

Planning Commission Agenda Item #
July 9, 2007

To: Planning Commission
From: Darcy Goulart, Planner
Subject: Les Brusatori – Gopher Flat Road
Tentative Parcel Map no. 2639

Recommendation

Staff recommends approval of the Tentative Parcel Map No. 2639 for Les Brusatori based on the Findings and Conditions of Approval as shown in Attachment B.

Background

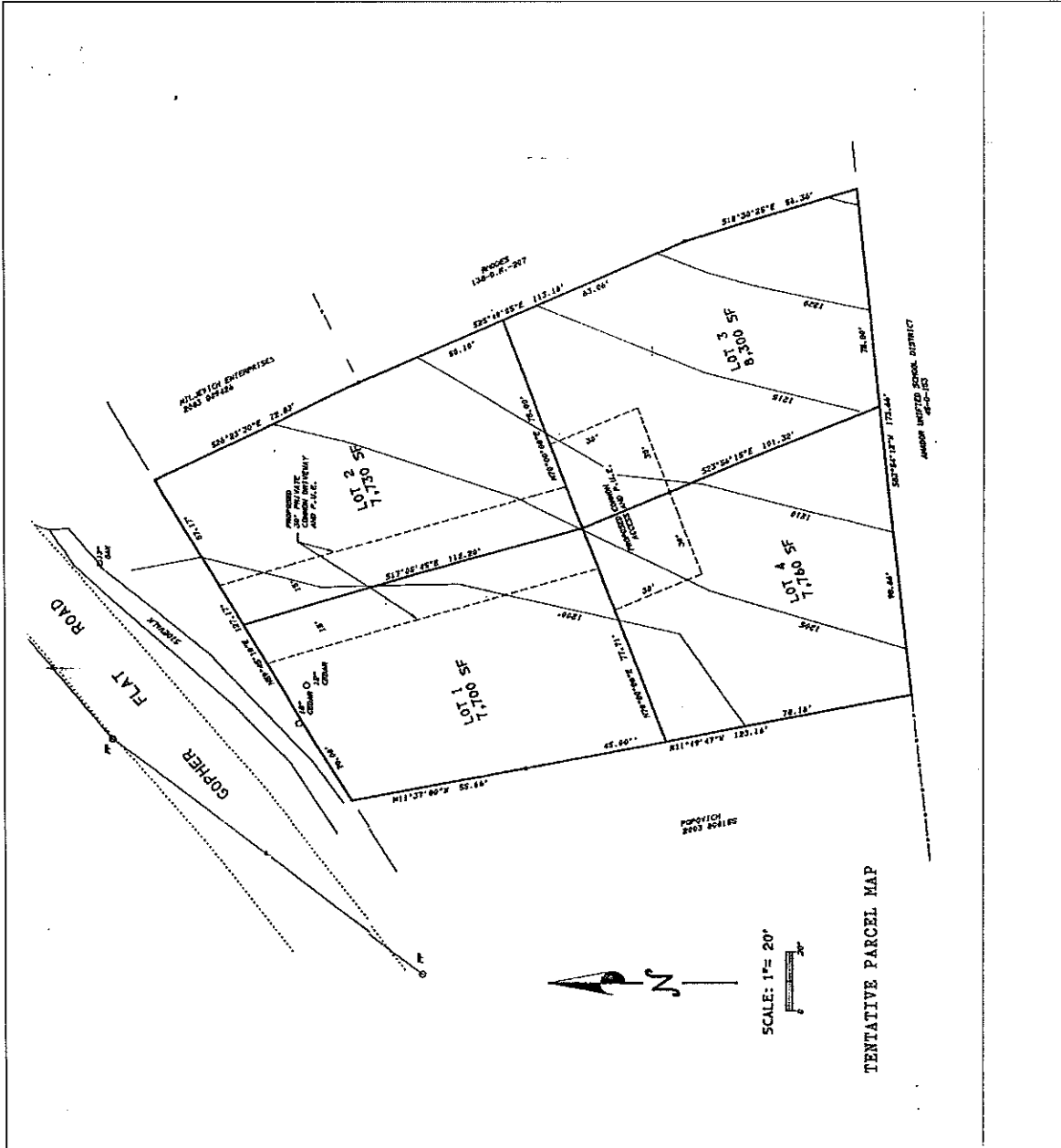
The Planning Commission initially heard and approved the Les Brusatori Tentative Parcel Map No 2639 on February 14, 2005. The approval was for 4 single family residential lots ranging in size from 7,700 sq. ft. to 8,300 sq. ft. The previous staff report and exhibits are included as Attachment D.

As the Planning Commission has discussed at previous meetings this year, the existing Subdivision Ordinance is unclear as to the length of tentative map approvals. Per the Subdivision Map Act a tentative map is valid for a period of 24 months. However, local jurisdictions may adopt their own ordinance to increase the expiration date not to exceed an additional 12 months for a total of 36 months. In the case where a City ordinance is silent on when a tentative map expired, the City would default to the regulations in the Subdivision Map Act. Currently, Title 17 (Subdivision Ordinance) is silent on when a tentative map would expire, therefore all tentative map within the City of Sutter Creek have a 24 month expiration date. Due to this confusion the applicant was informed that based on a consistent interpretation of this section, his map was valid for 36 months so he did not request a map extension. However, the tentative parcel map expired on February 14 2007. The applicant has not made any changes to the previously approved map and is requesting a new approval of the tentative parcel map.

