

**EL DORADO COUNTY DEVELOPMENT SERVICES  
STAFF REPORT**



**Agenda of:** June 22, 2006  
**Item No.:** Addendum  
**Staff:** Jonathan Fong

**SITE PLAN REVIEW**

**FILE NUMBER:** SPR06-0124

**APPLICANT:** Larry Kinnings

**REQUEST:** Hardship finding to allow the construction of a second residential unit within Safety Zone 2 of the Placerville Airport.

**LOCATION:** On the east side of Paydirt Drive, approximately 300 feet north of the intersection with Cedar Ravine Road, in the Placerville area. (Exhibit A)

**APN:** 051-470-75

**ACREAGE:** 2.05 acres

**GENERAL PLAN:** Medium Density Residential (MDR) (Exhibit B)

**ZONING:** Single-family Two-acre Residential (R2A) (Exhibit C)

**ENVIRONMENTAL DOCUMENT:** Categorically exempt pursuant to Section 15303 of the CEQA Guidelines

**SUMMARY RECOMMENDATION:** Denial

**BACKGROUND:** The existing second dwelling was permitted under the jurisdiction of the City of Placerville. Building Permit 12076 approved the conversion of the garage to a second dwelling issued on October 5, 1999, and finalized on August 14, 2001. However, the 1996 Placerville Airport Comprehensive Land Use Plan (CLUP) establishes that density within Safety Zone 2 is not to exceed one dwelling unit per five acres. The original building permit that approved the conversion was issued in error.

At the time the building permits for the garage and subsequent conversion permits were issued, the project parcel had two Assessor's Parcel Numbers due to the tax rate area line that intersected the parcel (Assessor's Parcel Number 072-470-36, Assessor's Parcel Number 072-470-72). The second residence was located within the City of Placerville tax rate area line. The building site location allowed the development permits to be issued through the City of Placerville.

The building site of the proposed new second residence was located on the tax rate area line between the City of Placerville and the County. On June 20, 2005, the Assessors Office adjusted the tax rate area lines so that the parcel would have one Assessors Parcel Number solely within the jurisdiction of El Dorado County.

**STAFF ANALYSIS**

**Site Description:** The project parcel is located within Safety Zone 2 of the Placerville Airport, directly west of runway RW 23-05. The parcel is located at approximately 2,200 feet elevation. The Placerville Airport is located northwest of the parcel at approximately 2,600 feet (Exhibit E). Existing on site is a 2,200 square foot two-story residence and a 400 square foot second residence. Both structures are located at the high point of the parcel at approximately 2,300 feet elevation (Exhibit G).

**Project Description:** The applicant requests a hardship finding pursuant to 17.38.402(C) to convert the existing 400 square foot second residence into a garage and construct a new 1,172 square foot second residence. The proposed building site for the second residence is at the low point of the property at approximately 2,200 feet elevation (Exhibit G).

As discussed in the submitted project narrative, the applicant believes the proposed second residence will reduce the potential aircraft-related hazards on site (Exhibit F). The project will re-locate the existing second residence which is at the highest point on the property and construct a new second residence located at the lowest point in the property. Existing structures and natural topography will sufficiently shield the proposed structure from aircraft-related hazards.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	R2A	MDR	Single-family residence
<b>North</b>	PVILLE I	AP I	Placerville Airport
<b>South</b>	R2A	MDR	Single-family residence
<b>East</b>	R2A	MDR	Single-family residence
<b>West</b>	R2A	MDR	Single-family residence

**Discussion:** The project parcel is located in a residential area. The northern property line of the project parcel abuts the land which is located within the City of Placerville. The proposed second residence is compatible with the surrounding area.

**General Plan:** The General Plan designation of the subject site is Medium Density Residential (MDR). This land use designation establishes areas suitable for detached single-family residences with larger lot sizes which will enable limited agricultural management activities.

Because the project parcel is located within Safety Zone 2 of the Placerville Airport, the following additional General Plan Policies are applicable:

Policy 2.2.5.13 - Land uses adjacent to or surrounding airport facilities shall be subject to location, use, and height restrictions consistent with the Comprehensive Airport Land Use Plan (CLUP).

