

**Agenda of:** August 25, 2005

**Item No.:** 9.a.

**Staff:** Lillian MacLeod

**STAFF REPORT – TENTATIVE PARCEL MAP REVISION**

**FILE NUMBER:** P04-0002R1/PD04-0003

**APPLICANT:** DDD Partners

**AGENT:** Jerry Kain

**REQUEST:** Revision to an approved parcel map and development plan to consider a design waiver for the removal of the sidewalk requirement along the Cordero Drive frontage.

**LOCATION:** On the northeast side of Cordero Drive, approximately 100 feet northwest of the intersection with Greenview Drive, in the El Dorado Hills area. (Exhibit A)

**APN:** 113-330-07

**ACREAGE:** 1.2 acres

**GENERAL PLAN:** Adopted Plan (AP) (Exhibit B)

**ZONING:** Single-family Residential - Planned Development (R1-PD) (Exhibit C)

**ENVIRONMENTAL DOCUMENT:** Statutorily exempt pursuant to Section 15182 of the CEQA Guidelines.

**SUMMARY RECOMMENDATION:** Conditional approval.

**BACKGROUND:** The project lies within the El Dorado Hills Specific Plan, commonly known as Serrano. The project parcel was created under TM98-1344 from Lot B, a 2.49 acre parcel, within Village I, Unit 1. Under the approved tentative map Lot B was to be developed into twelve lots as a two-phased project. A development plan, PD98-01, was filed concurrently with the tentative map that specified one dwelling unit on each of the 12 lots for a total of 12 units. The building footprints showed each of two dwelling units sharing a common wall at their property line, resulting in 6 sets of half-plex units. The development plan was a means of maximizing yard areas as well as accommodating topography with its multilevel design. Both the tentative map and the development plan were approved by the Planning Commission on May 28, 1998.

A final map, TM98-1344-F was approved and recorded June 18, 1999, for Phase 1 development. The map consisted of lots 1 through 6, with a remainder parcel measuring 1.2 acres in size. The remainder parcel was to be developed into lots 6 through 12 under Phase 2. The remainder parcel is the current project parcel.

A time extension was approved by the Planning Commission on September 27, 2001, granting a one year time extension for Phase 2 development until May 28, 2002. The map extension expired on that date without any further action by the applicants.

On September 9, 2004, the Planning Commission heard applications, P04-0002 and PD04-0003, creating four (4) parcels ranging in size from 0.247 to 0.389 acres. Each parcel will be utilized for single-family residential development. The Commission conditionally approved the development plan and parcel map to include design waivers reducing the road and public utility easement on the parcel frontage from 50-feet to the existing 46-feet and to reduce the sidewalk requirement from 6 feet to 5 feet in width.

**STAFF ANALYSIS**

**Project Description:** The applicant is requesting a design waiver of the approved parcel map, P04-02, removing the sidewalk requirement entirely along the Cordero Drive frontage.

**Site Description:** The parcels lie at the base of a terraced slope that adjoins Phase 1 development. The topography is relatively flat with vegetation consisting of star thistle and grasses. A semi-circular area at the base of the terraced slope supports reed-like vegetation that suggests a seasonal drainage flow. All four parcels are situated between golf course greens and Cordero Drive.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>Specific Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	R1-PD	North Uplands Golf Course Neighborhood	Undeveloped
<b>North</b>	R1-PD	Golf Course	Golf Course
<b>South</b>	R1-PD	North Uplands Golf Course Neighborhood	Single-family residential (Phase 1)
<b>East</b>	R1-PD	Golf Course, North Uplands Golf Course Neighborhood	Golf Course, Single-family residential (Phase 1)
<b>West</b>	R1-PD	North Uplands Golf Course Neighborhood	Undeveloped

**Design Waiver(s) Discussion:** Under Parcel Map P04-0002, design waivers were requested to reduce the road and public utility easement on the parcel frontage from 50 feet to the existing 46 feet

and to eliminate the sidewalk requirement along the Cordero Drive frontage. As part of the application process, submittal of site and building plans were required by the Serrano El Dorado Architectural Review Committee acting under the Serrano El Dorado Owner's Association. After reviewing the plans for conformance with Design Guidelines and Standards, the Committee decided to allow reducing the right-of-way to the existing 46 feet but to deny the request to eliminate the sidewalk requirement from the parcel frontage. Overriding the decision of the Committee and approving the design waiver request would nullify the objective of the Specific Plan to establish and enforce design standards.

