Planning Commission Agenda Item #
August 13, 2007

To: Planning Commission

From: Darcy Goulart, Planner

Subject: Jebian Tentative Parcel Map

Recommendation
Staff recommends approval of the Jebian Tentative Parcel Map based on the Findings and Conditions of Approval.

Analysis
The applicant is proposing to subdivide a 1.09 acre parcel into 2 single family residential lots zoned R-1 (PD). The subject property is located on Tucker Road, north of Hwy 49 and west of Gopher Flat Road (Figure 1). The minimum lot standard for the R-1 zoning category is 7,000 sq. ft. The proposed lot sizes are 12,000 sq. ft. and 30,200 sq. ft. Although the proposed lots are significantly larger then the minimum standard, the lots are compatible with the surrounding lots patterns (Figure 1). These lots are large enough to build a single family residence and an accessory dwelling unit that complies with Zoning Code standards for second units. However the topography of the site will most likely limit Parcel 1 to only one residence.

The Subdivision Ordinance also requires residential parcel to have at least 60 feet of frontage adjacent to roadways (public or private). On the previous version of the parcel map Parcel 2 was designed without any street frontage and the common driveway was located solely on Parcel 1. Staff provided the applicant with two options to resolve the frontage issue. The first option was to put the project on hold to allow staff time to amend the Subdivision Ordinance to address flag lots and large lot parcel maps in less dense areas. The second option was to revise the map so that Parcel 2 would have the minimum requirement of 60 feet of lot frontage. The applicant opted for revising the map and with the assistance of staff, brought back the map that is included in this staff report (Figure 3). The revised map splits the existing common driveway in half so that 10 feet of the driveway is included on each parcel. This design is the best layout based on topography and resolves the frontage issue.