Analysis

The Applicant proposes to divide a 0.72 acre parcel into four lots of 7,700 square feet, 7,730 square feet, 8,300 square feet, and 7,760 square feet (Attachment A). No changes to the previous map are proposed. The purpose of this lot split is to develop four lots to allow construction of four single-family dwellings.

Figure1 – Tentative Parcel Map No. 2639



The subject property fronts on Gopher Flat Road, a City Collector Street. Access to the four lots is proposed to be provided by a 30-foot wide private common driveway and public utility easement. Turn-arounds at the end of the driveway will be accomplished by a 'hammerhead' type design.

Figure 2 - Vicinity Map

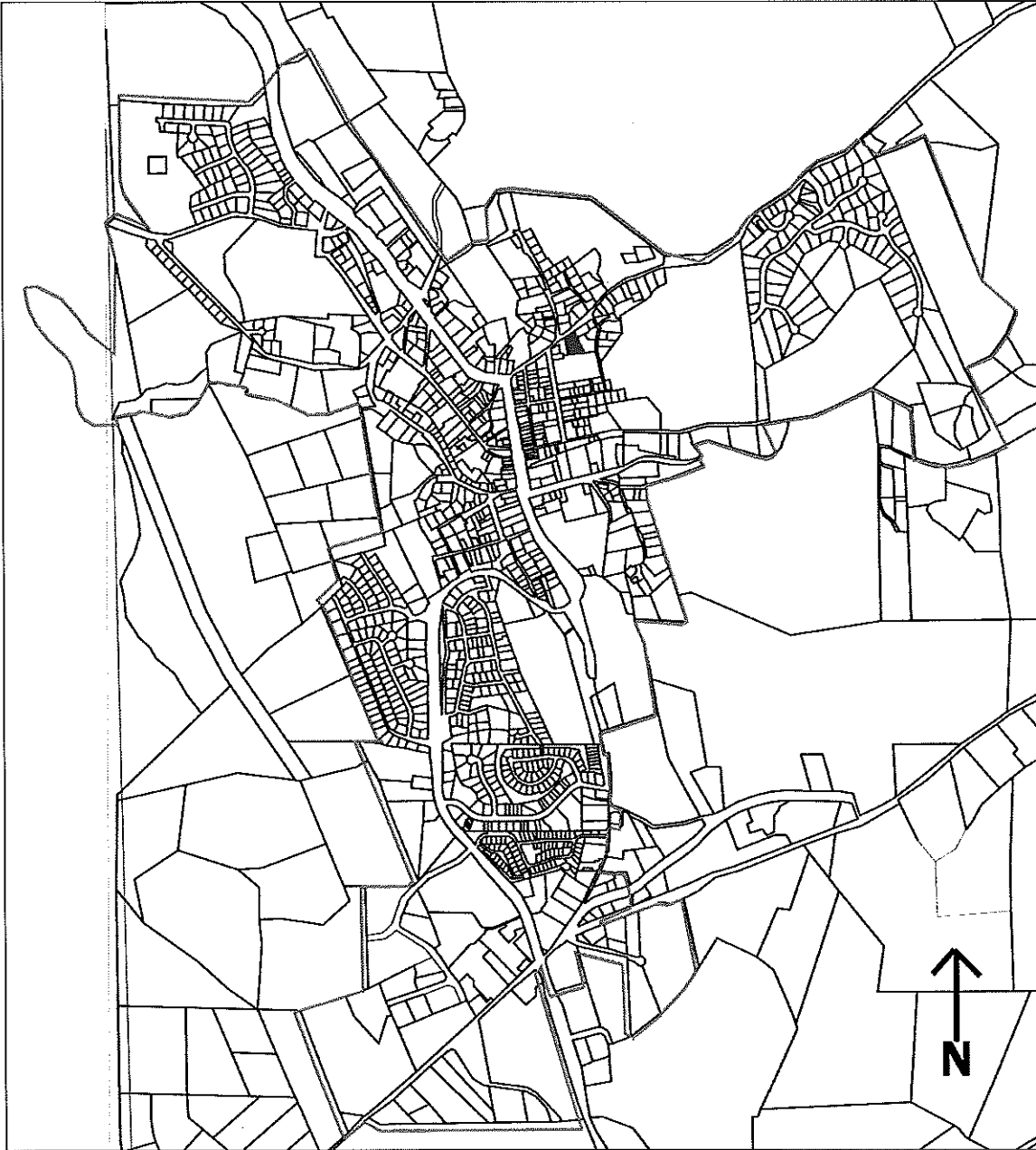
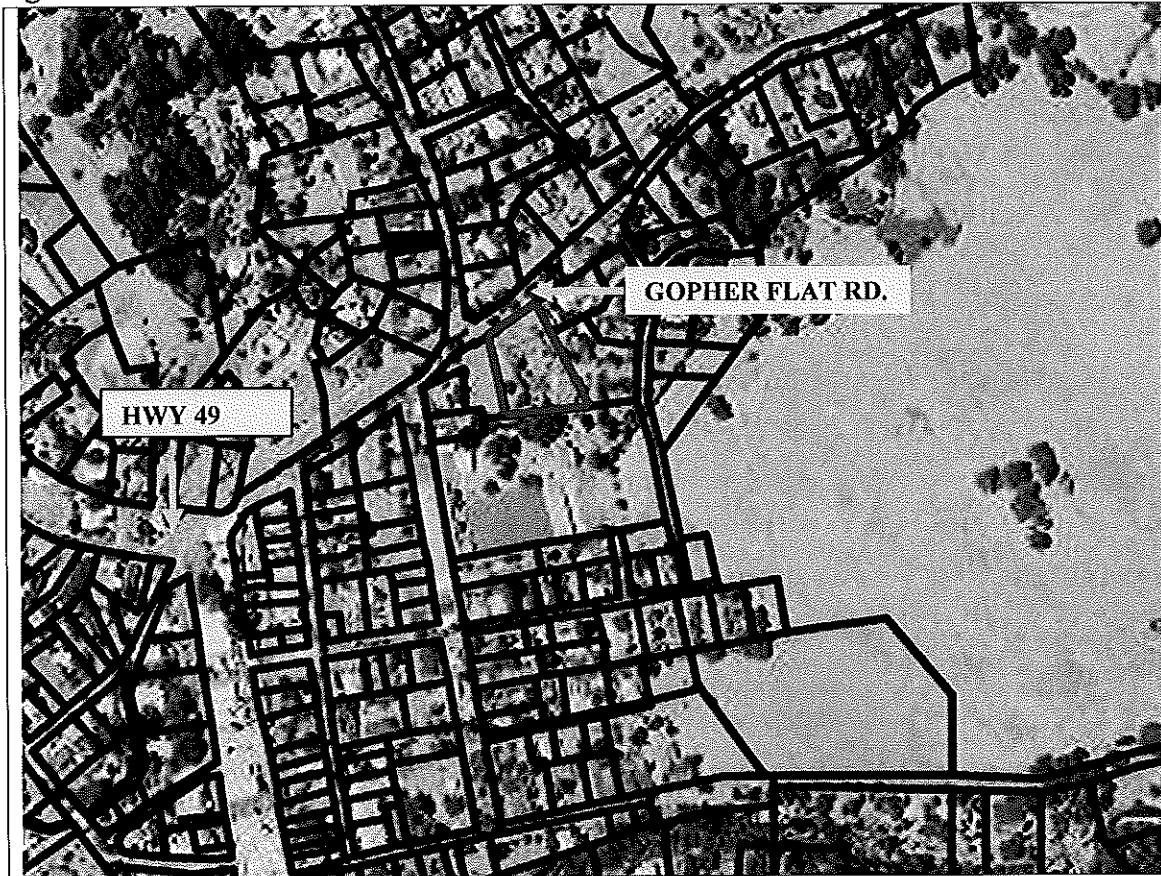


