

Agenda of: September 8, 2005

Item No.: 9.a.

Staff: Tom Dougherty

STAFF REPORT – Subdivision Map Correction

FILE NUMBER: TM91-1239C/Serrano, Village H, Unit 3

APPLICANT: John and Patricia Grigsby

AGENT: Kirk Bone, Serrano Associates

REQUEST: Map correction to amend the recorded final map for Serrano Village H, Unit 3, Lot 117, to remove the recorded vehicular access restriction from Gresham Drive to allow for a secondary driveway.

LOCATION: East side of Gresham Drive, approximately 600 feet northwest of the intersection with Bent Creek Court, in the El Dorado Hills area. (Exhibit A)

APN: 113-220-22 (Exhibit B)

PARCEL SIZE: 0.95 acre

GENERAL PLAN: Area Plan (AP) (Exhibit C)

ZONING: One-family Residential (R1) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Statutorily Exempt pursuant to Section 15268 (b) (3) of the CEQA Guidelines.

SUMMARY RECOMMENDATION: Recommend conditional Approval

BACKGROUND: Serrano, Village H, was created with Planned Development PD91-05 which was approved by the Planning Commission on March 3, 1992. The portion of Tentative Map 91-1239 that created Village H, Unit 3, was approved by the Board of Supervisors on May 13, 1997, and the map was recorded on June 2, 1997, and given the subdivision map number H-129. Condition 12 for TM91-1239 stated that “*double frontage lots shall have nonvehicular easements placed as displayed on the vesting tentative map.*”

Serrano Associates submitted map correction application TM91-1239C on May 5, 2005, and it was deemed complete on June 3, 2005.

The owner currently has a grading permit, issued March 8, 2005, and a permit for a single-family dwelling issued July 6, 2005, in progress. It was in the review process for these permits that it was found the owners could not have a secondary driveway access until the vehicular access restriction on Gresham Drive was removed.

STAFF ANALYSIS

Project Description: This is an amendment of a portion of the final map for the Serrano, Village H, Unit 3, as recorded in Book H, Page 129. The map correction would seek to remove the recorded vehicular access restriction only from Gresham Drive on the western boundary of Lot 117 to allow for a secondary driveway. The balance of the easements will remain as recorded. Those easements include 5-foot postal, 10-foot drainage and public utility, and 20-foot slope easements. Lot 118 adjoins to the north and is under the same ownership but it does not have a recorded vehicular restriction.

Amending of Final Maps: Chapter 16.72 of the El Dorado County Code and Section 66472.1 of the Subdivision map Act allow the amendment of final maps by either the filing of a certificate of correction or amendment of the map. Should the County approve the amendment, a certificate of correction is recommended to affect the removal of the nonvehicular restriction.

Section 16.72.040 of the County Code requires the decision makers make all of the following findings:

- A. That there are changes in circumstances which make any and all of the conditions of such a map no longer appropriate or necessary.
- B. That the modifications proposed do not impose any additional burden on the present fee owner of the property.
- C. That the modifications proposed do not alter any right, title, or interest in the real property reflected in the recorded map.
- D. That the map as modified conforms to the provisions of Section 66474 of the Government Code.

Discussion:

Findings B and C: Findings B and C can be made since the removal of the nonvehicular easement being requested would benefit the current owner and the change does not affect right, title, or interest in the property.

Finding A: The non-vehicular easement was placed as a strict interpretation of the *Design and Improvement Standards Manual*, Section 2, Subsection B8, which discusses double frontage lots, when Village H was initially designed. Since that time other lots in the vicinity have been

allowed double frontage encroachments. The current architects and other designers of the encroachment and single-family residence feel that because of the steepness of the lot that the double frontage encroachment is necessary. Serrano El Dorado Owner’s Association has supported this request.

Finding D: The applicable portion of Section 66474(g) requires that the County find the removal of the nonvehicular access will not conflict with easements for *access through or use of, property within the subdivision*. Finding D can be made pursuant to the fact that Gresham Drive is a private road, and no opposition to this secondary access driveway was received from the Serrano El Dorado Owner’s Association nor any public agency solicited for comments.

Site Description: The parcel is currently undeveloped and has been entirely graded to bare dirt. The easternmost portion of Lot 117 has 0 to 10 per cent slopes that increase to around 30 percent to the west boundary on Gresham Drive. The driveway proposed to encroach onto Gresham Drive has already been graded and graveled and has a less than 20 per cent slope.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
North	PD	HDR	Single-Family Residential Lots
South	PD	HDR	Single-Family Residential Lots
East	PD	HDR	Single-Family Residential Lots
West	PD	HDR	Single-Family Residential Lots

Discussion: The project parcels are all part of an approved and developing subdivision. The drainage easements have been maintained, and the rest of the easements to support utility infrastructure of the subdivision will not be affected.

General Plan: The project area is designated on the General Plan land use map as Area Plan (AP). This designation is suitable for single-family residences, and the approved Serrano, Village H, Unit 3, is consistent with this designation as well.

Conclusion: Staff finds that the proposed project, as conditioned, is consistent with the above requirements and, accordingly, conforms to the General Plan.

Zoning: The project site is zoned One-family Residential. No new conflicts with setbacks or easements relative to structures under construction, or any other development standards or requirements of the Zoning Code, will be created by the elimination of the nonvehicular easement as proposed by this project.

Accordingly, based on comments received from public agencies, as discussed below, 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.