Figure 1 – Regional Map

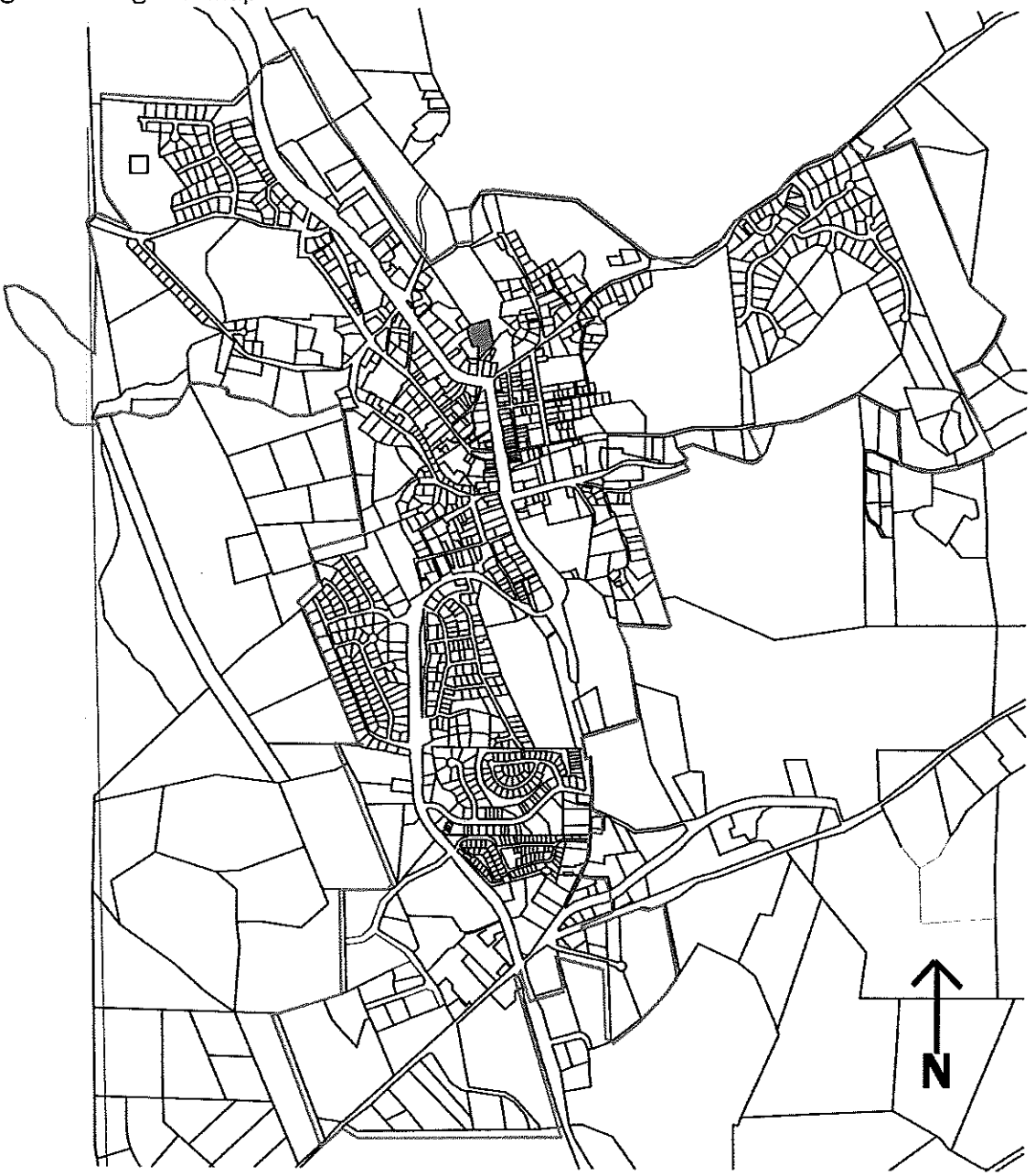