Subsequently, the Committee has reconsidered the sidewalk issue and is now concluding that the sidewalk requirement is no longer needed (Exhibit E). In order to recommend approval of the design waiver the following findings must be made:

1. *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.*

Discussion: The topography surrounding the location of the roadways and sidewalks in the subdivision exceeds 10 percent in some locations, and elimination of the sidewalk requirement will better conform to the surrounding landforms, resulting in reduced grading and impact on the natural resources. Both TM98-1344F and TM97-1339F were approved for a 46-foot right-of-way on Cordero Drive, with the construction of one sidewalk on the opposite side from the project parcel, only.

2. *Strict application of the design or improvement requirements of this article would cause extraordinary and unnecessary hardship in developing the property.*

Discussion: The requirement for a 5-foot wide sidewalk will require more extensive grading and drainage work with increased impacts to an area that is sensitive to soil disturbance. The larger cut and fill slopes, due to width of improvements, may result in additional erosion and sediment discharge from the site.

3. *The adjustment or waiver would not be injurious to adjacent properties or detrimental to health, safety, convenience, and welfare of the public.*

Discussion: The El Dorado County Department of Transportation and the El Dorado Hills Fire Department have previously indicated in their comments and conditions that the requested roadway width reduction and elimination of one sidewalk will not be detrimental to health, safety, and welfare of the public. Their views have not changed on the subject.

4. *The waiver would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the subdivision.*

**Discussion:** The project parcel is subject to the development standards established under the El Dorado Hills Specific Plan (EDHSP). Under Sections 5.3.1 and 5.3.2, residential streets are shown as requiring a 50-foot right-of-way to include 5-foot sidewalks on each side of the street. Under Section 9.4.2, standards for design and development are established under the EDHSP Design Guidelines. The Design Guidelines are applied to any development through CC&Rs enforced by the Serrano Architectural Committee. After re-reviewing the project and the requested design waiver, the Committee has decided to support the elimination of the sidewalk requirement from the parcel frontage.

### **ENVIRONMENTAL REVIEW**

This project has been found to be Statutorily Exempt from the requirements of CEQA pursuant to Section 15182 of the CEQA Guidelines stating that: *Where a public agency has prepared an EIR on a specific plan after January 1, 1980, no EIR or negative declaration need be prepared for a residential project undertaken pursuant to and in conformity to the specific plan if the project meets the requirements of this section.* An EIR for the El Dorado Hills Specific Plan was prepared on October, 1987 by Jones & Stokes Associates, Inc., and the Specific Plan was approved by the Board of Supervisors on July 18, 1988 under Resolution No. 226-88. Pursuant to Resolution No. 240-93, a \$35.<sup>00</sup> processing fee is required by the County Recorder to file the Notice of Exemption.

### **RECOMMENDATION**

1. Certify that the project is Statutorily Exempt from CEQA pursuant to Section 15182;
2. Approve the following design waiver since appropriate findings have been made as noted in Attachment 2:
  - a. Waive the sidewalk requirement along parcel frontage; and
3. Approve the revision to Parcel Map P04-0002 through the modification of Condition 11 as itemized in Attachment 1.

## **SUPPORT INFORMATION**

### **Attachments to Staff Report :**

Attachment 1 - Modified Conditions of Approval P04-02/PD04-03

Attachment 2 – Findings

Exhibit A Vicinity Map

Exhibit B General Plan Land Use Map

Exhibit C Zoning Map

Exhibit D Tentative Parcel Map

Exhibit E Letter of Serrano El Dorado Owner's Association (February 25, 2005, faxed to Planning June 28, 2005)

Exhibit F Assessor's Parcel Map

**ATTACHMENT 1**  
**CONDITIONS OF APPROVAL**

**FILE NUMBER P04-0002R1**

**Modified Conditions – Tentative Map**

**Planning Department Services**

1. Domestic water shall be supplied by a public entity with a minimum six-inch water line to the property being divided, and a water meter award letter or similar assurance from the water purveyor, guaranteeing water service upon demand to each of the parcels created, shall be submitted to the County Surveyor at the time of filing the parcel map.
2. The subdivision is subject to parkland dedication in-lieu fees, based on values supplied by the County Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. The fees shall be paid at the time of filing the parcel map. The subdivider shall be subject to a \$150.<sup>00</sup> appraisal fee payable to El Dorado County Assessor for the determination of parkland dedication in-lieu fees.

