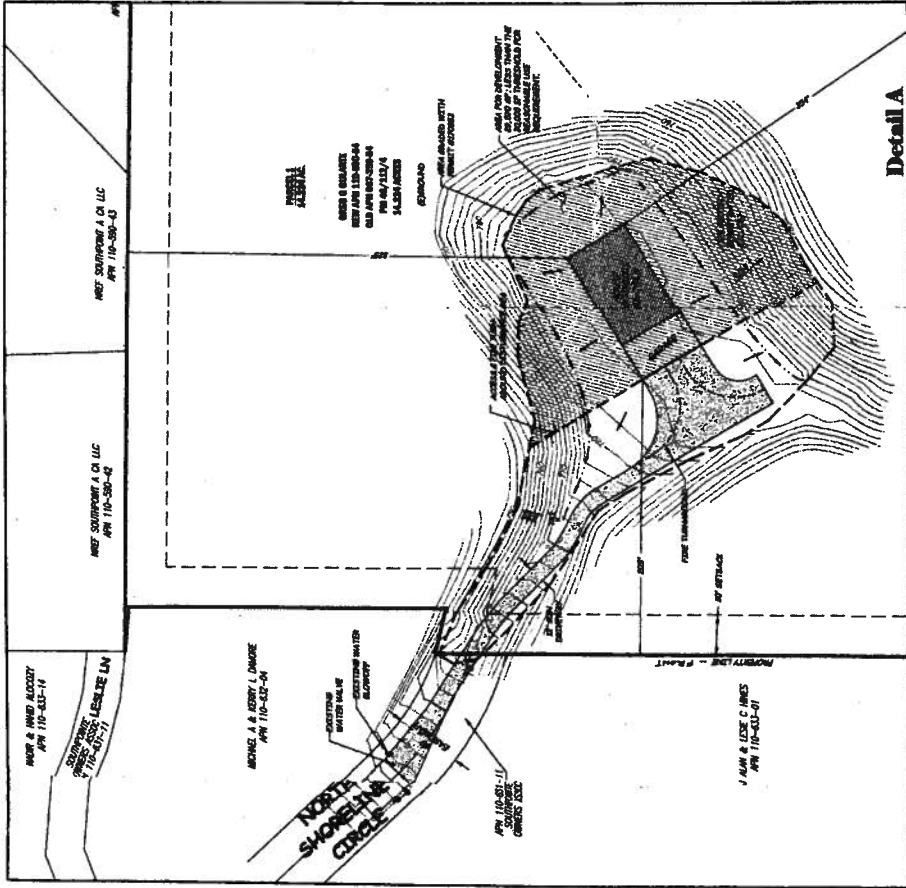
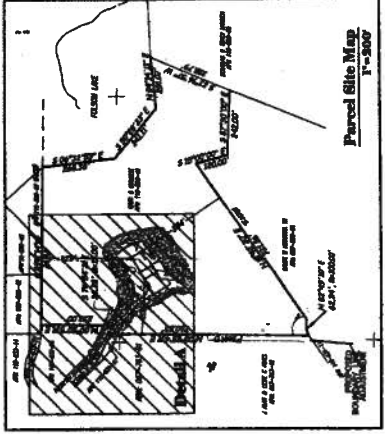


SCAN

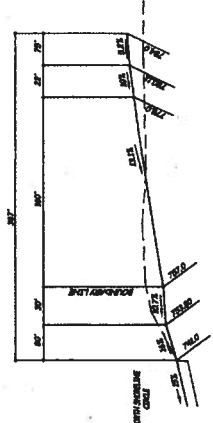
ALL GRADING SHALL BE PERFORMED UNDER THE SUPERVISION OF A LICENSED GRADING ENGINEER. THE GRADING REPORT SHALL BE SUBMITTED TO THE CITY OF EL DORADO HILLS FOR REVIEW AND APPROVAL PRIOR TO BEGINNING CONSTRUCTION.

NOTES:

- THE TOPOGRAPHY OF THE LOT IS AS SHOWN ON THE ATTACHED AND FIELD SURVEY AND SHALL BE USED FOR THE DESIGN OF THE GRADING.
- ALL GRADING SHALL BE PERFORMED UNDER THE SUPERVISION OF A LICENSED GRADING ENGINEER. THE GRADING REPORT SHALL BE SUBMITTED TO THE CITY OF EL DORADO HILLS FOR REVIEW AND APPROVAL PRIOR TO BEGINNING CONSTRUCTION.
- ALL FIELDS SHALL BE FENCED AND COMPLETED ACCORDING TO ALL APPLICABLE LOCAL, STATE AND FEDERAL REQUIREMENTS.
- CONTRACTOR SHALL OBTAIN A PERMIT FROM THE CITY OF EL DORADO HILLS FOR THE GRADING WORK.



