

AGENDA ITEM 1 H
Consent Item

MEMORANDUM

DATE: December 5, 2024

TO: El Dorado County Transit Authority

FROM: Erik Bergren, Planning and Marketing Manager

SUBJECT: Bass Lake Road Park and Ride Restrictive Covenant

REQUESTED ACTION:

BY MOTION,

Adopt Resolution No. 24-26 Authorizing the El Dorado County Transit Authority to execute the Restrictive Covenant document allowing an exception to setback requirements for Bass Lake Road Park and Ride

BACKGROUND

The El Dorado County Transit Authority (El Dorado Transit) Park-and-Ride Facilities Master Plan (2017) identified the Bass Lake Road Park and Ride site for development. The condition of approval for the nearby Bass Lake North subdivision required the developer to construct the first half (100 spaces) of the park and ride facility. Construction included drainage, finish grading, electric utilities, lighting and paving. The ribbon cutting for the facility was held on July 8, 2024, and a basic park and ride facility is now functioning.

Additional improvements that are still needed to complete the first phase of the facility construction includes landscape design approval, signage, water supply, and landscape installation. In order to receive landscape design approval from the County of El Dorado Planning and Building Services, an exception was needed for the accessory building which will house water storage and controllers for the irrigation system. That exception was granted which triggered a Restrictive Covenant for fire-safe setback conditions from the El Dorado Hills Fire Department. The Restrictive Covenant stipulates conditions that the accessory building must meet in order to be in compliance with Title 14 CCR SRA/VHFHSZ Fire Safe Regulations.

DISCUSSION

The fire-safe setback conditions set forth in the Restrictive Covenant are easily met and should pose no problem for construction. Staff has been working closely with project manager Feild & Associates on the landscape design and approval process.

Staff recommends adopting Resolution No. 24-26, approving the Restrictive Covenant and authorizing El Dorado Transit staff to record said document.

FISCAL IMPACT

None

Recording requesting by:



EL DORADO HILLS
FIRE DEPARTMENT

When recorded mail a copy to:

El Dorado Hills Fire Department
1050 Wilson Blvd.
El Dorado Hills, CA 95762

Recorder's Use Only

RESTRICTIVE COVENANT

FIRE-SAFE SETBACK CONDITIONS

NOTICE IS HEREBY given that a restrictive covenant requiring fire-safe conditions is imposed upon that certain parcel designated as **APN# 119-100-059** located at **1900 Bass Lake Road**, as filed in the official records in the Office of the County Recorder of the County of El Dorado, State of California, and **as legally described in Exhibit A attached hereto.**

This restriction is imposed as a set of conditions to grant a variance to the required 30-foot fire-safe setback requirements of Title 14 CCR SRA/VHFHSZ Fire Safe Regulations. Where any portion of the structure falls within the 0–29-foot fire safe set back zone, the structure shall be constructed and maintained in accordance with the Insurance Institute for Business and Home Safety (IBHS) Wildfire Prepared Home Plus including, but not limited to, the following restriction conditions:

1. **Accessory structures located within the reduced fire setback zone after El Dorado County PERMIT # 375801 and all successor permits on this parcel shall comply with this restrictive covenant and California Code of Regulations Title 24, Part 2, Chapter 7A, Section 710A.**
2. **Five (5) foot non-combustible zone provided horizontally around the structure.**
3. **Exterior windows, skylights, glazed doors, and glazed openings within exterior doors shall be multi-paned with at least two (2) tempered panes, minimum twenty (20) minute fire rated, or fire-resistant glass block units. Shutters installed over windows shall be non-combustible.**
4. **Areas under first-floor bay windows shall be enclosed with non-combustible walls.**
5. **Exterior doors shall be non-combustible or have a non-combustible exterior storm door and comply with California Code of Regulations Title 24, Part 2, Chapter 7A, Section 708A.**
6. **Exterior walls shall be constructed with non-combustible building materials such as stucco, fiber-cement, stone, or brick and comply with California Code of Regulations Title 24, Part 2, Chapter 7A, Section 707A.**
7. **Eaves shall be enclosed on the underside with non-combustible material, ignition-resistant material, or a minimum of two (2) inch lumber.**
8. **Gutters and downspouts shall be of non-combustible material. Gutters shall be provided with a non-combustible guard.**

