

TO: CITY OF SUTTER CREEK PLANNING COMMISSION
MEETING DATE: October 15, 2024
FROM: Erin Ventura, Contract Planner
SUBJECT: Vesting Tentative Parcel Map #2925, 381, 383, and 385 Sutter Hill Road (APN 180-314-026)

RECOMMENDATION:

1. Conduct a public hearing and receive public input, and
2. Find that the project is Categorically Exempt under 15332 (Infill) CEQA Guidelines; and
3. Adopt Resolution 2023-2024-* Approving the Vesting Tentative Parcel Map #2925 based on the recommended Findings and subject to the recommended Conditions of Approval and subject to City Council approval of an exception to the Subdivision code 17.16.100.

BACKGROUND:

The Project is located within the City of Sutter Creek on the west side of Sutter Hill Road as shown on the location map, Figure 1. The Project is within the General Plan Residential Medium Density land use designation and the R-3 zone. The parcel is primarily flat with an existing single family house, duplex, and two sheds. One of the sheds is proposed for removal. The site is surrounded by existing single-family residences, a mobile home park, and undeveloped space.

The applicant is requesting the approval of a Vesting Tentative Parcel Map (Exhibit A) to divide one 1.06-acre (46,173 square feet) parcel zoned and designated R-3/RM Residential Medium Density, into two parcels zoned and designated R-3/RM Residential Medium Density -Family;

- Lot 1 – 0.85 acre (37,026 square feet), 42.25’ lot frontage width.
- Lot 2 – 0.21 acre (9,147 square feet), 52.57’ lot frontage width

Table 1. General Analysis.

Site Location	381, 383, and 385 Sutter Hill Road (APN 180-314-026)
Building Plan	N/A
Lot Size	1.06 acres to be split into two parcels: <ul style="list-style-type: none"> • Lot 1 – 0.85 acre (37,026 square feet), 42.25’ lot frontage width, plus 14.05’. • Lot 2 – 0.21 acre (9,147 square feet), 88.2’ lot frontage width
General Plan Land Use Designation	RM – Residential Medium Density (no change)
Zoning	R-3 – Multifamily (no change)
Main Street Historic District	No
Historic District	No

Figure 1: Parcel Location Map (approximate property lines)



DISCUSSION:

The applicant is proposing to use the existing driveway that currently serves the front house and the duplex in the rear. The driveway is proposed as part of Lot 1 with an access easement for Lot 2. This was discussed and reviewed by both planning and engineering staff. Staff felt it was safer to have one shared driveway on Sutter Hill Road than requiring separate driveways. If the properties are redeveloped in the future, site access and circulation will be reevaluated.

General Plan and Zoning Compliance

The application, as proposed, is consistent with the General Plan Land Use Designation of RM – Residential Medium Density and Zoning designation of R-3. The minimum parcel or lot size is 3,500 square feet (0.08 acre) for lots within the R-3 zoning.

The proposed division of one parcel into two parcels is in compliance with the General Plan and zoning code of the City of Sutter Creek. No amendments are proposed or required for this application.

Subdivision Code Compliance

The applicant is requesting an exemption to comply with the Subdivision Code, Section 17.16.100 regarding lot size. Section 17.16.100 states:

“17.16.100 Lots

A. The design of lots shall be in conformance with Title 18 of this Code. Unless the proposed subdivision is part of a planned development (PD) project, no lot shall have less than sixty feet of street frontage except residential lots on curved or cul-de-sac streets, which may have a minimum street frontage of fifty feet, provided there is a minimum width at the established front yard setback line of sixty feet. The provisions above do not include flag lots.”

The parcel is not located in a cul-de-sac or curved street and the total frontage width of the existing parcel is 144.5 feet. Due to the location of the existing house and the current drive way the applicant is asking for an exception to lot frontage. The proposed Parcel 2 has a lot frontage of 88.2', and is compliant with the Code. Lot 1, which contains a duplex and shed, does not meet the 60' frontage requirement. The frontage of Lot 1 is split on either side of Lot 2, for a combined frontage of 56.3'. The applicant is proposing to use the existing driveway entrance off of Sutter Hill Road for both of the proposed lots.

Due to the configuration of the lot and the location of the existing home on the property, it is not feasible for both parcels to meet the 60' frontage requirement, despite the ability to meet the overall square footage requirements.

Exemptions can only be approved by the City Council after the Planning Commission has reviewed the proposed map and made the following three findings per Subdivision Code 17.30.010:

A. That there are special circumstances or conditions affecting the property.

While there is more than adequate square footage to meet the minimum lot area requirements for each lot, the location of the existing structure on the property will not allow for a frontage of 60' on the proposed Lot 1. Allowing a smaller frontage width avoids making the existing structure non-conforming in terms of setbacks, and reduces the driveways proposed on Sutter Hill Road.