Figure 3 – Aerial



The subject property is designated as Residential Low Density on the General Plan Land Use map and is zoned R-1 (One Family Dwelling). Each proposed lot is consistent with the General Plan and zoning designations. Lots 1 and 2 have frontage on Gopher Flat Road, while Lots 3 and 4 do not. A common access driveway is proposed which will limit the ingress and egress points on Gopher Flat Road to a single location. The R-1 zone requires a minimum lot size of 7,000 square feet. The proposed lots meet this requirement, however, the driveway and turn-around easement is included with the lot square footage. Normally, single-family residential lots would allow the construction of Second Unit Dwellings ('Granny Flats') on each lot. Because each lot in this subdivision does not have frontage on a City street, a Condition of Approval is proposed to prohibit Second Unit Dwellings.

Aside from the conditions that were applied to the project previously, two additional conditions are being added. The first condition requires annexation into a community facilities district (CFD) to fund additional costs associated with fire protection services. The City Council passed a resolution on August 21, 2006 which granted consent to include land within the City boundaries in the County of Amador's Fire Protection Services CFD. The cost per single family dwelling per year is \$515.30 and may increase annually up to two percent. The second condition requires the applicant to form or annex into a CFD, street maintenance assessment district, other financing district or 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. The consolidated list of conditions is included as Exhibit B to the Resolution (Attachment B). The required Findings for approval of the time extension have been included