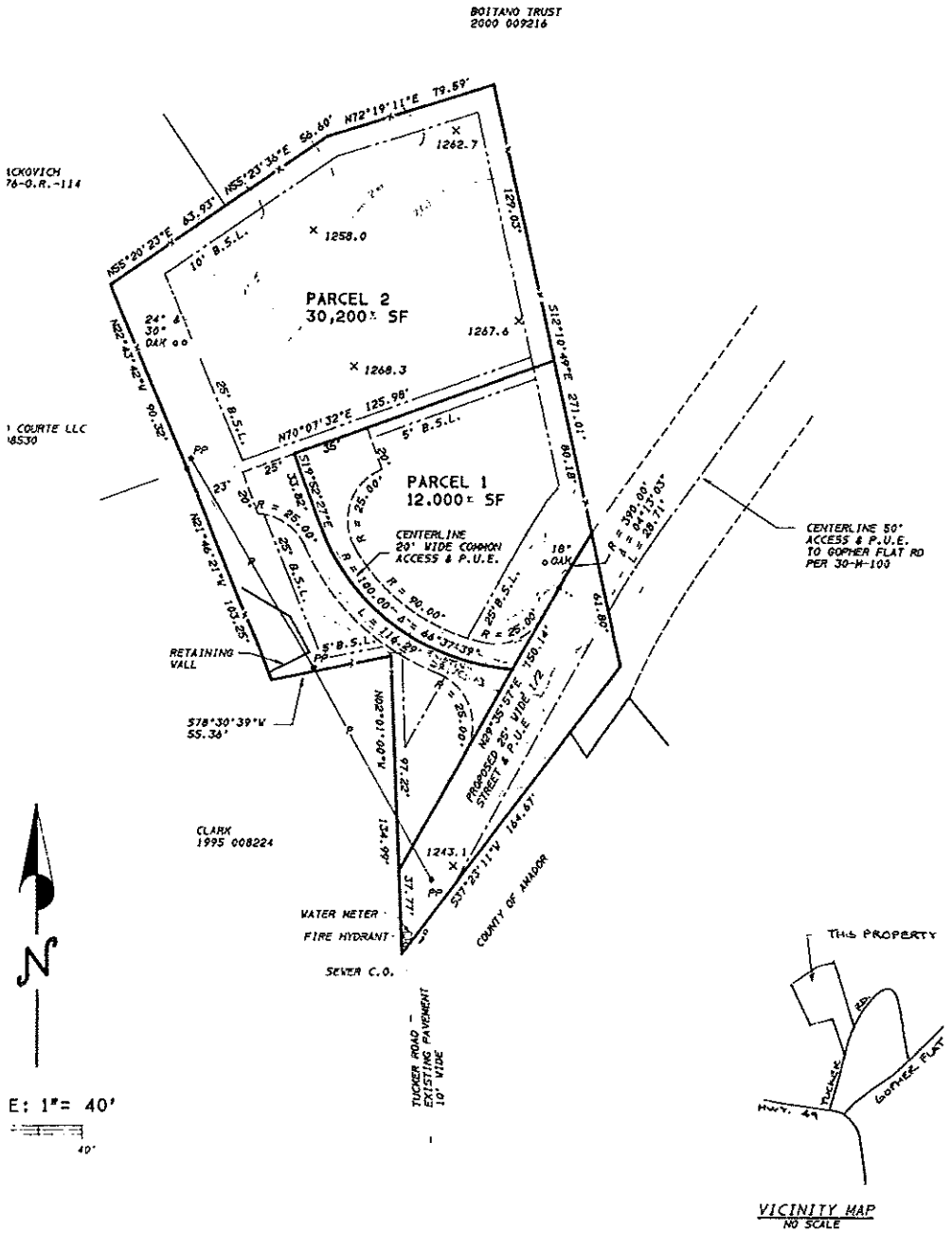


