

**EL DORADO COUNTY PLANNING AND BUILDING
DEPARTMENT
ZONING ADMINISTRATOR
STAFF REPORT**



Agenda of:	August 21, 2019
Item No.:	5.a.
Staff:	Tom Purciel

VARIANCE

FILE NUMBER: V18-0005/Chellappan Variance

**APPLICANT/
PROPERTY
OWNER:** Satheesh Chellappan

REQUEST: A Variance request to reduce the required 20-foot front yard setback from the edge of the 32-foot wide road and public utilities easement for Guadalupe Drive to zero feet to allow for development of a single-family residence and attached garage.

LOCATION: North side of Guadalupe Drive, approximately 400 feet south of the intersection with Francisco Drive, in the El Dorado Hills area, Supervisorial District 1. (Exhibits A, B & C)

APN: 110-460-017 (Exhibit D)

ACREAGE: 1.46 Acres (Exhibit D)

GENERAL PLAN: High Density Residential (HDR) (Exhibit E)

ZONING: Single-unit Residential (R1) (Exhibit F)

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to Sections 15303(e) (**New Construction or Conversion of Small Structures**-Accessory/appurtenant structures) and 15305(a) (**Minor Alterations in Land Use Limitations**-Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel) of the CEQA Guidelines.

RECOMMENDATION: Staff recommends that the Zoning Administrator take the following actions:

1. Find that the project is Categorically Exempt pursuant to Sections 15303(e) and 15305(a) of the CEQA Guidelines; and
2. Approve Variance V18-0005 based on the Findings, and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY

Approval of this Variance request would allow for development of a single family residence and attached garage. With the exception of the proposed building site, there are no other feasible building sites on the project parcel due to a combination of constraints including steep slopes, the narrow shape of the project parcel and dense native oak canopy (Refer to Exhibit G, Site Constraints).

The project parcel is located in the Single-Unit Residential Zone (R1), which allows a single-family residence by right (Zoning Ordinance Table 130.24.020). Zoning Ordinance Section 130.52.070 (Variance) allows property owners to request modification of specific development standards when strict application of those standards would deny the property owner rights enjoyed by other property owners in the vicinity and in the same zone.

With the exception of a reduced front setback, the proposed residence will comply with all other Zoning Ordinance development standards, including side and rear setbacks and maximum building height for the R1 Zone District (Table 130.24.030), hillside development standards for slopes greater than 30 percent (Section 130.30.080), standards for fences, walls and retaining walls (Section 130.30.070) and oak resources conservation (Chapter 130.39).

Staff recommends approval of Variance V18-0005 as requested, as the required findings for a Variance can be made. With the exception of the requested Variance, the project is consistent with all applicable requirements of the Zoning Ordinance (Title 130 of the County Ordinance Code) and General Plan. For details, please refer to the Findings section below.

BACKGROUND/HISTORY

The project parcel was created by Parcel Map No. 22-49, recorded on November 30, 1978 (Exhibit H). Until 2018, the land remained vacant and undeveloped. On June 18, 2018, the applicant/property owner submitted Variance request V18-005 to allow construction of a single-family residence within the front yard setback. In addition to the variance request, the owner also previously submitted an application for a Parcel Map Correction, application No. P-C18-0001, to abandon the first seven feet of a 32-foot road and public utilities easement to allow construction of a seven-foot fence within the front yard setback. The property owner abandoned plans for construction within the easement and formally withdrew Parcel Map Correction P-C18-0001 on May 15, 2019. The applicant's original variance request also included a 5-foot rear

yard setback. For purposes of fire safety, the owner revised his plans to comply with the rear yard zoning setback of 15 feet and a reduced rear setback is no longer requested.

OTHER PROJECT CONSIDERATIONS

Site Access/Visibility: The project is accessed by Guadalupe Drive, a private, non-County maintained roadway. The project application was distributed to the applicable private road maintenance entity, the Lake Pointe View Road Owners Association (association), for review and comment. Association members submitted comments (Exhibit I) expressing concerns about reduced building setbacks and public safety related to visibility of vehicles at the proposed driveway access.