GRADING PLAN 1"=40'



- LEGEND:**
- 1 - EXISTING GRADE
 - 2 - PROPOSED GRADE
 - 3 - EXISTING CURB
 - 4 - PROPOSED CURB
 - 5 - EXISTING SIDEWALK
 - 6 - PROPOSED SIDEWALK
 - 7 - EXISTING DRIVEWAY
 - 8 - PROPOSED DRIVEWAY
 - 9 - EXISTING WALL
 - 10 - PROPOSED WALL
 - 11 - EXISTING FENCE
 - 12 - PROPOSED FENCE
 - 13 - EXISTING UTILITY
 - 14 - PROPOSED UTILITY
 - 15 - EXISTING TREE
 - 16 - PROPOSED TREE
 - 17 - EXISTING SIGN
 - 18 - PROPOSED SIGN
 - 19 - EXISTING LIGHT
 - 20 - PROPOSED LIGHT
 - 21 - EXISTING FURNITURE
 - 22 - PROPOSED FURNITURE
 - 23 - EXISTING LANDSCAPE
 - 24 - PROPOSED LANDSCAPE
 - 25 - EXISTING PAVEMENT
 - 26 - PROPOSED PAVEMENT
 - 27 - EXISTING ASPHALT
 - 28 - PROPOSED ASPHALT
 - 29 - EXISTING CONCRETE
 - 30 - PROPOSED CONCRETE
 - 31 - EXISTING BRICK
 - 32 - PROPOSED BRICK
 - 33 - EXISTING STONE
 - 34 - PROPOSED STONE
 - 35 - EXISTING TILE
 - 36 - PROPOSED TILE
 - 37 - EXISTING CARPET
 - 38 - PROPOSED CARPET
 - 39 - EXISTING FLOORING
 - 40 - PROPOSED FLOORING
 - 41 - EXISTING CEILING
 - 42 - PROPOSED CEILING
 - 43 - EXISTING WALL
 - 44 - PROPOSED WALL
 - 45 - EXISTING ROOF
 - 46 - PROPOSED ROOF
 - 47 - EXISTING FOUNDATION
 - 48 - PROPOSED FOUNDATION
 - 49 - EXISTING STRUCTURE
 - 50 - PROPOSED STRUCTURE

EXHIB

2004

Gularte Parcel



EXH C

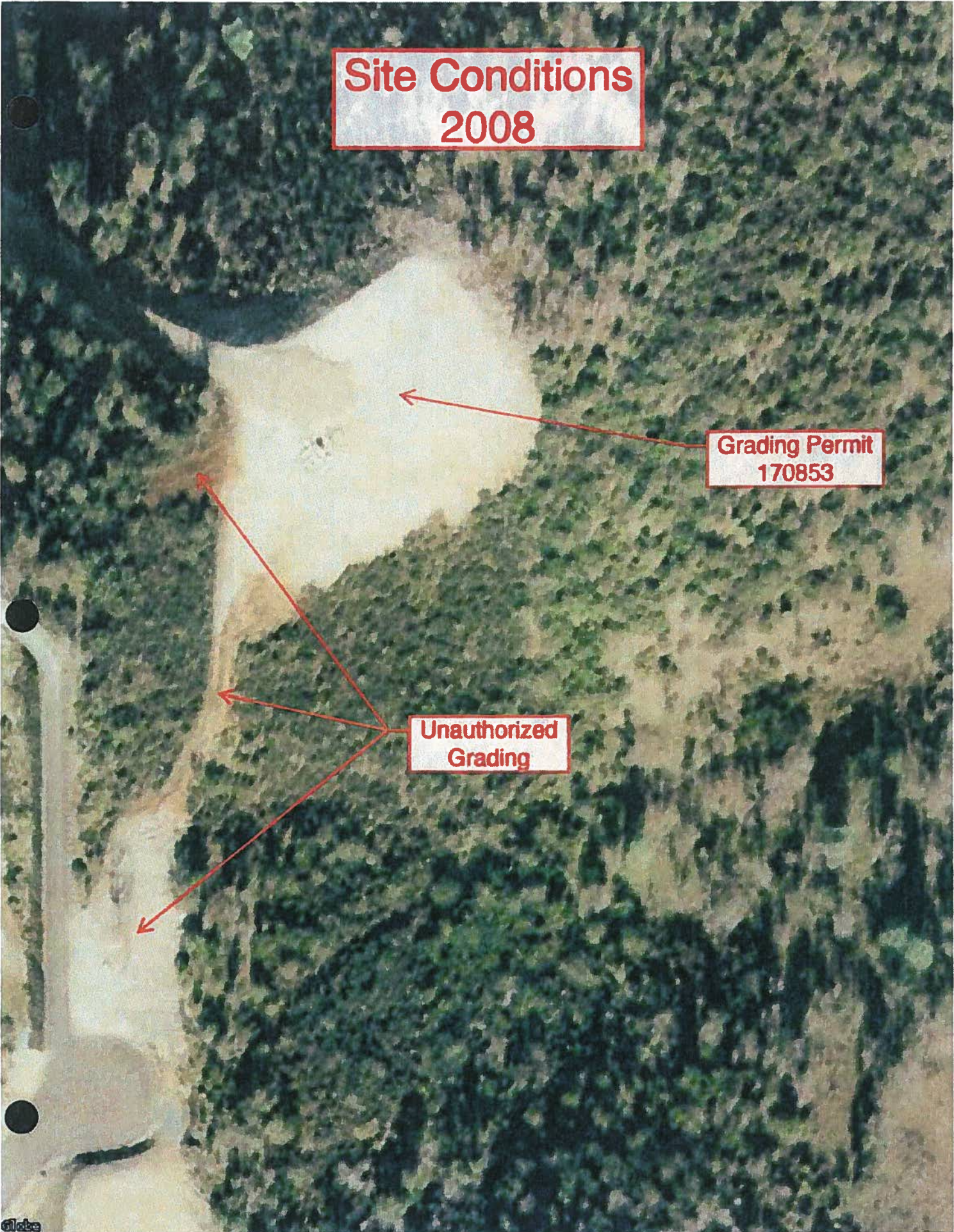
**Site Conditions
Prior to Grading
2004**