Figure 2 - Aerial

The proposed parcels will share an existing 20 foot common driveway of which 10 feet is located on each parcel. The driveway (which currently exists) has direct access off Tucker Hill Road, a private street. This type of shared access will require each parcel to grant access rights to the other for ingress and egress. Staff has provided a condition of approval to ensure this easement is granted and recorded prior to recordation of the final map. Conditions of approval have been placed on the project to ensure the project complies with all standards and guidelines for the City of Sutter Creek, including the Fire Department. The majority of these conditions are standard conditions that apply to all tentative maps. The project is consistent with the goals and policies of the General Plan and meets the requirements of the Zoning Ordinance and Title 17.

An 18" oak tree is located on Parcel 1 and is proposed to be preserved in its current location. The tree shall be protected during all construction activity that occurs on the site, including grading, site improvements and building construction. Protective fencing such as chain link or other fencing approved by the Planning Department shall be placed 5 feet outside of the drip line of the oak tree. If the applicant obtains an arborist report which indicates the health of the tree is poor or the tree is diseased or dead, the tree may be removed once staff has reviewed the report and provided written approval to the applicant.

Figure 3 – Tentative Parcel Map



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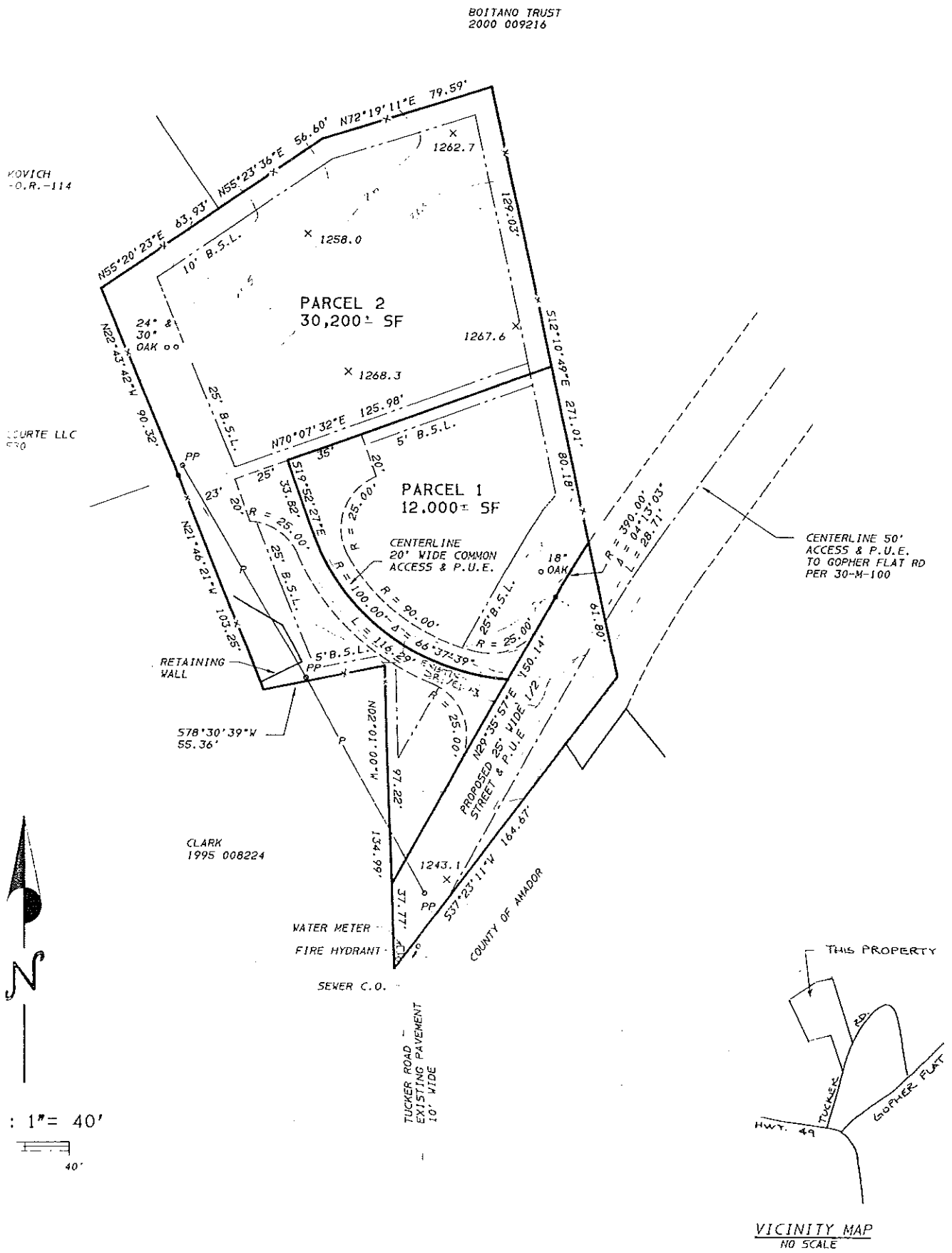
Environmental

The project is exempt from CEQA based on Section 15315 which consist of projects characterized as Minor Land Divisions. Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

Attachments

A. Tentative Parcel Map
B. Resolution/Findings/Conditions
C. Notice of Exemption



Jebian
PM #2634

ATTACMENT B

City of Sutter Creek
Planning Commission

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF SUTTER CREEK APPROVING THE
JEBIAN TENTATIVE PARCEL MAP

WHEREAS, the Planning Commission of the City of Sutter Creek did on Monday, August 13, 2007, hold a public hearing on a proposed Tentative Parcel Map for Donald & Judith Jebian (Assessors Parcel No. 18-061-03) after properly noticing said hearing; and

WHEREAS, the Planning Commission did at the public hearing, receive a report from the planning staff, receive input from the Applicant's representative, and receive testimony from the public, and at the closing of said public hearing did deliberate and consider the same; and

WHEREAS, the Planning Commission found that the project was Exempt from the CEQA based on Section 15315 which are projects characterized as Minor Land Divisions; and

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Sutter Creek hereby approves the Jebian Tentative Parcel Map based on the Findings attached hereto as "Exhibit A," and subject to the Conditions of Approval attached hereto as "Exhibit B."

PASSED AND ADOPTED by the Planning Commission of the City of Sutter Creek on this 13th day of August, 2007 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

_____
Frank Cunha, Chairman

ATTEST:

_____
MARY BETH VAN VOORHIS, Secretary to the Planning Commission

FINDINGS FOR THE JEBIAN TENTATIVE PARCEL MAP

1. The proposed map is consistent with applicable General Plan because the project site is designated Residential Low Density and no changes to the existing General Plan Land Use designation are proposed.