In response to association concerns, the applicant requested a technical analysis from TSD Engineering (Exhibit J) to review the proposed driveway access. The analysis found that left turn sight distance would be unobstructed for 193 feet and right turn sight distance would be unobstructed for 278 feet. According to the engineer's analysis, a minimum sight distance of 100 feet would be required for a left turn and 225 feet for a right turn at this location. Since the proposed driveway would provide visibility exceeding this standard, there is no anticipated public safety issue concerning the proposed driveway.

Legal Roadway Access: Guadalupe Drive is a private gated roadway and not part of the County owned or maintained roadway system, and therefore, road usage, operation and maintenance is not under the jurisdiction of the County.

Members of the Road Owner's Association submitted comments questioning the owner's legal right to access the proposed building site via the existing private gate. To address any access issues for new residential construction, it is a standard requirement of the Building Division that all applicants submit evidence of deeded legal access to proposed building sites prior to issuance of building or grading permits. Further, access to the private gate (e.g. gate codes) will be required as part of standard building inspection requirements.

Fire Safe Building Setbacks: Section 130.30.050.D (Fire Safe Setbacks) requires a 30-foot Fire Safe setback from all property lines or from the centerline of a roadway for all parcels one acre or greater in size unless a lesser setback is approved by the local fire protection agency, but not less than the required zoning setback. With the exception of the proposed 15-foot building setback to the northwest property line, the proposed residence will comply with all Fire Safe setbacks. On March 26, 2019, the El Dorado Hills Fire Department, in consultation with the state Department of Forestry and Fire Protection (CalFire), approved a Fire Safe setback variance for the project parcel, subject to standard conditions of approval for reduced Fire Safe setbacks. The El Dorado Hills Fire Department approval letter is attached as Exhibit K.

PUBLIC AND AGENCY COMMENTS

During project processing, the project application was routed to applicable public utilities, local/County agencies and the local private road maintenance entity, the Lake Pointe View Road Owners Association, for review and comment. Several members of the Lake Pointe View Road

Owners Association submitted comments related to reduced building setbacks and visibility concerns with the proposed driveway access to Guadalupe Drive. These comments and the applicant's response are discussed above. In addition, comments were also received from the El Dorado Irrigation District (EID), The El Dorado Hills Fire Department (EDH Fire) and the County Department of Transportation. Comments from EID and EDH Fire have been incorporated into the project as conditions of approval. As Guadalupe Drive, a private road, is not part of the County-maintained roadway system, the County Department of Transportation did not make formal comment, but advised the applicant to consult with a California licensed Civil or Traffic Engineer to address any concerns over sight distance at the proposed driveway location. As previously discussed, a sight distance analysis has been completed and is attached as Exhibit J.

STAFF ANALYSIS

Site Description: The project parcel is located adjacent to the north side of Guadalupe Drive, approximately 400 feet southwest of the intersection with Francisco Drive in the El Dorado Hills area. The parcel slopes steeply to the northwest, with slopes ranging from approximately 38 percent at the proposed building site to approximately 50 percent over the remainder of the parcel. In compliance with the County's hillside development standards for slopes greater than 30 percent (Section 130.30.080), soil disturbance would be restricted to a development envelope of approximately 15,000 square feet (approximately 24 percent of the lot area). The parcel is forested with mixed oak woodland including black oak, interior live oak, blue oak and grey pine. The proposed building site is located approximately 400 feet southeast of the high-water mark of Folsom Lake. Site access will be provided via a 20-foot-long paved driveway from the proposed garage to the edge of pavement at Guadalupe Drive.

Project Description: The applicant is requesting a Variance to reduce the required 20-foot front yard setback from the edge of the 32-foot wide road and public utilities easement for Guadalupe Drive to zero feet to allow for development of a single-family residence and attached garage.

The proposed residence and attached garage will be located approximately 24 feet from the edge of pavement of Guadalupe Drive, and site access will be provided via a paved driveway. Although the road easement for Guadalupe Drive encroaches an additional 12 feet into the property beyond the existing edge of pavement, no structures will be located in the easement area. The proposed residence will be located on an area of much lower slopes adjacent to the roadway (Exhibit G).

The subject parcel is zoned Single-unit Residential (R1), which allows single-family detached dwellings, and accessory uses and structures. With the exception of the proposed setback variance, the construction of the proposed residence and attached garage would be permitted by right in the R1 zone district. The permitting of the proposed variance to allow a reduced front yard setback is not anticipated to negatively impact other uses in the project area. With the exception of the requested variance, the proposed structure will comply with all other applicable development standards including the five-foot side yard and 15-foot rear yard zoning setbacks and all applicable Fire Safe setbacks, as approved by the El Dorado Hills Fire Department.