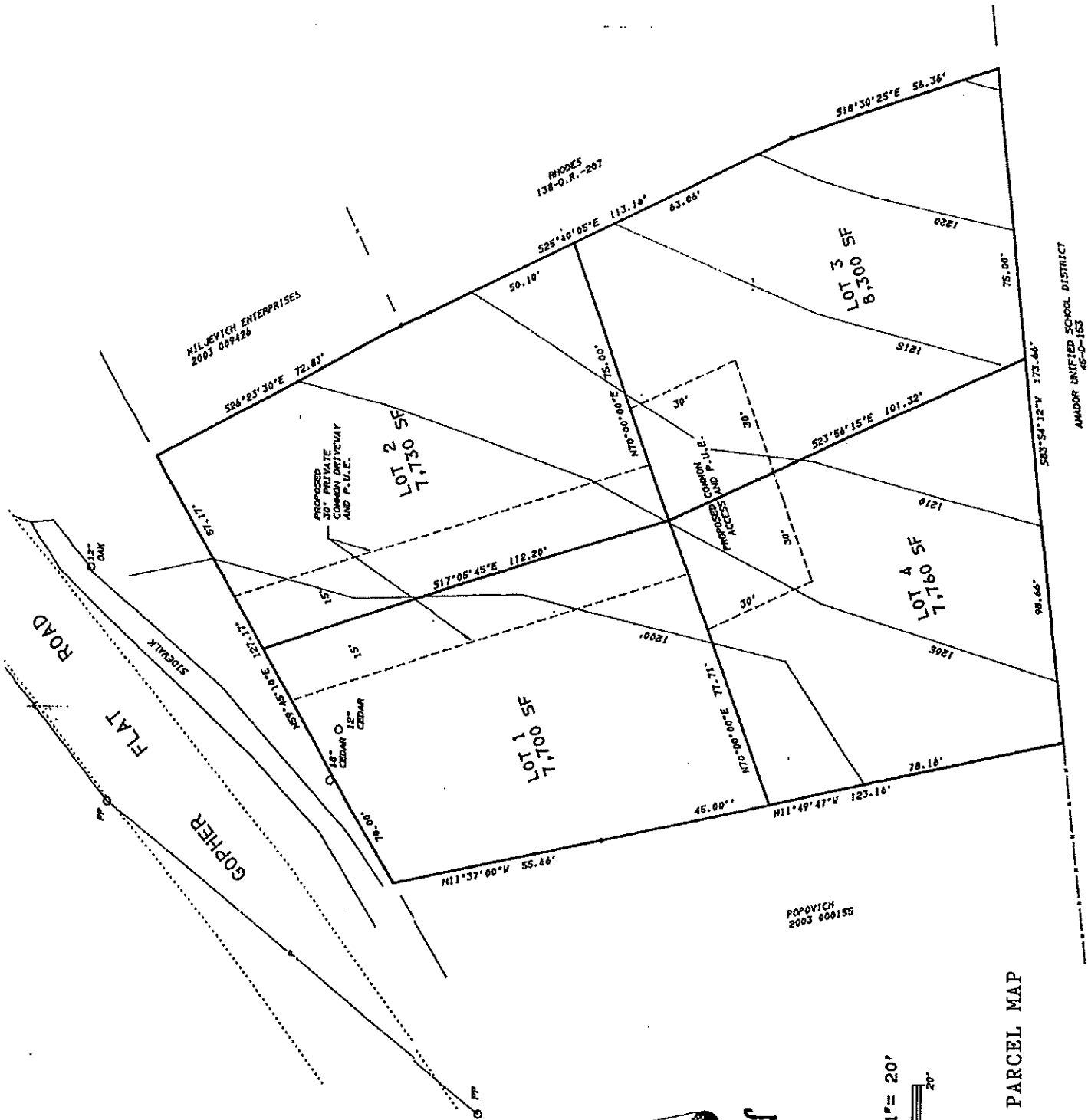
as Exhibit A of the Resolution (Attachment B). Findings have been provided for CEQA, the Subdivision Map Act and the General Plan, Zoning Code and Municipal Code.

Environmental

The project is exempt from CEQA based on Section 15332 which consist of projects characterized as in-fill development. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. The project site has no value as habitat for endangered, rare or threatened species. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The site can be adequately served by all required utilities and public services.

Attachments

- A. Tentative Parcel Map
- B. Resolution/Findings/Conditions
- C. Notice of Exemption
- D. February 14, 2005 PC Staff Report/Resolution/Findings/Conditions



TENTATIVE PARCEL MAP

City of Sutter Creek
Planning Commission

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF SUTTER CREEK APPROVING THE
LES BRUSATORI TENTATIVE PARCEL MAP No. 2639

WHEREAS, the Planning Commission of the City of Sutter Creek did on Monday, July 9, 2007, hold a public hearing on a proposed Tentative Parcel Map No. 2639 for Les Brusatori (Assessors Parcel No. 18-133-004) 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 15332 which are project characterized as in-fill development; and

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Sutter Creek hereby approves the Tentative Parcel Map for Les Brusatori 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 9th day of July, 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
LES BRUSATORI TENTATIVE PARCEL MAP No 2639

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 and 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 four 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. Neither the design of the parcel map nor the proposed improvements are 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. Neither the design of the parcel map nor the proposed improvements is 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 project's improvements.
7. The proposed parcel map 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 Circulation Policies. Additional dedications are required for this project and the site can be adequately served by existing facilities.
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
LES BRUSATORI TENTATIVE PARCEL MAP No. 2639

All conditions shall be met prior to or concurrent with recordation of the Final Parcel Map.