2. The design or improvement of the proposed parcel map is consistent with applicable General Plan. The General Plan residential policies have been considered in the project design.

3. The site is physically suitable for the type of development proposed. The proposed two parcels can accommodate detached single family dwellings as allowable by the General Plan and Zoning Code.

4. The site is physically suitable for the proposed density of development and each parcel is of sufficient size to accommodate low density residential uses.

5. The design of the parcel map or proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because of the parcels are within a developed area.

6. The design of the parcel map or the type of improvements is not likely to cause serious public health problems because sewer, water, and storm drainage improvements are in place or will be constructed as part of the projects improvements.

7. The design of the parcel map or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed project because the existing and proposed easements are properly located.

8. The proposed dedication of land or improvements is consistent with the General Plan because no additional dedications are required for this project.

9. The design of the parcel map provides, to the extent feasible, for the future passive or natural heating opportunities in the project because each lot is large enough and has sufficient southern exposure to facilitate solar orientation.

CONDITIONS OF APPROVAL FOR THE JEBIAN TENTATIVE PARCEL MAP

All conditions shall be met as appropriate, prior to or concurrent with recordation of a Final Parcel Map

General Conditions

1. The Final Parcel Map shall be in substantial compliance with the Tentative Parcel Map as approved by the Planning Commission and on file at the City office.

2. The Subdivider shall meet the requirements of the City Subdivision Ordinance, Zoning Ordinance, Sign Ordinance, Noise Ordinance, Tree and Landscape Ordinance, and Park Dedication and In Lieu Fee Ordinance unless otherwise specifically superceded by these Conditions of Approval.

3. This subdivision shall consist of a maximum of 2 single-family residential lots.

5. The Tentative Parcel Map is valid for an initial period of 24-months from the date of approval, with extension requests filed prior to the expiration of the map.

6. Prior to recordation of the final map, the project shall annex into the County of Amador Community Facilities District No. 2006-1 to fund additional costs associated with fire protection services for the new development as per City of Sutter Creek Resolution No. 060706.

7. Prior to recordation of the final map, the project applicant shall form or annex into a Community Facilities District (CFD), street maintenance assessment district or other financing district or will provide a similar funding mechanism which is acceptable to the City of Sutter Creek to fund the project's fair share of ongoing roadway maintenance.

8. Prior to approval of the Final Map, clearance letters shall be filed with the Community Development Director from the following agencies or their successor agencies:
    a. Amador Water Agency;
    b. Sutter Creek Fire Protection District;
    c. Pacific Gas and Electric Company;
    d. SBC Communications; and
    e. Comcast.

9. All ordinance requirements of the Amador Water Agency shall be met.

10. All ordinance requirements of the Sutter Creek Fire District shall be met.

11. Each single family residence, including an accessory dwelling unit shall be equipped with sprinklers unless the fire hydrant located in Tucker Hill Road is upgraded. Sprinkler plans must be approved by the Sutter Creek Fire District prior to issuance of a building permit.

12. The 18" oak tree located on Parcel 1 shall be preserved in its current location. The tree shall be protected during all construction activity that occurs on the site, including grading, site improvements and building construction. Protective fencing such as chain link fence or other fencing approved by the Planning Department shall be placed 5 feet outside of the drip line of the oak tree.

Grading, Drainage and Erosion Control

13. An erosion control plan shall be prepared for review and approval by the City Engineer.

14. All storm drainage improvements shall comply with City Standards and adequately convey storm water.

15. A grading plan shall be prepared by a Registered Civil Engineer that sets forth limits for all earthwork, clearing and drainage improvements. Said grading plan shall include measures to retain, protect, and conserve overburden top soil materials for use in finished grading. The grading plan shall be submitted to the Building Official for final review and approval.

16. All construction and grading plans shall be prepared by a properly licensed or registered professional engineer that is knowledgeable in the practice of geotechnical engineering.