General Plan Consistency: This request is consistent with all applicable General Plan policies including Policy 2.2.1.3 (Land Use Types and Densities), Policy 2.2.5.2 (General Plan Consistency), Policy 2.3.2.1 (Disturbance of Slopes 30 Percent or Greater), Policy 5.4.1.1 (NPDES Storm Drainage Compliance), Policy 6.2.1.1 (Fire Defensible Space), Policy 6.2.3.2 (Adequate Emergency Vehicle Access), Policy 7.1.2.1 (Development or Disturbance of Slopes Over 30%), Policy 7.1.2.2 (Minimize Erosion and Sedimentation) and Policy 7.4.4.4 (Impacts to Oak Resources). For details, please refer to the Findings section below.

Zoning Ordinance Consistency: With the exception of the requested Variance, the project is consistent with applicable provisions of the Zoning Ordinance including Table 130.24.030 (Residential Zone Development Standards), Section 130.30.050.D (Fire Safe Setbacks), Section 130.30.070 (Fences, Walls and Retaining Walls), Section 130.30.080 (Hillside Development Standards; 30 Percent Slope Restriction), and Chapter 130.39 (Oak Resources Conservation). For details, please refer to the Findings section below.

Variance Findings: The granting of a Variance requires four findings pursuant to Section 130.52.070 of the County Code. A summary of the four required findings and staff conclusions is included below. For details, refer to the Findings section below. The four findings include:

Required Finding 1: There are exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings or uses in the vicinity and the same zone, and have not resulted from any act of the owner or applicant.

Staff Conclusion: *With the exception of the proposed building site, there are no other feasible building sites on the project parcel due to a combination of existing constraints including hillside slopes exceeding 50 percent, the narrow substandard configuration of the parcel and dense native oak woodland.*

Required Finding 2: The strict application of the zoning regulations as they apply to the subject property would deprive the subject property of the privileges enjoyed by other property in the vicinity and the same zone (California Government Code Section 65906).

Staff Conclusion: *The strict application of the provisions of the ordinance would deprive the subject property of the reasonable use of the land or building allowed by other property in the vicinity and the same zone.*

Required Finding 3: The variance granted shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated (California Government Code Section 65906).

Staff Conclusion: *Granting the variance request would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.*

Required Finding 4: **The granting of the Variance is compatible with the maps, objectives, policies, programs, and general land uses specified in the General Plan and any applicable specific plan, and not detrimental to the public health, safety, and welfare or injurious to the neighborhood.**

Staff Conclusion: *The granting of the proposed variance would be compatible with the maps, objectives, policies, programs, and general land uses specified in the General Plan and any applicable specific plan and will not impact the public health, safety, and welfare, nor will it be injurious to the neighborhood.*

ENVIRONMENTAL REVIEW

The modification of the structural setback is Categorically Exempt pursuant to Sections 15303(e) (New Construction or Conversion of Small Structures-Accessory/appurtenant structures) and 15305(a) (Minor Alterations in Land Use Limitations-Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel) of the CEQA Guidelines. No further environmental analysis is necessary.

A \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption. The filing of the Notice of Exemption is optional; however, not filing the Notice extends the statute of limitations for legal challenges to the project from 35 days to 180 days.

SUPPORT INFORMATION

Attachments to Staff Report:

- Findings
- Conditions of Approval

- Exhibit ALocation Map
- Exhibit B.....Vicinity Map
- Exhibit C.....Site Aerial Photo
- Exhibit D.....Assessor’s Parcel Page
- Exhibit E.....General Plan Land Use Map
- Exhibit F.....Zoning Map
- Exhibit G.....Site Constraints
- Exhibit H.....Parcel Map No. 022-049
- Exhibit IRoad Owners Association Comments
- Exhibit JDriveway Line of Sight Engineer Analysis
- Exhibit K.....El Dorado Hills Fire Department Fire Safe Setback
Approval
- Exhibit LEngineer Soil Disturbance Analysis
- Exhibit MComparable Residential Permits In Project Vicinity
- Exhibit N.....Site Photos
- Exhibit O.....Project Site Plan

FINDINGS

Variance V18-0005/Chellappan Zoning Administrator/August 21, 2019

1.0 CEQA FINDINGS

- 1.1 The modification of the structural setback is found to be Categorically Exempt pursuant to Sections 15303(e) (New Construction or Conversion of Small Structures-Accessory/appurtenant structures) and 15305(a) (Minor Alterations in Land Use Limitations-Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel) of the CEQA Guidelines.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Building Department, Planning Services Division, at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with General Plan Policy 2.2.1.2.