**Department of Transportation**

3. The developer shall obtain approval of project improvement plans and cost estimate consistent with the *Subdivision Design and Improvement Standards Manual* from the County Department of Transportation, and pay all applicable fees prior to commencement of any improvements on the project facilities. All improvements shall be consistent with the approved tentative map.
4. The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Major Land Division Ordinance.
5. The parcel map shall show all utility, road and drainage easements per the recommendation of the utility purveyors and the County Engineer. The County Engineer shall make final determination of the location of said easements. Said easements shall be irrevocably offered to the County.
6. If blasting activities are to occur in conjunction with subdivision improvements, the subdivider shall ensure such blasting activities are conducted in compliance with state and local regulations.

7. If burning activities are to occur during the construction of the subdivision improvements, the subdivider shall obtain the necessary burning permits from the California Department of Forestry and air pollution permits from the County prior to said burning activities.
8. If human remains are discovered at any time during the parcel map improvement phase, the County Coroner and the Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. If archaeological artifacts are discovered, the developer shall retain an archaeologist to make recommendations for the treatment of the artifacts. Treatment of Native American remains or archaeological artifacts shall be the responsibility of the developer and shall be subject to the review and approval of the County Planning Director.
9. This project is subject to El Dorado County fee programs. Said fee shall be due upon the issuance of a building permit. If prior to the application for a building permit for said project a revised fee is established, such revised amount shall be paid.
10. Off-site road improvements shall be completed in compliance with the requirements set forth within the *El Dorado Hills Specific Plan, Appendix F*, and the *El Dorado Hills Specific Plan Public Improvements Financing Plan*, more specifically:

Prior to the issuance of the 1,500 building permit for dwelling units within the combined projects of Village C, Village E, Village F, Village G, Village H, Village I, Village J and Village K, the applicant shall construct Serrano Parkway as a two-lane divided road between its current terminus and Bass Lake Road. The connection to Bass Lake Road shall be configured as shown on the Exhibit entitled "Exhibit A – Connection of Serrano Parkway and Bass Lake Road" and dated May 2001. The Bass Lake Road construction shall provide for a two-lane paved roadway per County Standards together with roadway grading for the ultimate four-lane roadway.

The applicant shall construct a signal at the intersection of Serrano Parkway and Bass Lake Road; the trigger for this work is up to 1,500 DU's in Villages G, J, F, and K. The design shall be for the ultimate 4-lane, 3-way intersection as approved by the Department of Transportation.

Signals shall be constructed at the intersections of Silva Valley Parkway/Harvard Way and Silva Valley Parkway/Serrano Parkway. Note that these signals were found to meet the trigger requirement in the Specific Plan by the *Traffic Study for Road Improvement Triggers Status for the El Dorado Specific Plan* dated April 4, 2003.

The southerly extension of Silva Valley Parkway shall be constructed to join White Rock Road. Note that this work was found to meet the trigger requirement in the Specific Plan by the *Traffic Study for Road Improvement Triggers Status for the El Dorado Specific Plan* dated April 4, 2003. (Note: the developer awarded a construction contract for this work on April 30, 2004.)

White Rock Road shall be constructed as a two-lane paved roadway per County Standards between Latrobe Road and Silva Valley Parkway. Note that this work was found to meet the trigger requirement in the Specific Plan by the *Traffic Study for Road Improvement Triggers Status for the El Dorado Specific Plan* dated April 4, 2003.

11. All roads shall be constructed in conformance with the *Design and Improvements Standards Manual* with the following widths:

ROAD NAME	REFERENCE	ROAD WIDTH	EXCEPTIONS/ NOTES
Cordero Drive from Greenview Drive to northeasterly property line	Std Plan 101B	36 ft. (46' R/W), plus utility/ slope easements	<del>Sidewalks measuring 5 feet in width.</del> Type 1 rolled curb.

