

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



Agenda of: June 16, 2021
Item No.: 4.a.
Staff: Evan Mattes

ADMINISTRATIVE PERMIT

FILE NUMBER: ADM20-0048/Russel Driveway Gate

APPLICANT: Ryan Russel

REQUEST: Administrative Permit to allow a reduction of the front yard setback from 20 feet to 18 feet 4 inches for the construction of a 30-foot rolling gate across an existing driveway.

LOCATION: North side of Pleasant View Lane, approximately 400 feet south of the intersection with Buena Vista Drive, in the Shingle Springs area, Supervisorial District 4. (Exhibit A)

APN: 070-051-047 (Exhibit B and C)

ACREAGE: 3.03 acres

**GENERAL PLAN
LAND USE DESIGNATION:** Medium Density Residential (MDR) (Exhibit D)

ZONING DESIGNATION: Residential One-Acre (R1A) (Exhibit E)

ENVIRONMENTAL DOCUMENT: Statutorily Exempt pursuant to Section 15268 of the CEQA Guidelines (Ministerial Projects)

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

1. Find that the project is Statutorily Exempt pursuant to CEQA Guidelines Section 15268; and
2. Approve Administrative Permit ADM20-0048 based on the Findings and subject to the Conditions of Approval as presented.

PROJECT INFORMATION

Existing Conditions: The parcel has a single-family residence with a driveway connecting to Pleasant View Lane. The lot is 3.03 acres in size and slopes up to the north. Neighboring parcels to the north, east and west are developed with similar single-family residential development. The parcel to the south is part of the Cameron Park Unit Rare Plant Tine Hill Preserve. Pleasant View Lane is a non-county maintained road servicing five residential parcel including the subject property. An as-built gate crosses the driveway at 18 feet 4 inches from the edge of maintained road. This is within the required 20-foot gate front yard setback, which is measured from the edge of maintained road pursuant to section 130.30.090.A of the El Dorado County Zoning Ordinance. Location of the gate resulted in a Code Enforcement Case. Approval of the Administrative Permit would remedy the Code Enforcement Case, by granting a setback relief.

Project Description: The applicant is requesting an Administrative Permit for a setback relief to reduce the standard 20-foot front yard setback to 18 feet 4 inches to allow for an existing 30 foot rolling gate (Exhibit F). The as-built gate will not swing into any existing road easements. The proposed reduced setback of 1 foot 8 inches is approximately 9% of the standard setback, which is below the maximum allowable 10%. This administrative permit was found to be consistent pursuant to the authorizations of El Dorado County Zoning Code Section 130.52.010.B and determined to be complete with notification to direct neighbors on February 9, 2021. Pursuant to section 130.52.010.B.2 if an objection is received within ten days of the notification/comment period the Director shall not approve the request and elevate the review to the Zoning Administrator or Commission. An objection was received February 23, 2021 within the 10-day review period, but not time stamped until February 24, 2021 (Exhibit G). The objection is based upon not complying with the typical setbacks and civil issues regarding the road easement.

General Plan: The subject parcel has a General Plan Land Use Designation of Medium Density Residential (MDR). This project has been found to be consistent with the MDR land use designation and other applicable policies of the General Plan.

Zoning: The subject parcel is zoned Residential One-Acre (R1A), which allows single-family detached dwellings, and accessory uses and structures, including gates across private driveways. With the exception of the proposed setback administrative relief, the as built gate would be permitted by right in the R1A zone district.

Administrative Relief Findings: The granting of Administrative Relief requires three findings pursuant to Section 130.52.010 of the County Code. These findings for approval and their respective discussions are provided following this report.

Conditions of Approval: Two standard conditions of approval are proposed for this project, requiring conformity with the submitted site plan/request and an indemnity clause.

ENVIRONMENTAL REVIEW

This project is Statutorily Exempt from the requirements of California Environmental Quality Act (CEQA) pursuant to Section 15268 that allows ministerial projects to be considered statutorily exempt from CEQA. No further environmental analysis is necessary. The

Administrative Permit is determined to be ministerial to CEQA pursuant to section 130.52.010 of the El Dorado County Zoning Ordinance.

A \$50.00 administration fee is required by the County Recorder to file a Notice of Exemption. This fee shall be made payable to El Dorado County and shall be submitted to Planning Services upon project approval.

SUPPORT INFORMATION

Attachments to Staff Report:

Findings
Conditions of Approval

- Exhibit ALocation Map
- Exhibit BAssessor’s Parcel Map
- Exhibit CRecord of Survey RS29/14
- Exhibit DGeneral Plan Land Use Map
- Exhibit EZoning Map
- Exhibit F.....Proposed Site Plan
- Exhibit GObjection Letter

FINDINGS

Administrative Permit ADM20-0048/Russell Driveway Gate Zoning Administrator/June 16, 2021

1.0 CEQA FINDINGS

- 1.1 The modification of the structural setback is found to be Statutorily Exempt from CEQA pursuant to Section 15268 that allows for ministerial projects.
- 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 Community Development Services, Planning and Building Department, at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

- 2.1 **The project is consistent with General Plan Policy 2.2.5.2: All applications for discretionary projects or permits including, but not limited to, General Plan amendments, zoning boundary amendments, tentative maps for major and minor land divisions, and special use permits shall be reviewed to determine consistency with the policies of the General Plan. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan. In the case of General Plan amendments, such amendments can be rendered consistent with the General Plan by modifying or deleting the General Plan provisions, including both the land use map and any relevant textual policies, with which the proposed amendments would be inconsistent.**

Rationale: The subject parcel has a General Plan land use designation of Medium Density Residential (MDR). This project has been found to be consistent with the MDR and the General Plan.

3.0 ZONING FINDINGS

The project is consistent with Title 130.052.010.B.2:

- 3.1 **The proposed reduction does not exceed the limits set forth in this Chapter.**

Rationale: The administrative setback relief permit allows for a setback reduction of 10%. The standard setback for a gate across a private driveway connecting to a non-County maintained street is 20 feet from edge of maintained. The project is proposing a gate 18 feet and 4 inches from edge of pavement. The project is requesting a setback relief of 9.6 percent, which does not exceed the limitations of 130.052.010.B.2.a.

- 3.2 **There are no objections from any adjacent property owners.**

Rationale: An objection was received within ten days from an adjacent property owner. The objection has been noted and the project has been elevated for review to

the Zoning Administrator for review as shown in Zoning Ordinance Section 130.052.010.A.1c.

3.3 The proposed project will not be detrimental to the public health, safety, and welfare or injurious to the neighborhood.

Rationale: The proposed gate would not be detrimental to the public health, safety, and welfare or injurious to the neighborhood. The gate will not swing into any roadway.

CONDITIONS OF APPROVAL

Administrative Permit ADM20-0048/ Russell Driveway Gate Zoning Administrator/June 16, 2021

Conditions of Approval:

1. This administrative relief is based upon and limited to compliance with the project description and approved "Site Plan," (Exhibit F), and conditions of approval set forth herein. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require changes to these approvals, including but not limited to further review by all applicable agencies and/or the environmental setting. Deviations without the above described approval will constitute a violation of permit approval.

Allow the reduction of the front yard setback from 20' to 18'4" to support an as-built gate located 18'4" from the front yard property line.

2. **Indemnity:** 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 the County harmless from any legal fees or costs the County may incur as a result of such action.

The developer and land owner 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 of El Dorado County concerning a Parcel Map.

The County shall notify the applicant of any claim, action, or proceeding, and the County shall cooperate fully in the defense.