General Plan Policy 2.2.1.2 establishes an appropriate range of land use types and densities within the County. The High Density Residential (HDR) land use designation establishes areas suitable for intensive single-family residential development at densities from one to five dwelling units per acre.

Rationale: The project has an HDR General Plan Land Use Designation. The project site is 1.46 acres in size. The proposed single-family residence would be consistent with this land use designation.

2.2 The project is consistent with General Plan Policy 2.2.5.2.

General Plan Policy 2.2.5.2 requires all discretionary projects or permits be reviewed for consistency with all applicable General Plan policies.

Rationale: The project has been reviewed and deemed consistent with all applicable General Plan policies as listed and described in this Findings section. Therefore, the project is consistent with this policy.

2.3 The project is consistent with General Plan Policy 2.3.2.1

General Plan Policy 2.3.2.1 discourages soil disturbance on slopes 30 percent or greater to minimize visual impacts of grading and vegetation removal.

Rationale: The project, as proposed and conditioned, will minimize soil disturbance and associated visual impacts. The project is consistent with this policy.

2.4 The project is consistent with General Plan Policy 5.4.1.1.

General Plan Policy 5.4.1.1 requires appropriate storm drainage systems for discretionary development projects to protect public health and safety, preserve natural resources, prevent erosion and minimize impacts to existing (drainage) facilities.

Rationale: As approved and conditioned, this project will be designed in a manner that manages and controls storm water runoff, protects soils, prevents contamination of surface waters and minimizes impacts to existing drainage infrastructure. Therefore, the project is consistent with this policy.

2.5 The project is consistent with General Plan Policy 6.2.1.1

General Plan Policy 6.2.1.1 requires implementation of a Fire Safe ordinance to attain and maintain defensible space for new development.

Rationale: The El Dorado Hills Fire Department (EDH Fire) reviewed the project for consistency with applicable codes, regulations and ordinances regarding defensible space. EDH Fire recommended three project-specific conditions of approval to ensure defensible space is created and maintained in perpetuity. Those conditions have been incorporated as Conditions of Approval No. 8-10. As conditioned, the project is consistent with this policy.

2.6 The project is consistent with General Plan Policy 6.2.3.2

Policy 6.2.3.2 requires new development to demonstrate that adequate emergency vehicle access exists or can be provided to ensure emergency and private vehicles can evacuate the area.

Rationale: The project has been reviewed by the El Dorado County Department of Transportation and the El Dorado Hills Fire Department for adequate vehicular/emergency vehicle access. As proposed, the project will provide adequate access for private and emergency vehicles. The project is consistent with this policy.

2.7 The project is consistent with General Plan Policy 7.1.2.1

Policy 7.1.2.1 restricts development or disturbance on slopes over 30 percent to prevent soil erosion and sedimentation.

Rationale: As proposed and conditioned, the project will minimize erosion and sedimentation and will be consistent with this policy.

2.8 The project is consistent with General Plan Policy 7.1.2.2

Policy 7.1.2.2 requires discretionary and ministerial projects that require earthwork and grading to minimize erosion/sedimentation, conform to natural contours, maintain natural drainage patterns, minimize impervious surfaces and maximize retention of natural vegetation.

Rationale: As proposed and conditioned, the project will minimize earthwork and grading and will be consistent with the requirements of this policy.

2.9 The project is consistent with General Plan Policy 7.4.4.4

Policy 7.4.4.4 requires all development projects or actions resulting in impacts to oak woodlands and/or individual native oak trees, including Heritage Trees, mitigate for those impacts as outlined in the County Oak Resources Management Plan (ORMP).

Rationale: Oak woodlands will be impacted by this project. Accordingly, a site-specific Oak Resources Technical Report has been submitted, consistent with the requirements of the ORMP, documenting the amount of oak woodlands impacted by the project and the required mitigation fee for removal of those woodlands. As conditioned, the applicant will be required to demonstrate payment of required mitigation fees prior to issuance of building or grading permits. The project is consistent with this policy.