Road widths in the proceeding table are measured from back of curb to back of curb.

12. An irrevocable offer of dedication, in fee, for the required rights-of-way (R/W) as indicated above, shall be made for the proposed road, with slope easements where necessary. Said offer shall be rejected at the time of Parcel Map recordation. The offer shall be subject to that agreement between Serrano and the County, recorded as document 98-0015833-00 on March 26, 1998. Subject to the above agreement, all roads are offered in fee to the Master Owner's Association simultaneously with the filing of the Parcel Map.
13. A final drainage plan shall be prepared in accordance with the County of El Dorado *Drainage Manual*, subject to review and approval by the Department of Transportation. Drainage facilities shall be designed and shown on the project improvement plans consistent with the final drainage plan and the *El Dorado Hills Specific Plan Master Drainage Study*. The developer shall install said drainage facilities with the respective phase of construction, or as specified in the final drainage plan.
14. Cross lot drainage shall be avoided wherever possible. The CC&Rs for DDD Partners Parcel Map, shall include a requirement for a grading and drainage plan to be submitted for review and approval of the Architectural Control Committee of the Master or Village Homeowners' Association at the time of building permit application. The CC&Rs shall require all "downhill" lots must be designed to accept any drainage from uphill lots and the Master or Village Homeowners' Association shall enforce this condition.
15. Drainage Maintenance shall be the responsibility of the Master Owner's Association. Therefore, all easements for drainage facilities shall first be offered to the County of El Dorado with rejection; the offer shall be subject to that agreement between Serrano and the County recorded as document 98-0015834-00 on March 26, 1998. Pursuant to the terms of said Agreement, upon rejection by the County, all drainage easements will be subsequently offered to the Master Owner's Association simultaneously with the filing of the Parcel Map.

16. The parcel map shall show all drainage easements consistent with the County of El Dorado *Drainage Manual*, the project final drainage plan, and the project improvement plans.
17. This project is proposing mass pad grading. Section 15.14.460 of the County of El Dorado *Grading, Erosion and Sedimentation Ordinance* (Amended Ordinance 4170, 8/20/91) states that a *mass pad grading project application shall be transmitted for comment to the supervisor of the district where the project is located, prior to the issuance. The district supervisor will be allowed fifteen (15) calendar days to respond, before the grading permit is issued.*
18. The Final Grading Plan(s) for the site shall comply with the provisions of the Grading Ordinance. Prior to recording the parcel map the Developer shall provide a copy of the approved grading plan, as a portion of the improvement plans signed by the County Engineer.
19. Grading plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. The County shall issue no building permit until final grading plans and erosion control plans are approved by the Department of Transportation and the grading is completed.
20. The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
21. Erosion control and drainage design from residential areas into the open space areas shall employ natural appearing methods. The use of native plant materials is required where revegetation is proposed.
22. Should asbestos-containing rock be exposed during grading, construction of roads, excavation for underground facilities, building foundations, or any construction related activity, County Ordinance No. 4548 shall apply.

23. Where the subdivider is required to make improvements on lands which neither the subdivider nor the County has sufficient title or interest to make such improvements, prior to filing of any parcel map, the subdivider shall submit the following to the Department of Transportation Director for approval:
- a. A legal description prepared by a civil engineer or land surveyor of the land necessary to be acquired to complete the off-site improvements;
  - b. Improvement plans prepared by a civil engineer of the required off-site improvements; and
  - c. An appraisal prepared by a professional appraiser of the cost of land necessary to complete the off-site improvements.

Prior to filing of a parcel map, the subdivider shall enter into an agreement, pursuant to Government Code Section 66462.5, to complete the required off-site improvements, including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the subdivider shall provide a cash deposit, letter of credit, or other acceptable surety in an amount sufficient to pay such costs including legal costs subject to the approval of County Counsel.

24. A letter of compliance with all conditions shall be submitted by the Department of Transportation to the Surveyor's Office prior to recording the parcel map.