B. That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

The exception will allow for the creation of lots sized appropriately for the R-3 zone/ RM land use designation and will provide additional opportunity for multifamily house development.

C. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

The frontages of lots within the area vary in size.

A General Plan review was conducted by City staff, and the General Plan policies are met. Conditions of Approval for the Project are attached as Exhibit B.

ENVIRONMENTAL:

Because this project requests an exemption to Subdivision Code Section 17.16.100 which requires 60-foot-wide lot frontages land, it does not qualify for a Categorical Exemption under Section 15315 (Minor Land Divisions) of the California Environmental Quality Act (CEQA) Guidelines. However, the project does qualify for a Categorical Exemption under Section 15332 (Infill) as this parcel is within a developed neighborhood.

ENGINEERING REVIEW:

A field review of this site conducted by the City Engineer's office. Based on the findings from the visit and the review of the submitted application materials the Engineering Department has recommended additional Conditions of Approval which are included within this report.

Staff recommends approval as presented, with the following Findings and Conditions of Approval:

FINDINGS:

1. The proposed split of the property into two parcels is essential or desirable to the public convenience or welfare;
2. The proposed action is in compliance with the Sutter Creek General Plan goals, policies, and RM designation.
3. The proposed action will not impair the integrity and character of the zoning district because the use is consistent with activities within the R-3 Zone, which allows a lot split in which the area of the resulting lots is greater than 3,500 square feet.
4. The proposed action would not be detrimental to public health, safety or general welfare.
5. The proposed split of the property implements the Sutter Creek General Plan and the purposes of the Planning Title.

Findings per Subdivision Code 17.30.010 to allow lot frontage widths less than 60 feet:

1. That there are special circumstances or conditions affecting the property:
While there is more than adequate square footage to meet the minimum lot area requirements for each lot, the location of the existing structure on the property will not allow for a frontage of 60' on the proposed Lot 1. Allowing a smaller frontage width avoids making the existing structure non-conforming in terms of setbacks, and reduces the number driveways proposed on Sutter Hill Road.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner:
The exception will allow for the creation of lots sized appropriately for the R-3 zone/ RM land use designation and will provide additional opportunity for multifamily house development.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated:
The frontages of lots within the area vary in size.

CONDITIONS OF APPROVAL:

All conditions shall be met as appropriate, prior to or concurrent with the recording of a Parcel Map.

Parcel Map Conditions

1. The Parcel Map shall be in substantial compliance with the Tentative Parcel Map as approved by the Planning Commission and on file at the offices of the City of Sutter Creek.
2. A Parcel Map, in accordance with Chapter 17.22 of City Code, shall be recorded within 24 months of Planning Commission Tentative Map approval.
3. The FEMA 100-year flood limit shall be identified on the map
4. All easements of record shall be noted on the Parcel Map. Property owner to extend the existing curb and gutter (C&G) along the frontage of the property in compliance with City Standards connecting to the existing C&G at the North end of the property.
5. A 5-foot public utility easement along the frontage of the property be dedicated to the City on the Parcel Map.
6. A 15' wide drainage easement along the ditch at back property line be dedicated to City on the Parcel Map.
7. Existing driveway encroachment within street Right of Way be brought to City Standards.

Additional Project Conditions

8. The Subdivider shall continue to 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 superseded by these Conditions of Approval.
9. Sewer service locations shall be verified by City Public Works staff and field marked.
10. The ordinance requirements of the Sutter Creek Fire District shall continue to be met.
11. The Applicant shall pay the \$50.00 Notice of Exemption filing fee to the Amador County Recorder.
12. This subdivision shall consist of a maximum of two Residential Multi-family parcels.
13. All improvements shall be made to City Improvement Standards.
14. The applicant shall pay to the City all appropriate fees and shall submit to the City grading detail, drainage studies, tree removal plans, and any other documentation required by the City prior to the issuance of development permits.
15. Any structural development on the parcels shall comply with the CBC and Title 24 regulations, as well as demonstrate defensible space.
16. Authorization by the City Council for an exception to the requirements of Subdivision section 17.16.100, allowing a lot frontage of less than 60 ft.

BUDGET IMPACT:

There is no budget impact directly.