3.0 ZONING FINDINGS

3.1 The project is consistent with Table 130.24.030 (Residential Zone Development Standards).

Rationale: With the exception of the requested variance, the proposed structure will be consistent with applicable development standards of Table 130.24.030 including five-foot side and 15-foot rear yard building setbacks and 40-foot maximum building height.

3.2 The project is consistent with Section 130.30.050.D (Fire Safe Setbacks).

Rationale: Section 130.30.050.D requires new structures on lots one acre or greater to maintain a 30-foot building setback from all property lines or from the center of the road, unless the applicable fire protection agency approves a lesser setback, but not less than the minimum required by the specific zone district. The applicable fire protection agency, the El Dorado Hills Fire Department (EDH Fire), reviewed the project plans and approved a rear yard setback reduction from 30 feet to 15 feet with incorporation of project-specific conditions of approval for fire safety. EDH Fire condition

have been incorporated into the project as Conditions of Approval No 8-10. Therefore, this project is consistent with this Section.

3.3 The project is consistent with Section 130.30.070 (Fences, Walls and Retaining Walls).

Rationale: Section 130.30.070 provides development standards for fences, walls and retaining walls within required building setbacks, including design criteria and maximum height limits. As proposed and conditioned, the project will comply with this Section.

3.4 The project is consistent with Section 130.30.080 (Hillside Development Standards; 30 Percent Slope Restriction).

Rationale: To minimize environmental impacts for hillside development, Section 130.30.080.C expressly prohibits any ground disturbance on slopes greater than 30 percent, except where reasonable use of the property would be denied. The entire lot contains slopes greater than 30 percent, with slopes ranging from approximately 38 percent at the proposed building site to approximately 50 percent on the rest of the parcel, and therefore, construction of a single-family residence would otherwise be prohibited. To allow for reasonable use, Table 130.30.080.A (Allowed Disturbance Area for Residential Parcels) prescribes strict limits on soil disturbance based on parcel size. In this case, the parcel is between 1.0 and 1.5 acres in size, which limits the disturbed area, including the building foundation and supporting grading/retaining walls, to just over 15,000 square feet. Section 130.30.080.E.1.b (Minimize Grading) also requires special measures to minimize grading impacts in instances of reasonable use including use of stepped foundations, structure and padding configuration to minimize impact to natural topography and the use of retaining walls. On June 13, 2019, TSD Engineering reviewed the applicant's proposed building and grading plans and determined that the design of the proposed residence, at the proposed building site, would comply with the above zoning requirements and soil disturbance would remain just below the required threshold. As proposed and conditioned, the project is consistent with Section 130.30.080.

3.5 The project is consistent with Chapter 130.39 (Oak Resources Conservation).

Rationale: As proposed and conditioned, the project is consistent with applicable sections of Chapter 130.39 (Oak Resources Conservation) including Section 130.39.070 (Oak Tree and Oak Woodland Removal Permits – Discretionary Development Projects). Based on arborist documentation submitted on June 6, 2019, the project will impact 0.115 acres of oak woodland and the project shall be subject to an oak woodland in-lieu

mitigation fee of \$953.00. This fee will be due and payable prior to issuance of building or grading permits.

4.0 VARIANCE FINDINGS

4.1 There are exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings or uses in the vicinity and the same zone, and have not resulted from any act of the owner or applicant.

With the exception of the proposed building site, there are no other feasible building sites on the project parcel due to a combination of existing constraints including hillside slopes exceeding 50 percent, the narrow substandard configuration of the parcel and dense native oak woodland (Exhibits C and G).