9. Wildfire flame and ember-resistant vents or WUI vents tested to ASTM E2886 shall be installed at all ventilation openings. Vents shall be compliant with California Code of Regulations Title 24, Part 2, Chapter 7A, Section 706A. Dryer vents shall be metal and equipped with a louver or flap.
10. Decks including posts, joists, railing, stairs, and walking surfaces shall be non-combustible and comply with California Code of Regulations Title 24, Part 2, Chapter 7A, Section 709A.
11. Projections shall be non-combustible, ignition-resistant, or one (1) hour fire-rated in accordance with IWUIC, Section 503.2 and/or NFPA 1144, Section 5.2.
12. Non-combustible fences shall be provided within five (5) feet of a structure. Fences attached to the structure shall be non-combustible within the first five (5) feet of the structure. Back-to-back, combustible fencing shall be separated by a minimum of five (5) feet.

Said restriction shall be binding upon the heirs, assigns, and successor in the interest of the grantors, and shall remain in effect until rescinded by the El Dorado Hills County Water District, A.k.a. the El Dorado Hills Fire Department. The purpose of this Restrictive Covenant is to give constructive notice of this development limitation.

GRANTOR:

**EL DORADO COUNTY
TRANSIT AUTHORITY**

BY: _____
George Turnboo, Chairperson
Board of Directors

Date: _____

EXHIBIT “A”

All that real property situated in the County of El Dorado, State of California, lying within the South ½ of Section 6 and the North ½ of Section 7, T. 9 N., R. 9 E., M.D.M, more particularly described as follows:

Tract 4 of the Record of Survey 37-29, filed and recorded the 10th day of March, 2020 as Document No. 2020-0011161.

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of _____)

On _____ before me, _____
(insert name and title of the officer)

personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

**EL DORADO COUNTY TRANSIT AUTHORITY
RESOLUTION NO. 24-26**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE EL DORADO COUNTY
TRANSIT AUTHORITY TO APPROVE THE RESTRICTIVE COVENANT AS REQUIRED
BY THE EL DORADO HILLS FIRE DEPARTMENT**

WHEREAS, the El Dorado County Transit Authority has prepared landscape plans for the Bass Lake Park and Ride project which were submitted to the County of El Dorado Planning & Building Services and the El Dorado Hills Fire Department for review and approval; and

WHEREAS, said Plans have incorporated an accessory structure for the purpose of water storage and controllers for the irrigation system in a location that is within the current side yard setback limit; and

WHEREAS, the El Dorado County Planning & Building Services has granted an exception to the side yard setback requirement as the proposed location is the only feasible location in the Park and Ride lot to accommodate the construction of a small utility building; and

WHEREAS, one of the requirements of the El Dorado Hills Fire Department to approve and grant a variance to the exception of the side yard setback requirement is that a Restrictive Covenant which stipulates restriction conditions that are in compliance with Title 14 CCR SRA/VHFHSZ Fire Safe Regulations be duly recorded in the Office of the County Recorder of the County of El Dorado, State of California;

NOW THEREFORE, BE IT RESOLVED, the Board of Directors of the El Dorado County Transit Authority hereby approves the Restrictive Covenant attached hereto and authorizes the Chairperson of the Board of Directors to execute the Restrictive Covenant and authorizes El Dorado Transit staff to record said document.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE EL DORADO COUNTY TRANSIT AUTHORITY at a regular meeting of said Board, held on the 5th day of December 2024, by the following vote of said Board:

AYES:

NOES:

ABSTAIN:

ABSENT:

George Turnboo, Chairperson

ATTEST:

Megan Wilcher, Secretary to the Board