



Legislation Text

File #: 08-0021, **Version:** 1

Hearing to consider modification to final map E-51 (TM69-0002C2) to remove the 25-foot building setback for Lot 149/Gold Ridge Forest, Unit 2 (APN 009-501-04) consisting of 53,664 square feet in the Pollock Pines area; Applicant: Greg Terry. (District II)

RECOMMENDED ACTION: Planning staff recommends the Board take the following action: 1. Certify the final map modification for E-51, Lot 149 (TM69-0002C2), is statutorily exempt pursuant to Section 15268(b)(3) of the CEQA Guidelines; and 2. Approve the modification to the final map for E-51, Lot 149, based on the conditions of approval contained in Attachment 1, based on the findings contained in Attachment 2.

Background:

The subdivision known as Gold Ridge Forest, Unit 2, was recorded on September 12, 1969. The project parcel qualifies for a 50 percent reduction in front yard setback pursuant to El Dorado County Ordinance 17.14.030 (single story private garage). Where the elevation at the required building line is more than six feet above or below the street elevation at the edge of the roadway, the required distance between a single story private garage and the property line may be reduced by up to fifty percent. (Prior code §9430(d))

The Gold Ridge Forest, Unit 2, subdivision has as a requirement on the cover page for a building setback line requirement of 25 feet (Exhibit E). This requirement disallows the application of the above referenced administrative variance provided by the Zoning Ordinance.

By electing to design the structure with a single story, two car garage compliant and consistent with Ordinance 17.14.030, and as conditioned by this map correction, a typical residential structure can be constructed upon the lot, compliant with applicable El Dorado County ordinances and codes.

STAFF ANALYSIS

Project Description: Request to modify the recorded final map (E-51) for Gold Ridge Forest, Unit 2, to remove the 25 foot building setback line for Lot 149 pursuant to the subdivision cover page. The removal of this setback line will allow for the construction a single family home with a garage consistent with an administrative reduction in zoning setback to 10 feet due to slope, thereby allowing compliance with all other County requirements. The request for the final map modification is due to an error on the site plan submitted for Building Permit number 166924. The site plan was approved and the permit issued, but upon inspection of the foundation it was found that the front setback was measured from the edge of pavement and not the property line. Evidence of compliance with Ordinance 17.14.030 allowing an administrative setback reduction is contained in the building permit package.

Amending of Final Maps: Chapter 16.72 of the El Dorado County Code and Section 66472.1 of the Subdivision Map Act allows the amending of final maps by either filing a certificate of correction or

amending the map. Should the Board of Supervisors approve the amendment, a certificate of correction is recommended to remove the 25-foot setback line from the recorded map.

Section 16.72.040 of the County Code requires the approving authority make specific findings as set forth in Attachment 3.

Site Description: The subject site is an undeveloped parcel at an average elevation of 3,800 feet above mean sea level. The parcel is within an established subdivision with improved access. Vegetation is dominated by pines and associated undergrowth.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	R1	HDR	Undeveloped
North	R1	HDR	Single family residence
South	R1	HDR	Single family residence
East	R1	HDR	Single family residence, undeveloped
West	R3A	MDR	Undeveloped

General Plan:

A General Plan consistency checklist for single family residences has been submitted and approved for the residential building permit associated with this map correction. The proposed development and map correction are consistent with the High Density Residential land use designation.

Staff finds that the proposed project, as conditioned, is consistent with the above requirements of the 2004 General Plan and Section 66472.1 of the California Government Code, (Subdivision Map Act), because the removal of the recorded 25-foot subdivision setback line would not adversely impact any public agency or any party with interest in this easement.

Conclusion: As discussed above, staff finds that the project, as proposed/conditioned, conforms to the General Plan.

Zoning:

The project site is zoned One-Family Residential (R1). The setbacks required by Zoning Code Section 17.28.040 are 20 feet in the front, 5 feet on the sides and 15 feet in the rear. Without the Gold Ridge Forest, Unit 2, 25-foot setback stipulation, any future Building Permit request would be subject to the setback requirements of the R1 Zone District and could seek up to a 50 percent reduction of said setback pursuant to County Zoning Ordinance Section 17.14.030. Staff finds the proposed map correction request, as conditioned, consistent with all applicable provisions of County Zoning Ordinance Title 17.

2004 Subdivision Map Act: 66474. A legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:

(g) *“That the design of the subdivision or the type of improvements will conflict with easements,*

acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. (Amended by Stats. 1982, Ch. 518)."

Discussion: In order to approve the map correction, the County must find that the corrected map complies with the Government Code. Accordingly, based on comments received from public agencies, and the analysis contained within this report, staff finds that the project would not be detrimental to the public health, safety and welfare and nor be injurious to the neighborhood.

ENVIRONMENTAL REVIEW

The map correction project has been found to be Statutorily Exempt from the requirements of CEQA pursuant to Section 15268 (b) (3) stating that the approval of final subdivision maps is presumed to be ministerial and is exempt from further environmental review. Pursuant to Resolution No. 240-93, a \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.

ATTACHMENTS

Attachment 1 - Conditions of Approval

Attachment 2 - Findings

Exhibit A - Vicinity Map

Exhibit B - General Plan Land Use Map

Exhibit C - Zoning Map

Exhibit D - Site Plan

Exhibit E - Subdivision Map E-51 Cover Page

Exhibit F - Subdivision Map E-51A

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