



TO: City Council

MEETING DATE: August 26, 2024

FROM: Erin Ventura, Planning Consultant

SUBJECT: Broadmeadows Estates Subdivision (Previously Golden Hills Estates, Unit No. 4) 10 Lot Subdivision. Initial Study/Negative Declaration, Vesting Tentative Subdivision Map #182/General Plan Land Use Amendment/Pre-zone Application Northeast corner of Golden Hills Drive and Broadmeadows Drive, (APN 040-030-060 and 040-232-001[Portions])

RECOMMENDATION:

Staff recommends that the City Council evaluate the appeal filed by Bruce Baracco, Project Planner, on behalf of the David Mabry and Frank Trujillo (owners) and overturn the Planning Commission’s denial of the Project, and do the following:

1. Conduct a public hearing to receive public input;
2. Adopt Resolution 2024-2025-* Certify the Initial Study/Mitigation Negative Declaration (SCH# 2023100658) for the Broadmeadows Estates Subdivision (Project) and approve Vesting Tentative Subdivision Map No. 182
3. Adopt Resolution 2024-2025-* General Plan Amendment from Residential Low Density (RL) to Residential Single Family (RSF);
4. Adopt Resolution 2024-2025-* pre-zone the parcels outside the City limits to R-1;

BACKGROUND:

On July 8, 2024 the Planning Commission reviewed, held a public hearing, and ultimately voted 4-0 to deny the Broadmeadows Estates Subdivision Vesting Tentative Subdivision Map application. The decision to deny was based on Sutter Creek Municipal Code Section 17.12.100A:

“The proposed subdivision is not consistent with the general plan, any applicable specific, special or community plan, or the city subdivision ordinance; or”

At that same meeting, the Planning Commission declined to recommend approval of the General Plan Amendment, Pre Zone, and acceptance of the IS/MND.

On July 15, 2024, an appeal was filed by Bruce Baracco, Project Planner, on behalf of the property owners, David Mabry and Frank Trujillo. (Attachment 1)

The appellant’s basis for appeal was that the Planning Commission failed to review the whole application package (Vesting Tentative Subdivision Map, Initial Study/Mitigated Negative Declaration, General Plan Amendment, Pre Zoning, and Annexation), instead only considering the Vesting Tentative Subdivision Map.

Attached to this staff report is the staff report that was presented at the July 15, 2024, Planning Commission meeting. The report provides background on the project, discussions, and necessary findings for approval.

The project is to be reviewed de novo by the City Council. All prior development agreements and subdivision maps have expired. The lengthy background of the project is included in the Planning Commission staff report.

If the City Council, after review of the attached materials, hearing public testimony, and findings for approval, deems that the project is consistent with the Sutter Creek Municipal Code and all findings can be met, then the following resolution can be used to conditionally approve the project.

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- Resolution 2024-2025-* General Plan Amendment from Residential Low Density (RL) to Residential Single Family (RSF);
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During your hearing tonight, each Council member should identify any meetings they have had with the applicants or other parties, and any information they received. Council should review the materials here and background on the project.

Issues Brought Up in Prior Meetings:

During the two planning commission meetings, members of the public raised various issues. This is not an exhaustive list.

1. Sidewalk or walkway to town - A sidewalk on Gopher Flat Road was not part of the expired development agreement. A walking path into town may be part of a future Paner Creek project
2. Trees - Trees in past phases were removed and then were to be replaced by builders of individual houses. There are no trees being removed as part of Broadmeadows. Each home is to plant one tree when constructed by a builder
3. Traffic - State law has changed and the CEQA threshold is now based on vehicle miles travelled (VMT). Adding ten homes here will not impact VMT.
4. School Impacts - School Impact fees are set by state law and determined by the school district and not the city. City staff does not anticipate that these ten homes will have a material impact on the school district
5. Parks - while the past development plan has expired, there was never a park anticipated as part of the development agreement for these 10 homes. Rightly or wrongly, the city agreed to put many of the public benefits into the phase now known as Paner Creek.

In any motion that council makes, whether to approve or deny the project, Staff asks that the motion clearly state whether council can make the required findings and if not, what finding they cannot make and the reason behind it.

Attachments:

1. Appeal filed on July 15, 2024 by Bruce Baracco
2. Staff Report from the July 8, 2024 Planning Commission meeting
3. Resolution 2024-2025-* Certify the Initial Study/Mitigation Negative Declaration (SCH# 2023100658) for the Broadmeadows Estates Subdivision (Project) and approve Vesting Tentative Subdivision Map No. 182
4. Resolution 2024-2025-* General Plan Amendment from Residential Low Density (RL) to Residential Single Family (RSF);
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