General Plan Lawsuit: Under the Final Writ of Mandate issued by the Superior Court on July 19, 1999, this project may be processed as allowed under Paragraph 2 which permits the County to approve projects which are ministerial in nature, specifically approval of final subdivision maps. As discussed under Environmental Review, Section 15268 (b) (3) of the California Environmental Quality Act (CEQA) Guidelines presumes approval of final subdivision maps to be ministerial and exempt from further environmental review. Accordingly, any project approved under Paragraph 2 of the Final Writ requires no further tests or findings to be made.

Conclusion: Staff finds that the proposed project, as conditioned, is consistent with the requirements of the Final Writ of Mandate.

Agency and Public Comments: All agencies that commented on the proposed project are listed below. Copies of their written comments are available at the Planning Department office. If an agency's comment was no comment or not applicable, no further discussion of the agency's comment is presented.

El Dorado County, Office of the County Surveyor: Requested the property owners submit a "Certificate of Correction" to their office and, upon approval, be recorded in the El Dorado County Recorder's Office.

El Dorado County Department of Transportation (DOT): DOT offered a technical suggestion, but not a requirement, that if the applicant were to provide a graphical line-of-sight-analysis the technical issue of potential obstruction of the viewing of oncoming traffic could be resolved. The applicant and their advisors opposed this recommendation on the part of DOT and chose not to do it.

El Dorado Hills Community Services District: Supported the removal of the vehicular access restriction provided the appropriate parties at the Serrano Homeowner's Association approve it as well.

Serrano El Dorado Owner's Association: The Association expressed full support for the proposed removal of the non-vehicular access.

SBC Communications: No objection to the additional driveway.

Pacific Gas & Electric Company: No objection to the additional driveway.

El Dorado Hills Fire Department: The Department requested the driveway be designed to a slope of 20 per cent or less and serve one single-family dwelling only. This requirement is included in Attachment 2, Conditions 4.

New issues may arise as a result of the public notice of the hearing which will be discussed at that time. At the time of the preparation of this report, staff had not received any comments from the public.

ENVIRONMENTAL REVIEW

This 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 \$35.00 processing fee is required by the County Recorder to file the Notice of Exemption.

RECOMMENDATION

Staff recommends the Planning Commission forward a recommendation that the Board of Supervisors take the following actions:

1. Certify that the Certificate of Map Correction is Statutorily Exempt from the requirements of CEQA pursuant to Section 15268 (b) (3).
2. Approve TM 91-1239-C based on the Findings contained in Attachment 1 and the Condition of Approval contained in Attachment 2.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1Findings
Attachment 2.....Conditions of Approval

Exhibit A.....Vicinity Map
Exhibit BAssessor’s Parcel Page
Exhibit CGeneral Plan Land Use Map
Exhibit D.....Zoning Map
Exhibit EApplicant’s Proposed Map Amendment
Exhibit F.....Serrano Village H Unit 3 Subdivision Map
Exhibit G.....Site Visit Photos

ATTACHMENT 1
FINDINGS

FILE NUMBER TM91-1239C

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 pursuant to Section 66472.1 of the California Government Code:

FINDINGS FOR APPROVAL

- A. The non-vehicular easement was placed as a strict application of the *Design and Improvement Standards Manual* for subdivisions in general and in this case is no longer necessary because of similar double frontage encroachments in Village H.
- B. Since the removal of the non-vehicular easement is being requested by and would benefit the current owner, it does not affect right, title or interest in the property.
- C. The removal of the non-vehicular easement does not affect right, title or interest in the property because no public agency with recorded easements on the parcel opposed this removal.
- D. Gresham Drive is a private road and no opposition to this secondary access driveway was received from the Serrano El Dorado Owner's Association nor any public agency solicited for comments.

Findings for Section 66474

- A. The amended map maintains the same density as the original approval, which is consistent with the current General Plan designation of Area Plan (AP). Pursuant to subparagraph 4(c) of the July 19, 1999 Writ, the County is authorized to issue minor approvals which do not have any significant environmental impacts.
- B. The improvements and design of the amended map is consistent with the General Plan.
- C. The site is physically suitable for the construction of a single-family residence as allowed by right pursuant to the project parcel's zoning and general plan designation as approved in the original, Serrano Village H, Unit 3 Subdivision Map.
- D. The site is suitable for the density of the development.

- E. The design of the amended map will not cause substantial environmental damage or substantially injure fish or wildlife or their habitat.
- F. The amended map will not result in serious public health problems.
- G. The amendment to the final map will not conflict with any public lands.

ATTACHMENT 2

CONDITIONS OF APPROVAL

FILE NUMBER TM91-1239C

Planning Services

1. Pursuant to Resolution No. 240-93, a processing fee is required by the County Recorder to file the Notice of Exemption. This fee must be delivered to El Dorado County Planning Services within 60 days of the approval of this application by the El Dorado County Board of Supervisors.
2. The applicant shall file an amended final subdivision map with the El Dorado County Surveyor's office pursuant to the Subdivision Map Act and County Code for review and approval prior to recordation at the County Recorders Office. Said map is to be consistent with Exhibit E of the staff report on file in Planning Services. The property owners are responsible for all associated processing and recording fees.
3. All owners of record at the time of the recording of the amended final subdivision map must submit appropriate documentation demonstrating their acquiescence of the proposed project as approved, and they must be signature to the corrected final subdivision map as well.

El Dorado Hills Fire Department

4. The driveway access off of Gresham Drive shall be designed to a slope of 20 per cent or less and shall serve one single family dwelling only.