**Site Conditions
2008**

**Grading Permit
170853**

**Unauthorized
Grading**



2008

"Permitted Pad"
Disturbed Area
29,570 sq ft

Secondary "Road"
Disturbed Area
5,216 sq ft

EXH D

2008

"La Sierra Pad"
Disturbed Area
14,910 sq ft



Unauthorized Road



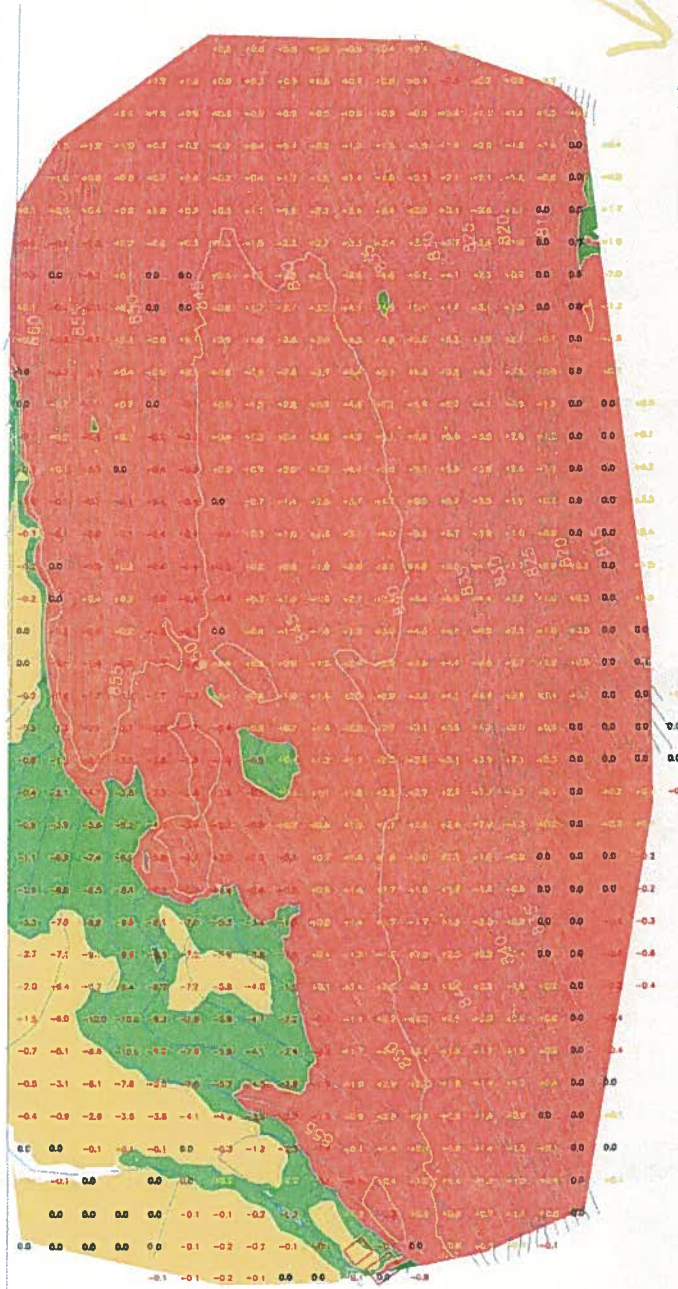
Unauthorized Road





1 inch = 10 ft.