1. Construct street frontage improvements along Gopher Flat Road consistent with City collector street standards including curb, gutter and sidewalk.
2. Prepare an encroachment permit and construction connection for the access driveway to Gopher Flat Road in accordance with City Improvement Standards. Driveway shall bridge existing box culvert and be designed and constructed for H 20 loading, and shall not damage the existing box culvert.
3. Repair all Gopher Flat Road surface deterioration within 100 feet of the project limits based on field review constructed prior to recoding of the final map. Repair limits and methods shall be as approved by the Department of Public Works.
4. Prepare a storm drainage study in accordance with City Improvement Standards prepared by a Registered Civil Engineer for review and approval by the City Engineer.
5. Construct storm drainage improvements to City Standards in accordance with the storm drainage study.
6. Pay an offsite drainage mitigation fee to assist in financing construction of the Gopher Gulch storm drain diversion outfall ditch. Said fee shall not exceed \$1,000 per lot and shall be considered and established by Resolution of the City Council.
7. Submit a grading consistent with Chapter 33 of the Uniform Building Code for review and approval by the Building Official.
8. Extend all utilities to property in accordance with a utility plan approved by the City Engineer.
9. Comply with Title 14 of the Municipal Code for sewer service including a main line extension and/or sewer service laterals to serve each lot.
10. Second Unit dwellings shall not be permitted on any lots created by this Parcel Map.
11. Provide street tree landscaping pursuant to Ordinance No. 274.
12. Pay Parkland In Lieu fees pursuant to Ordinance No. 258, based on the fair market value of three of the lots.
13. All ordinance requirements of the Amadora Water Agency shall be met.
14. All ordinance requirements of the Sutter Creek Fire District shall be met.
15. The private driveways serving this subdivision shall have curbs and gutters, a bulb turnaround, a pedestrian pathway along at least one side, and no parking shall be allowed on the driveway.

16. Prior to recordation of the first 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.
17. Prior to recordation of the first 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.

City of Sutter Creek

PLANNING STAFF REPORT

Application Type: Tentative Parcel Map
Project: **Single-Family Residential Subdivision**
Applicant: Les Brusatori
Location: On the south side of Gopher Flat Road between Cole Street and Broad Street (44 Gopher Flat Road; APN 18-133-004)

RECOMMENDATION

It is recommended that the Planning Commission:

Adopt a Resolution approving Tentative Parcel Map No. 2639 for Les Brusatori based on the Proposed Findings in the Staff Report and subject to the Proposed Conditions of Approval in the Staff Report.

PROPOSED FINDINGS

1. The proposed map is consistent with applicable General and Specific Plans 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 subdivision is consistent with applicable General and Specific Plans because the General Plan residential policies have been considered in the project design.
3. The site is physically suitable for the type of development because the four parcels to be created can accommodate detached single-family dwellings.
4. The site is physically suitable for the proposed density of development because each parcel is of sufficient size to accommodate low intensity residential uses.
5. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the parcels are within a developed area.
6. The design of the subdivision 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 subdivision improvements.

7. The design of the subdivision 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 subdivision 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 subdivision provides, to the extent feasible, for the future passive or natural heating opportunities in the subdivision because each lot is oriented to facilitate solar utilization.

PROJECT DESCRIPTION

The Applicant proposes to divide a 0.72 acre parcel into four lots of 7,700 square feet, 7,730 square feet, 8,300 square feet, and 7,760 square feet. (Refer to Tentative Map) The purpose of this lot split is to develop four lots to allow construction of four single-family dwellings.

The subject property fronts on Gopher Flat Road, a City Collector Street. Access to the four lots is proposed to be provided by a 30-foot wide private common driveway and public utility easement. The actual driveway cross-section has not been specified. Turn-arounds at the end of the driveway will be accomplished by a 'hammerhead' type easement.

STAFF ANALYSIS

General Plan and Zoning

The subject property is designated as Residential Low Density on the General Plan Land Use map and is zoned R-1 (One Family Dwelling). Each proposed lot is consistent with the General Plan and zoning designations. Lots 1 and 2 have frontage on Gopher Flat Road, while Lots 3 and 4 do not. A common access driveway is proposed which will limit the ingress and egress points on Gopher Flat Road to a single location.

The R-1 zone requires a minimum lot size of 7,000 square feet. The proposed lots meet this requirement, however, the driveway and turn-around easement is included with the lot square footage. (Refer to Tentative Map)

Normally, single-family residential lots would allow the construction of Second Unit Dwellings ('Granny Flats') on each lot. Because each lot in this subdivision does not have frontage on a City street, a Condition of Approval is proposed to prohibit Second Unit Dwellings.

Normally, the lot front yard would be considered to be the lot frontage facing a street. In this case, Lots 1 and 2 'face' the access driveway. Because these proposed lots are wider than they are deep, it may be difficult to construct a residential dwelling with building frontage oriented to the driveway and still meet building setback requirements. No building footprints have been proposed as part of the Tentative Map.

Project-Related Considerations

This project site was previously proposed for higher density residential including cluster duplex-type units. Based on opposition from the neighborhood, this proposal (which would have required a General Plan Amendment and Zone Change) was turned down by the Planning Commission and the City Council.