17. Submit a detailed geotechnical study prepared by a properly licensed or registered professional engineer and implement recommendations. Details of this study would include: identification of zones of potential weakness; development of stable cut-slope angles; development of stable fill-slope angles and drainage; rock bolting; retaining structures; fill limitations; alternate foundations; and removal of thin soils and installation of foundations in massive bedrock in some areas.

18. Implement the following general construction measures:

    - Limit all vehicular access associated with construction activities to rights-of-way or designated access roads;
    - Limit soil disturbance to the minimum necessary to complete construction activities;
    - Cease earthwork operations and traffic during rainy or very windy periods;
    - Use dust palliatives or moisture control during dry construction periods;
    - Protect all erodible surfaces prior to the advent of fall storms;
    - Clear steep slopes only when construction is scheduled;
    - Provide temporary surface drainage for all topsoil and spoil piles; and
    - Berm graded material (where practical) to maximize temporary ponding and minimize surface water flow across graded areas.

19. Develop and implement a Construction Erosion Control Plan which includes the following:

- Rehabilitate disturbed areas;
- Salvage topsoil only when the soil is moderately dry;
- Direct any necessary trench dewatering onto stable surfaces in a manner that does not cause soil erosion;
- Work replaced topsoil with a disc, chisel plough, or similar tool to reduce compaction or crusting before fertilizing and seeding;
- Leave replaced soil in as roughened condition as possible (clods) until it is seeded and stabilized to discourage wind erosion ;
- Revegetate disturbed areas to provide slope stabilization, and erosion and sedimentation control;
- Control noxious weeds in revegetated areas;
- Use soil stabilization products, such as mulch, jute netting, geotextile mats, or excelsior blankets on cut-and-fill sites that require aggressive erosion control treatments;
- Apply a chemical soil binder, used alone or in combination with mulches, at the manufacturer's recommended rate if immediate stabilization is required;
- Maximize the use of erosion control measures during construction operations such as silt fences, straw-bale dikes, gravel filters, stabilized construction entrances, sediment check dams, and others.

20. Prepare and implement a post-construction Erosion Control Plan which includes the following:

- Control and contain storm runoff with an enhanced storm drainage system including more frequent use of drop inlets, vertical curbing, hydraulically-efficient gutter-opening drop inlets and grates, interceptor swales, and maximizing the use of area drains and roof downspouts directly connected to the storm drainage system.
- Minimize fill areas with retaining structures;
- Maximize on-site storage and disposal of storm runoff with swale ponding, drywell sumps, dripline trenches, and the exclusive use of commercial turf for lawns;
- Terrace cut slopes;
- Rehabilitate and revegetate open/common areas;
- Establish a maintenance fund to correct post-construction deficiencies;
- Avoid steep slopes for construction; and
- Provide for small permanent sediment basins in swales.

ATTACMENT C

Notice of Exemption

To: ☐ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: (Public Agency) City of Sutter Creek
18 Main Street
Sutter Creek, CA 95685

☒ County Clerk
County of Amador

Project Title: Jebian Tentative Parcel Map

Project Location – Specific: Tucker Road, Sutter Creek, CA

Project Location – City: Sutter Creek, CA Project Location – County: Amador

Description of Nature, Purpose, and Beneficiaries of Project:

The proposed project is a 2 lot parcel map on 1.09 acres.

Name of Public Agency Approving Project: City of Sutter Creek

Name of Person or Agency Carrying Out Project: City of Sutter Creek

Exempt Status: (*check one*)

- ☐ Ministerial (Sec. 21080(b)(1);15268);
- ☐ Declared Emergency (Sec. 21080(b)(3);15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4);15269(b)(c));
- ☒ Categorical Exemption. Section 15315. Class 15, Minor Land Division
- ☐ Statutory Exemptions. State code number:

Reasons why project is exempt: Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

Lead Agency
Contact Person: Darcy Goulart, Planner Telephone/extension: (866) 691-2025

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: _____ Date: _____ Title: _____

☒ Signed by Lead Agency Date received for filing at OPR:

☐ Signed by Applicant