To minimize environmental impacts for hillside development, Section 130.30.080.C (Development Standards Applicable to Slopes 30 Percent or Greater) expressly prohibits any ground disturbance on slopes greater than 30 percent, except where reasonable use of the property would be denied. The entire lot contains slopes greater than 30 percent, with slopes ranging from approximately 38 percent at the proposed building site to approximately 50 percent on the rest of the parcel, and therefore, construction of a single-family residence would otherwise be prohibited. To allow for reasonable use, Table 130.30.080.A (Allowed Disturbance Area for Residential Parcels) prescribes strict limits on soil disturbance based on parcel size. In this case, the parcel is between 1.0 and 1.5 acres in size, which limits the disturbed area, including the building foundation and supporting grading/retaining walls, to just over 15,000 square feet. Section 130.30.080.E.1.b (Minimize Grading) also requires special measures to minimize grading impacts in instances of reasonable use including use of stepped foundations, structure and padding configuration to minimize impact to natural topography and the use of retaining walls. On June 13, 2019, TSD Engineering reviewed the applicant's proposed building and grading plans and determined that the design of the proposed residence, at the proposed building site, would comply with the above zoning requirements and soil disturbance would remain just below the required threshold. This letter is attached as Exhibit L.

If the building site was moved farther north to a wider portion of the lot to comply with required building setbacks, the building pad would be located on slopes approaching or exceeding 50 percent and the proposed residence would not comply with required soil disturbance limits. The required area of soil disturbance at that location would likely exceed the limit of just over 15,000 square feet. This could result in potentially significant environmental impacts, including potential soil erosion, and would be inconsistent with the provisions of Chapter 130.30.080 (Hillside Development Standards; 30 Percent Slope Restriction).

Further, almost the entire southern half of the parcel is substandard in size, with lot width measuring as little as 48 feet along the south property line. Table 130.24.030 of the Zoning Ordinance (Residential Zones Development Standards) specifies minimum lot widths for the R1 zone to be 60 feet. Also, the lot is further constrained by an existing 32-foot road and public utilities easement encroaching into the property along the entire length of the east property line. Although the lot width increases gradually from south to north, the location of this easement constrains residential development. Without a variance, the required building setbacks, including the 20-foot front yard setback, from the edge of the road easement, and the 15-foot rear yard setback, would preclude construction of a single-family residence on the proposed building site.

Last, similar to other parcels in the vicinity, the entire parcel is covered with native oak woodland. However, the proposed building site contains substantially fewer oak trees than the remainder of the lot and approval of the Variance would allow for minimal impact to the existing oak woodland. However, moving the proposed building site farther north to a wider portion of the lot to meet the required front and rear yard building setbacks would require removal of a significant portion of the parcel's existing oak canopy (Exhibit G).

Due to significant constraints on the property as it relates to steep hillside slopes, narrow lot width and existing oak woodland, it can be found that there are exceptional or extraordinary circumstances or conditions applicable to the land, building or use referred to in this application, and that these circumstances have not resulted from any act of the owner or applicant. Accordingly, Finding 2.1 can be made.

4.2 **The strict application of the zoning regulations as they apply to the subject property would deprive the subject property of the privileges enjoyed by other property in the vicinity and the same zone (California Government Code Section 65906).**

Table 130.24.020 (Residential Zone Use Matrix) establishes single-unit detached residences as an allowed use ("P") in the R1 zone. By requiring the applicant to locate a single-family residence and attached garage in accordance with the applicable setbacks of the Single-unit Residential Zone District given the constraints described above, the strict application of the provisions of the ordinance would deprive the applicant of the reasonable use of the land or building allowed for by other land in the vicinity and the same zone, and therefore, Finding 2.2 can be made.

4.3 **The variance granted shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated (California Government Code Section 65906).**

Table 130.24.020 (Residential Zone Use Matrix) establishes single-unit detached residences as an allowed use ("P") in the R1 zone. Allowing construction of the single-family residence and attached garage within the front yard setback would allow for the development of a typical-sized single-family residence on the property consistent with

existing residences in the vicinity and in the same zone. Based on permit research on four developed lots in the vicinity of the project parcel, typical residential sizes in this area range from approximately 2,500 square feet to more than 5,000 square feet (Exhibit M). As the proposed residence would be approximately 3,600 square feet, the proposed residence would be consistent with other typical homes in the vicinity and in the same zone. With the exception of the front yard building setback, the proposed residence will comply with all other applicable development standards of the R1 zone, including Table 130.24.030 (Residential Zone Development Standards), Section 130.30.080 (Hillside Development Standards; 30 Percent Slope Restriction), Section 130.30.070 (Fences, Walls and Retaining Walls) and Chapter 130.39 (Oak Resources Conservation). As such, granting the variance request would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated. Therefore, Finding 2.3 can be made.