In order to access the project site, it will be necessary to traverse an existing box culvert along the south side of Gopher Flat Road. Concerns have been raised by the City Public Works Department that construction-related activities on the project site may damage this drainage structure. It is also noted that sewer lateral(s) from the project site that tie into the Gopher Flat Road sewer main will need to cross the culvert. (Refer to Referral comments following the Tentative Map.)

Storm drainage is also an issue, both upstream along Gopher Gulch, and as mentioned above. Conditions of Approval are proposed to address this issue.

ENVIRONMENTAL CONSIDERATIONS

This type of lot split is exempt from environmental review as a Categorical Exemption under Class 32 of the CEQA Guidelines. This exemption allows infill development where all services are available. A Notice of Exemption will be filed.

REFERRALS AND REPLIES

The initial application package was referred to City staff and affected agencies on January 24, 2005, with responses requested by February 7, 2005. Those responses received are included with this Staff Report following the Tentative Map.

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PROPOSED CONDITIONS OF APPROVAL

All conditions shall be met prior to or concurrent with recordation of the Final Parcel Map.

1. Construct street frontage improvements along Gopher Flat Road consistent with City Collector Street standards including curb, gutter and sidewalk.
2. Procure an encroachment permit and construction connection for the access driveway to Gopher Flat Road in accordance with City Improvement Standards. Driveway shall bridge existing box culvert and be designed and constructed for H 20 loading, and shall not damage the existing box culvert.
3. Repair all Gopher Flat Road surface deterioration within 100-feet of the project limits based on field review conducted prior to recording of the Final Map. Repair limits and methods shall be as approved by the Department of Public Works.
4. Prepare a storm drainage study in accordance with City Improvement Standards prepared by a Registered Civil Engineer for review and approval by the City Engineer.
5. Construct storm drainage improvements to City standards in accordance with the storm drainage study.
6. Pay an off-site drainage mitigation fee to assist in financing construction of the Gopher Gulch storm drain diversion outfall ditch. Said fee shall not exceed \$1,000 per lot and shall be considered and established by Resolution of the City Council.
7. Submit a grading plan consistent with Chapter 33 of the Uniform Building Code for review and approval by the Building Official.
8. Extend all utilities to property in accordance with a utility plan approved by the City Engineer.
9. Comply with Title 14 of the Municipal Code for sewer service including a main line extension and/or sewer service laterals to serve each lot.
10. Second Unit Dwellings shall not be permitted on any lots created by this Parcel Map.
11. Provide street tree landscaping pursuant to Ordinance No. 274.

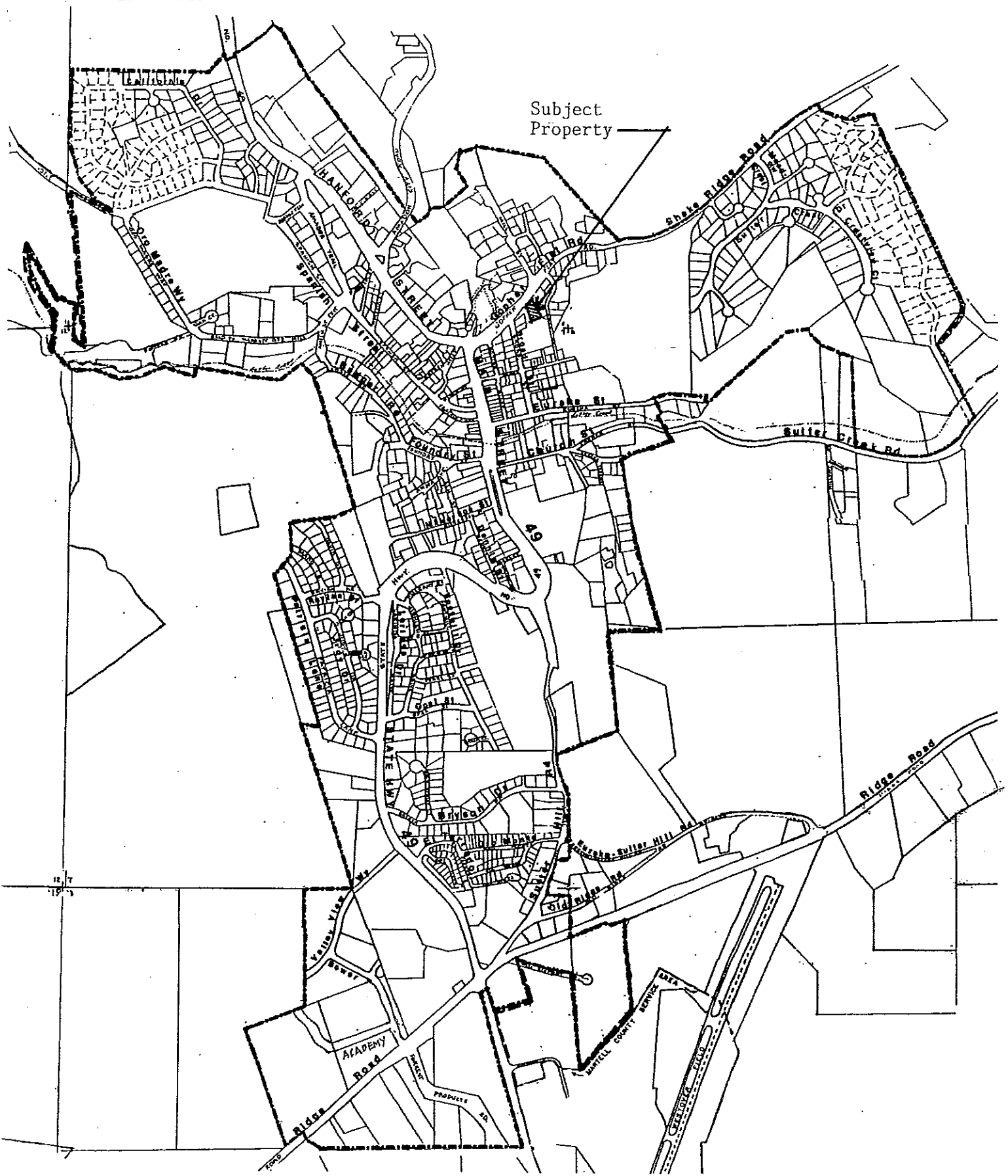
12. Pay Parkland In Lieu fees pursuant to Ordinance No. 258, based on the fair market value of three of the lots.