Policy 6.5.2.1 - All project, include single-family residential, within the 55 dB/CNEL contour of a County airport shall be evaluated against the noise guidelines and policies in the applicable CLUP.

Policy 6.8.1.1 - All development within the Airport Safety Zones of the Placerville Airport, the Cameron Park Airport, the Georgetown Airport, and the City of South Lake Tahoe Airport shall comply with the Airport Land Use Commission height, noise, safety policies, and maps as set forth in the CLUP for each airport. Where there is a difference between the County development standards and the development standards of the CLUP, as applied to proposed development, the standards that will most reduce airport-related safety hazards shall apply.

Discussion: Applicable General Plan Policies require that development located with Safety Zone 2 of the Placerville Airport be consistent with the requirements in the CLUP. As discussed below, the proposed second residential unit exceeds the density requirements as listed in the CLUP. Staff finds the proposed project is inconsistent with the General Plan

**Zoning:** The project parcel is located within the Single-family Two-acre (R2A) Zone District (Section 17.28). Section 17.15.020 A. of the Zoning Ordinance allows the construction of a second residential unit in all zoning districts that permit single-family residences.

Because the project parcel is located within Safety Zone 2 of the Placerville Airport, the following additional Zoning Ordinances apply:

Chapter 17.38 Airport Safety (AA) District establishes regulations to assure that development will not constitute hazards to air navigation; to minimize public exposure to airport-related hazards; and to assure the compatibility of permitted development with anticipated airport noise levels.

17.38.020 Applicability. These regulations shall be combined with existing principal zone districts and shall apply to areas designated AA on the zoning maps that encroach into the airport imaginary surfaces, airport safety areas, or within airport areas with a noise exposure level of equal or in excess of 60 dBCNEL as identified in the airport comprehensive land use plan. All land uses and development standards of the principal zone shall apply in the combined zone except in so far as they are inconsistent with or modified by the land uses and development standards set forth in these regulations. Parcels or portions of parcels that are not located within the airport imaginary surfaces, airport safety areas, or within airport areas with a noise exposure level of equal or in excess of 60

dBCEL as identified in the airport comprehensive land use plan are not subject to the airport safety (AA) regulations (Ord. 3721 §1(part), 1987).

17.38.040 Land use compatibility. New development, development approval, or any expansion of existing uses shall be consistent with the criteria of the land use compatibility guidelines for safety contained in the applicable airport comprehensive land use plan. Notwithstanding the restrictions for the location of a single-family residence within an approach or departure zone, the construction of a new single-family residence within a One-family Residential (R1) District on a lawfully created parcel may be permitted in accordance with height restrictions of Section 17.38.051 and noise attenuation requirements of Section 17.38.052. In interpreting and applying the land use compatibility guidelines for safety, the land use criteria are the minimum requirements for the promotion of the public health, safety, and general welfare. If an ambiguity arises concerning the content or application of the guidelines, the planning director shall ascertain all relevant facts, consider the ambiguity, and interpret and apply the guidelines. (Ord. 3721 §1(part), 1987)

17.38.41 Prohibited uses and development. In addition to the uses specified by the land use compatibility guidelines for safety, the following uses and development are prohibited within the airport safety areas as identified in the airport comprehensive land use plan as follows: C. Within specified Safety Areas 1 and 2 (approach or departure zones), second residential units as provided in Chapter 17.15 of this code. (Ord. 3721 §1(part), 1987)

Discussion: The project parcel lies within Safety Zone 2 of the Placerville Airport. Reviewing the CCEL Contour maps for the Placerville Airport, portions of the project parcel are located in the '70 and greater' contour interval and portions within the '65 to 70' contour interval (Exhibit D). Because the project parcel is located within areas in excess of 60 dBCEL, the AA zoning provisions are applicable.

Pursuant to Section 17.38.040 C. of the Zoning Ordinance, upon a four fifths vote the Planning Commission may approve the second residence if a determination can be made that a hardship exists. The hardship must clearly outweigh the public health, safety, and welfare objects of the Comprehensive Land Use Plan (CLUP).