EXHIBIT A TENTATIVE PARCEL MAP #2925

TENTATIVE MAP 2925

BEING A PORTION OF LOT 39, BLOCK 22
SUTTER CREEK TOWNSITE, ALSO BEING A PORTION OF THE
SE ¼ SECTION 7, T. 6 N., R. 11 E., M. D. M.
CITY OF SUTTER CREEK, COUNTY OF AMADOR, STATE OF CALIFORNIA

JULY 2024
MINUTES & SECONDS LAND SURVEYING
ORANGEVALE, 925-967-5441

NOTES

1. RECORD OWNER: BRETT & COURTNEY BRUSATORI
PO BOX 1131, SUTTER CREEK
2. SURVEYOR: MINUTES & SECONDS SURVEYING
ORANGEVALE CA, 925-967-5441
3. A.P.N: 018-314-026
4. ZONING: R-3 RESIDENTIAL
5. GENERAL PLAN: R-3 RESIDENTIAL
6. DEED REFERENCE: 2020 R. 008451
7. PROPOSED USE: LOT 1: RESIDENTIAL
LOT 2: RESIDENTIAL
8. WATER: AMADOR WATER AGENCY (EXISTING SERVICES FOR LOT 1 & LOT 2)
9. SEWAGE DISPOSAL: CITY OF SUTTER CREEK (EXISTING SERVICE FOR LOT 1)
CITY OF SUTTER CREEK (EXISTING SERVICE FOR LOT 2)
10. FIRE PROTECTION: SUTTER CREEK FIRE DEPARTMENT
11. SCHOOL: AMADOR COUNTY UNIFIED SCHOOL DISTRICT
12. UTILITIES: POWER AND GAS WILL BE SERVED BY POSE
13. EASEMENTS: 5' DRAINAGE EASEMENT ALONG COMMON LINE
14. SETBACKS: AS DEFINED IN CITY OF SUTTER CREEK ZONING ORDINANCE
15. SPECIAL DISTRICTS: CITY OF SUTTER CREEK, SUTTER CREEK FIRE DEPT., AMADOR COUNTY UNIFIED SCHOOL DISTRICT AND AMADOR WATER AGENCY
16. FLOOD ZONE: PROPERTY NOT IN A FLOOD ZONE

NOTES

-FLAG LOT DESIGN EXCEPTION: SHARED ACCESS THROUGH 24' ROAD ON NORTH SIDE OF PARCEL TO MINIMIZE ENCROACHMENTS TO SUTTER HILL RD.

-NO IMPROVEMENTS ARE PLANNED AT THIS TIME

OWNERS STATEMENT

I AM THE OWNER OF RECORD AND I CONSENT TO THE FILING OF THIS PARCEL MAP IN COMPLIANCE WITH THE REQUIREMENTS OF THIS TITLE AND TITLE 1, DIVISION 3 OF THE CALIFORNIA GOVERNMENT CODE, THE SUBDIVISION MAP ACT.

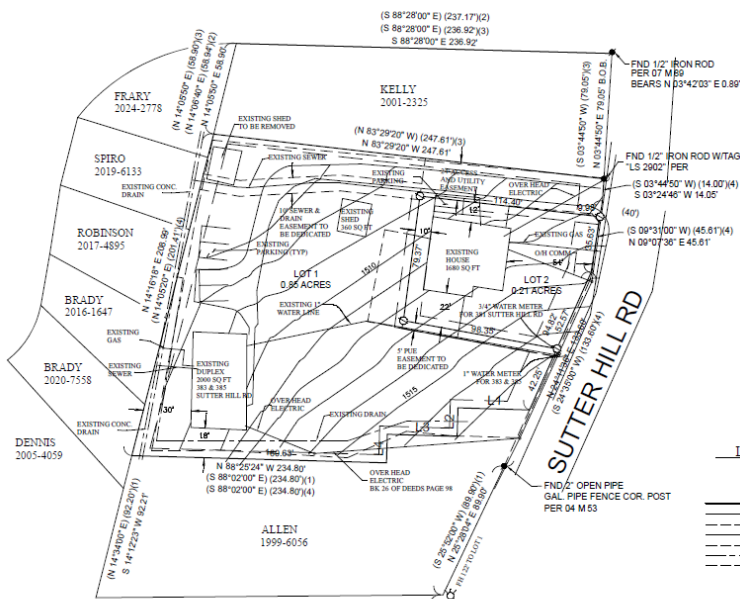
OWNER: BRETT BRUSATORI & COURTNEY BRUSATORI

BRETT BRUSATORI

COURTNEY BRUSATORI

REFERENCES
(1) 04 M 53
(2) 07 M 89
(3) BK 87 PG. 321
(4) 2020 R 9451

LINE	BEARING	DISTANCE
L1	S 88°17'31" E	45.00'
L2	S 01°42'48" W	18.01'
L3	S 88°17'31" E	44.00'
L4	N 01°42'29" E	18.00'



LEGEND & NOTES

- RECORD POSITION OF MON AS NOTED
- ⊗ PROPOSED PROPERTY CORNER
- ⊕ FIRE HYDRANT
- BOUNDARY LINE PER 2020-R-9051, A.C.R.
- ADJACENT BOUNDARY
- - - EASEMENT LINE
- - - EDGE OF PAVEMENT
- - - FENCE LINE
- - - FLOW LINE
- - - SETBACK LINE

REFERENCES

TENTATIVE MAP BASED UPON THE BOUNDARY DESCRIBED IN 2020-R-009451, AMADOR COUNTY RECORDS