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

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

* * * *

Note: Traffic mitigation fees shall be paid on all four lots at the time of issuance of building permits.



Vicinity Map

LES BRUSATORI TENTATIVE PARCEL MAP

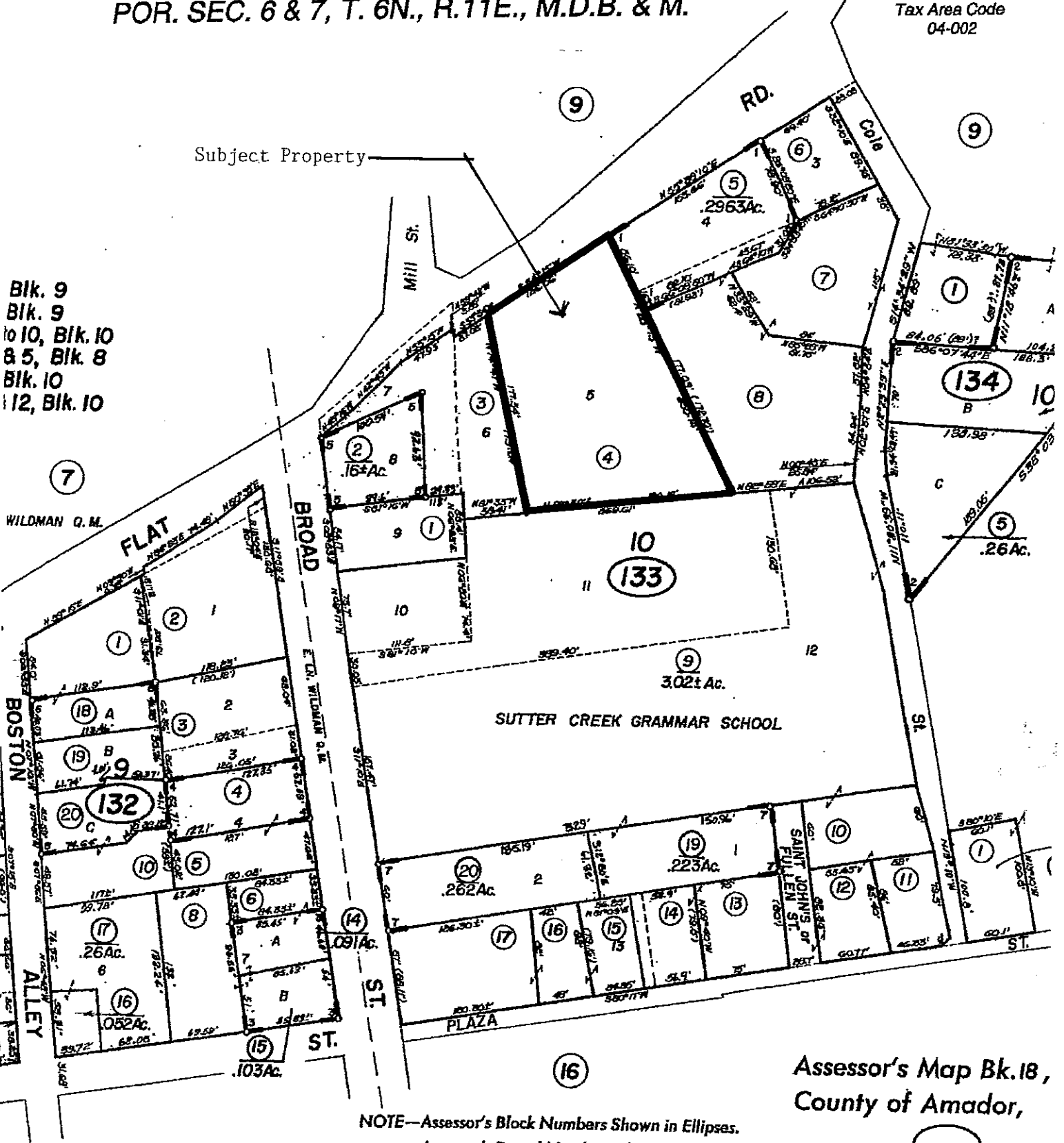
CITY OF SUTTER CREEK

POR. SEC. 6 & 7, T. 6N., R. 11E., M.D.B. & M.