Conclusion: Chapter 17.38 of the Zoning Ordinance requires any development to be consistent with the CLUP. As discussed below, the construction of a second residential unit within Safety Zone 2 of the Placerville Airport is an incompatible land use as listed in the CLUP. Furthermore, the AA zoning district prohibits second residences within Safety Zone 2. Staff finds the proposed project is inconsistent with the County Zoning Ordinance.

**Placerville Comprehensive Land Use Plan (CLUP):** The Placerville CLUP establishes density requirements for residential development within Safety Zones 1, 2, and 3 of the Placerville Airport.

Subsection C. 'Airport Safety Restriction Area' defines non-compatible uses within Safety Zone 2:

- c. In addition to the uses specified in the Land Use Compatibility Guidelines for Safety, the following generalized land uses are defined as non-compatible for the Placerville Airport.:

- 3) Safety Area 2 (Approach/ Departure Zones):
  - (a) Any new residential development which would result in a building density greater than one (1) dwelling unit per five (5) acres, or in alternations of more than 200 square feet to existing structures.

Figure 9, Land Use Compatibility Guidelines for Safety, establishes land use compatibility within Safety Zones of the Placerville Airport. Two family dwellings are determined to be a non-compatible land use within Safety Zone 2

Section 4D of the Implementation Section of the Placerville CLUP establishes that the approving authority may override provisions of the CLUP:

Strict Applications of the Land Use Compatibility Guidelines for Safety (Figure 9, page 39) may create undue hardships which outweigh interests of public health and safety. Deviation from the guidelines through an overrule by the City of Placerville or the County of El Dorado should be approved only upon a finding that such hardships clearly outweigh the public health, safety, and welfare objectives of this plan.

Discussion: The proposed project would construct a second residential unit within Safety Zone 2 of the Placerville Airport. Pursuant to the Placerville Comprehensive Land Use Plan (CLUP), the proposed second residential unit would exceed the density allowed within Safety Zone 2. Staff finds the proposed project is inconsistent with the CLUP.

Pursuant to Section 4D of the Implementation Section of the CLUP and Section 17.38.040 C. of Zoning Ordinance, the proposed second residence may be approved only if a hardship can be demonstrated which outweighs the public health, safety and welfare objectives of the CLUP.

**Agency and Public Comments:** The following agencies provided comments on this application. Copies of their written comments are available at the Planning Services office. From these comments, the following issues were raised:

Foothill Land Use Commission (FALUC) for El Dorado, Nevada, Placer, and Sierra Counties: The FALUC has determined that the construction of the second dwelling in Safety Zone 2 is an incompatible land use (Exhibit H).

California Department of Transportation; Division of Aeronautics: The Division of Aeronautics recommended the FALUC review the project to make a consistency determination regarding the proposed second residence. New residential within an airport's 65 dB CNEL contour is inconsistent with the Public Utilities Code and the Airport Noise Standards (Exhibit I).

**ENVIRONMENTAL REVIEW**

This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15303 of the CEQA Guidelines stating that new construction of small structures such as second residential units are exempt. 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**

Staff recommends that the Planning Commission take the following action:

- 1. Deny the Hardship Finding (SPR06-0124) project as the required findings cannot be made based on the analysis in the staff report and as noted in Attachment 1.

**OR**

If the Planning Commission approves the request, staff recommends the following actions:

- 1. Certify that the Hardship Finding (SPR06-0124) is Categorically Exempt from CEQA pursuant to Section 15303; and
- 2.
- 3. Approve the Hardship Finding (SPR06-0124) as the required findings can be made as noted in Attachment 2 based on the analysis in the staff report and the modifications to the project to include conditions itemized in Attachment 3

**SUPPORT INFORMATION**

**Attachments to Staff Report:**

Attachment 1 .....Findings of Denial  
Attachment 2 .....Findings of Approval  
Attachment 3.....Conditions of Approval

Exhibit A .....Vicinity/A.P.N.  
Exhibit B .....General Plan Land Use Map  
Exhibit C .....Zoning Map  
Exhibit D .....CNEL Noise Contours Map  
Exhibit E .....Topography/ Aerial Map  
Exhibit F .....Applicant submitted project narrative  
Exhibit G .....Applicant submitted supplemental maps  
Exhibit H.....Foothill Airport Land Use Agency Comments  
Exhibit I.....Caltrans Division of Aeronautics Comments

**ATTACHMENT 1**  
**FINDINGS FOR DENIAL**

**FILE NUMBER SPR06-0124**

***Based on the review and analysis of the 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 Denial**

1. The proposed project is not consistent with the Placerville Comprehensive Land Use Plan (CLUP), the General Plan, and the County Zoning Ordinance.