2009 Surface



Earthwork Volumes

CUT 711 C.Y.
FILL 982 C.Y.

Slope Analysis

COLOR	RANGE	TOTAL AREA
Red	30%+	57%
Green	21%-30%	21%
Yellow	11%-20%	10%
Orange	0%-10%	12%

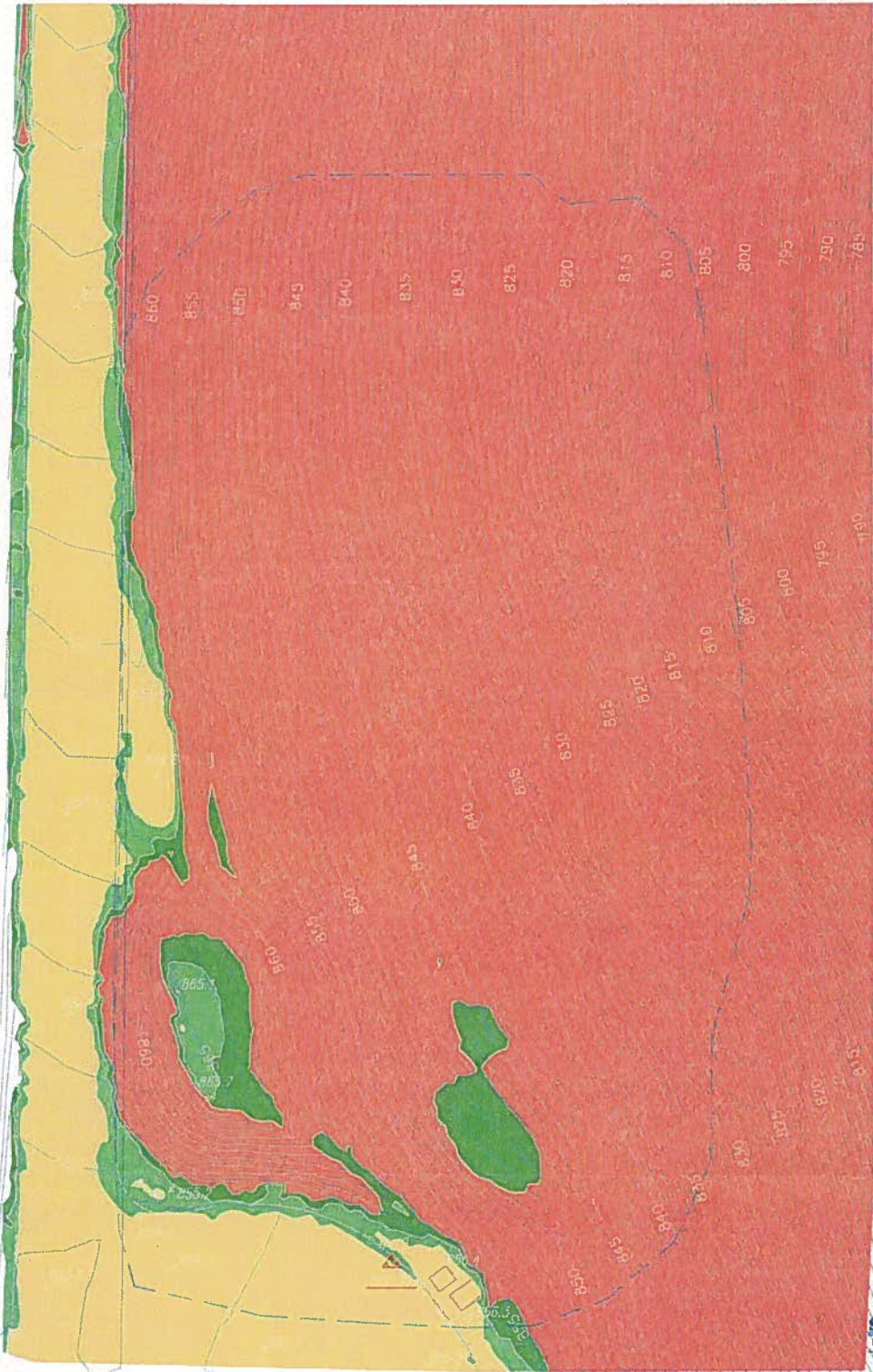
EXHIBIT



1 inch = 10 ft

2003 Surface

DASHED LINE INDICATED AREA OF 2008 SURVEY



Slope Analysis

COLOR	RANGE	TOTAL AREA
	30%+	80%
	21%-30%	3%
	11%-20%	2%
	0%-10%	15%



1 inch = 10 ft.

2009 Surface



Slope Analysis		
COLOR	RANGE	TOTAL AREA
Red	30%+	57%
Green	21%-30%	21%
Yellow	11%-20%	10%
Light Green	0%-10%	12%