4.4 **The granting of the Variance is compatible with the maps, objectives, policies, programs, and general land uses specified in the General Plan and any applicable specific plan, and not detrimental to the public health, safety, and welfare or injurious to the neighborhood.**

The project was distributed to all applicable responsible agencies, and no comments were received to prevent approval of the Variance. The proposed Variance allowing a reduction in the front yard setback is compatible with the maps, objectives, policies, programs, and general land uses specified in the General Plan and any applicable specific plan.

In addition, the project application was distributed to the applicable private road maintenance entity, the Lake Pointe View Road Owners Association (association), for review and comment. Association members submitted comments expressing concerns about public safety related to visibility of vehicles at the proposed driveway access. In response to these concerns, the applicant requested a technical analysis from TSD Engineering (Exhibit I) to review the proposed driveway access. The analysis found that left turn sight distance would be unobstructed for 193 feet and right turn sight distance would be unobstructed for 278 feet. According to the engineer's analysis, a minimum sight distance of 100 feet would be required for a left turn and 225 feet for a right turn at this location. Since the proposed driveway would provide visibility exceeding this standard, there would be no anticipated public safety issue concerning the location of the proposed driveway.

Further, for purposes of public safety, all site improvements and structures would be subject to applicable permits and codes at the time of construction including the California Building Code, and all applicable County ordinances including the County Grading and Sediment Control Ordinance (Title 120 of the County Ordinance Code) and the County Fire Prevention Ordinance (Chapter 8.08 of the County Ordinance Code).

Therefore, the granting of the proposed variance would be compatible with the maps, objectives, policies, programs, and general land uses specified in the General Plan and any applicable specific plan and will not impact the public health, safety, and welfare, nor will it be injurious to the neighborhood. Finding 2.4 can be made.

CONDITIONS OF APPROVAL

Variance V18-0005/Chellappan
Zoning Administrator/August 21, 2019

Conditions of Approval:

1. This Variance approval is based upon and limited to compliance with the project description and following exhibits:

Exhibit O.....Project Site Plan

Any deviations from the project description, exhibits, or Conditions of Approval set forth below shall be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

A Variance request to reduce the required 20-foot front yard setback from the edge of the 32-foot wide road and public utilities easement for Guadalupe Drive to zero feet to allow for development of a single-family residence and attached garage.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased, or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

Planning Services Division

2. **Project Modifications:** Building design and building placement shall be completed in conformance with the plans submitted and in conformance with the Conditions of Approval herein. Minor variations are allowed, however, any major changes in the design of buildings, location of buildings, access ways, and parking shall require Planning Services review and approval.
3. **Condition Compliance:** Prior to issuance of building or grading permits or commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval.

4. **Permit Implementation:** Pursuant to Zoning Ordinance Section 130.54.060 (Time Limits, Extensions, and Permit Expiration), implementation of the project must occur within 24 months of approval of this Variance, otherwise this permit shall become null and void. The applicant may request a time extension with the Department at least 30 days prior to permit expiration. If a timely request is filed, the County may, at its discretion, extend this time limit by not more than 36 months. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval.
5. **Hold Harmless Agreement:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval by El Dorado County. County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

6. **Oak Resources Conservation; In-Lieu Fee Payment:** The applicant shall mitigate for impacts to oak resources via payment of the required in-lieu fee as identified in the ORMP. Based on arborist documentation submitted on June 6, 2019, the project would remove 0.115 acres of oak woodland and the estimated project oak woodland in-lieu fee is \$953.00. This fee shall be submitted to Planning Services prior to issuance of Building or Grading Permits.

El Dorado Irrigation District

7. The location of an existing 10-inch EID waterline shall be shown on all applicable grading and building permit plans. No construction shall be allowed within 10 feet of the waterline.

El Dorado Hills Fire Department

8. All buildings on the parcel shall be constructed in accordance with Chapter 7A of the 2016 California Building Code.
9. The area of the structure and landscape that falls within the reduced setback zone shall be made from non-combustible material and/or hardened to reduce the chances of ignition from fire or embers. This includes limiting windows, penetrations, no exposed wood or combustible material will be allowed on any portion of the structure(s).
10. The entire parcel (front to back and side to side) shall be cleared of combustible weeds (down to two inches in height). All trees shall be pruned up, so that all branches are a minimum of six feet above ground level.