As recommended by the Foothill Airport Land Use Commission (FALUC), a second residential unit located within Safety Zone 2 is an incompatible land use.

2. The original approval of Building Permit 12076 on October 5, 1999, was not consistent with the applicable 1996 Placerville CLUP.
3. There is insufficient evidence that there is hardship that clearly outweighs the public health, safety, and welfare objectives of the Placerville Comprehensive Land Use Plan. Relocation and enlargement of a second residential unit in Safety Zone 2 of the Placerville Airport is inherently contradictory to the public health, safety, and welfare.

## **ATTACHMENT 2** **OPTIONAL FINDINGS OF APPROVAL**

### **FILE NUMBER SPR06-0124**

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:

#### **CEQA**

1. The Hardship Findings (SPR 06-0124) has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15303 of the CEQA Guidelines stating that new construction of small structures such as residential units are exempt.

#### **Administrative Findings**

2. The proposed second residence is consistent with the Placerville Airport Comprehensive Land Use Plan (CLUP).

The current 1996 CLUP establishes residential density requirements that determine the second residence is an incompatible land use. However, the relocation of the second residence meets the objectives of the CLUP by minimizing the potential for aircraft-related hazards and does not increase the overall density of the site.

3. The proposed second residence is consistent with the General Plan.

The General Plan requires that development within Safety Zone 2 be consistent with the CLUP. As discussed in Findings of Approval 1, the proposed project satisfies the objectives of the CLUP by minimizing the potential for aircraft-related hazards.

4. The proposed second residence conforms with the County Zoning Ordinance.

The relocation of the existing second residence will minimize the potential for aircraft-related hazards. This meets the objectives of Chapter 17.38 of the Zoning Ordinance of establishing regulations to minimize aircraft-related hazards.

## **Hardship Findings**

5. A hardship exists that clearly outweighs the public health, safety, and welfare objectives of the airport comprehensive land use plan.

The current 1996 CLUP establishes residential density requirements that determine the second residence is an incompatible land use. However, the relocation of the second residence meets the objectives of the CLUP by minimizing the potential for aircraft-related hazards and not does increase the overall density of the site.

**ATTACHMENT 3**  
**OPTIONAL CONDITIONS OF APPROVAL**

**FILE NUMBER SPR06-0124**

**Planning Services**

1. The applicant shall make all applications necessary to obtain a building permit.
2. The applicant shall comply with all development standards as required in Chapter 17.38 Airport Safety District of the County Zoning Ordinance.
  - a. Community noise equivalent level (CNEL) contours of 60 dBCNEL or larger shall be superimposed on a topographic map of the development site to show both present and as applicable future aircraft-generated sound levels projected for the property.
  - b. The placement and height of all existing and proposed buildings and structures shall be shown on the site/ contour map and accompanied by building elevations.
  - c. Identification of the uses(s) to occur within each structure or activity area shall be designated on the site/ contour map.
  - d. All structures located within the 60 dBCNEL contour shall comply with Title 25 of the California Administrative Code to attenuate exterior noise such that interior noise levels shall not exceed 45 dBCNEL in any habitable room.
  - e. An acoustical analysis shall be prepared describing noise attenuation measures to be applied in the development, together with an analysis of the noise insulation effectiveness.
  - f. A narrative shall be provided describing the location for the site, its total acreage, existing character and use, and a description of the proposed development or use.

**Department of Transportation Division of Aeronautics**

3. The applicant shall submit a Notice of Proposed Construction or Alteration Form 7460 to the Federal Aviation Administration (FAA) in accordance with FAA Regulation Part 77 “Objects Affecting Navigable Airspace.”