### **El Dorado Hills Fire Department**

25. The potable water system for the purpose of fire protection for this residential development shall provide a minimum fire flow of 1,500 gpm with a minimum residual pressure of 20 psi for a two-hour duration. This requirement is based upon a side lot setback of less than 10 feet. This fire flow rate shall be in excess of the maximum daily consumption rate for this development. A set of engineering calculations reflecting the fire flow capabilities of the system shall be supplied to the Fire Department for review and approval.
26. This development shall install Mueller Dry Barrel fire hydrants conforming to El Dorado Irrigation District specifications for the purpose of providing water for fire protection.
27. Fire hydrant(s) shall be installed, in compliance with the provisions of the U.F.C. Section 10.301(c), in a location acceptable to the Fire Department. A letter of compliance with the condition shall be submitted by the Fire Department to the Surveyor's Office at the time of recording the parcel map.
28. To enhance the nighttime visibility, each hydrant shall be painted with safety white enamel and marked in the roadway with a blue reflective marker as specified by the Fire Department and the Fire Safe Regulations.

29. In order to provide this development with adequate fire and emergency medical response during construction, all access roadways and fire hydrant systems shall be installed and in service prior to framing of any combustible members as specified by El Dorado Hills Fire Department Standard 103.

### **County Surveyor**

30. The applicant shall provide proof of access to a State- or County-maintained road as defined by Section 16.44.120(B) (2) with the legal right to improve that access as required by the County Design Manual. A Guarantee of Record provided by a title company shall be presented to the County Surveyor's Office prior to filing the parcel map.
31. Prior to the filing of a parcel map, if the subject property is subject to liens for assessment or bonds, pursuant to the provisions of Government Code Section 66493, the owner or subdivider shall do one of the following: (a) Pay the assessment or bond in full; (b) File security with the Clerk of the Board of Supervisors; or (c) File with the Clerk of the Board of Supervisors the necessary certificate indicating that provisions have been made for the segregation of bond assessment responsibility, pursuant to Government Code Section 66493(d).
32. All survey monuments must be set prior to filing the Parcel Map.
33. The applicant or agent shall obtain letters for the County Surveyor's Office from all agencies that have placed conditions on the map. The letters shall state "All Conditions placed by this agency have been met, OK to file map."

## **ATTACHMENT 2** **FINDINGS**

### **FILE NUMBER P04-0002R1**

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

#### **FINDINGS FOR APPROVAL**

1. The project has been found to be Statutorily Exempt from CEQA pursuant to Section 15182 stating that: *Where a public agency has prepared an EIR on a specific plan after January 1, 1980, no EIR or negative declaration need be prepared for a residential project undertaken pursuant to and in conformity to the specific plan if the project meets the requirements of this section.*
  
2. This project may be approved subject to the following findings established in Paragraph 5, Sub-Paragraph 1, which permits the County to approve *a project requesting discretionary approval of residential development if (1) the project is based on a development agreement with the County approved before February 5, 1999, and Sub-paragraph 8 in the Final Writ issued by the Court on July 19, 1999, as follows:*
  - a. The approval or project will not significantly impair the County's ability to adopt and implement a new General Plan after complying with CEQA.
  
  - b. The approval or project complies with all other requirements of law.
  
  - c. The approval or project is consistent with the text and maps of the 1996 General Plan as amended through February 4, 1999.

#### **Design Waivers**

1. There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustments or waivers. The topography surrounding the location of the sidewalk in the subdivision exceeds 10% in some locations, and elimination of the sidewalk will better conform to the surrounding landforms, resulting in reduced grading and impact on the natural resources. Both TM 98-1344-F and TM 97-1339-F were approved for a 46-foot right-of-way on Cordero Drive, with the construction of one 5-foot wide sidewalk on the opposite side from the project parcel. The design waiver, as approved, would conform to existing development in the immediate vicinity.
  
2. Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property because the requirement for the sidewalk width will require more extensive grading and drainage work with increased impacts to an area that is sensitive to soil disturbance. The larger cut and fill slopes, due to

the width of improvements, may result in additional erosion and sediment discharge from the site.

3. The adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public. The El Dorado County Department of Transportation and the El Dorado Hills Fire Department have previously indicated in their comments and conditions that the requested sidewalk elimination will not be detrimental to health, safety, and welfare of the public. They have not changed their view.
4. This waiver would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.