Tax Area Code
04-002

Subject Property

Blk. 9
Blk. 9
to 10, Blk. 10
& 5, Blk. 8
Blk. 10
12, Blk. 10



NOTE—Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

Assessor's Map Bk. 18,
County of Amador,

Assessor Map

LES BRUSATORI TENTATIVE PARCEL MAP

City of Sutter Creek
Planning Commission

RESOLUTION NO. PC-04-05-07

A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF SUTTER CREEK APPROVING
TENTATIVE PARCEL MAP No. 2639 FOR
LES BRUSATORI

WHEREAS, the Planning Commission of the City of Sutter Creek did on Monday, February 14, 2005 hold a public hearing on a Tentative Parcel Map for Les Brusatori (Assessors Parcel No. 18-133-004) after properly noticing said hearing; and

WHEREAS, the Planning Commission did at said public hearing receive a report from the planning staff, receive input from the Applicant and members of the public in attendance at said public hearing, and at the closing of said public hearing did deliberate and consider the same; and

WHEREAS the Planning Commission does find the proposal is exempt from environmental review as a Class 32 Categorical Exemption under CEQA.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Sutter Creek hereby approves a Tentative Parcel Map for Les Brusatori 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 14th day of February 2005 by the following vote:

AYES: John Walser, Frank Cunha, Robert Olson, Cort Strandberg, and Barbara Sinnett

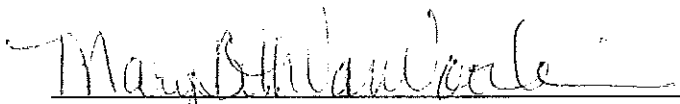
NOES: None

ABSTAIN: None

ABSENT: None


BARBARA SINNETT, Chair

ATTEST:


MARY VAN VOORHIS, Secretary to the Planning Commission

FINDINGS FOR
TENTATIVE PARCEL MAP No. 2639

1. The proposed map is consistent with applicable General and Specific Plans 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 subdivision is consistent with applicable General and Specific Plans because the General Plan residential policies have been considered in the project design.
3. The site is physically suitable for the type of development because the four parcels to be created can accommodate detached single-family dwellings.
4. The site is physically suitable for the proposed density of development because each parcel is of sufficient size to accommodate low intensity residential uses.
5. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the parcels are within a developed area.
6. The design of the subdivision 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 subdivision improvements.
7. The design of the subdivision 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 subdivision 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 subdivision provides, to the extent feasible, for the future passive or natural heating opportunities in the subdivision because each lot is oriented to facilitate solar utilization.

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CONDITIONS OF APPROVAL FOR
TENTATIVE PARCEL MAP No. 2629

All conditions shall be met prior to or concurrent with recordation of the Final Parcel Map.

1. Construct street frontage improvements along Gopher Flat Road consistent with City Collector Street standards including curb, gutter and sidewalk.
2. Procure an encroachment permit and construction connection for the access driveway to Gopher Flat Road in accordance with City Improvement Standards. Driveway shall bridge existing box culvert and be designed and constructed for H 20 loading, and shall not damage the existing box culvert.
3. Repair all Gopher Flat Road surface deterioration within 100-feet of the project limits based on field review conducted prior to recording of the Final Map. Repair limits and methods shall be as approved by the Department of Public Works.
4. Prepare a storm drainage study in accordance with City Improvement Standards prepared by a Registered Civil Engineer for review and approval by the City Engineer.
5. Construct storm drainage improvements to City standards in accordance with the storm drainage study.
6. Pay an off-site drainage mitigation fee to assist in financing construction of the Gopher Gulch storm drain diversion outfall ditch. Said fee shall not exceed \$1,000 per lot and shall be considered and established by Resolution of the City Council.
7. Submit a grading plan consistent with Chapter 33 of the Uniform Building Code for review and approval by the Building Official.
8. Extend all utilities to property in accordance with a utility plan approved by the City Engineer.
9. Comply with Title 14 of the Municipal Code for sewer service including a main line extension and/or sewer service laterals to serve each lot.

10. Second Unit Dwellings shall not be permitted on any lots created by this Parcel Map.
11. Provide street tree landscaping pursuant to Ordinance No. 274.
12. Pay Parkland In Lieu fees pursuant to Ordinance No. 258, based on the fair market value of three of the lots.
13. All ordinance requirements of the Amador Water Agency shall be met.
14. All ordinance requirements of the Sutter Creek Fire District shall be met.
15. The private driveway serving this subdivision shall have curbs and gutters, a bulb turnaround, a pedestrian pathway along at least one side, and no parking shall be allowed on the driveway.

* * * *