

CITY OF AMADOR CITY

MEMORANDUM

TO City Council-Planning Commission
FROM Roark Weber, Associate City Engineer
RE Groth Tentative Map – Staff Report
DATE December 28, 2021

Parcel Description

APN: 008-094-009

Area: 25,159

Zone: R-1

G.P.: Residential

Address: 10731 Fleethart Street

Owner Information

Name: David Groth

Applicants: Brent & Patricia Groth

Environmental

Project is a minor land division, Class 15 categorically exempt, CEQA 15315.

Project

Applicant proposes to divide a 25,159 SF parcel into two parcels to be comprised of 12,971 SF and 12,186 SF. Both parcels will have frontage on Fleethart in excess of 140 feet. Proposed Parcel 1, the east parcel, has an existing residence, detached garage, and is connected to City Sanitary Sewer facilities.

A second home will be proposed on new Lot 2

The application and tentative map (attached) were deemed complete and sent to AWA, Sutter Creek Fire Protection District, and City Sanitary Engineer for comment. Recommendations from them are set forth herein.

Actions Required

Pursuant to Chapter 16.12.100 of the City Code “Planning Commission Act on the Tentative Map.”

“The planning commission shall determine whether the tentative map is in conformity with the general plan, with the proper standards for lot and

street design, with the improvement standards of the city, and with all provisions of this title. As conditions of approval, the commission may require a dedication of real property within the proposed subdivision for roads, including access and abutter's rights, drainage, public utility and other easements, may require the construction of reasonable off-site and on-site improvements for the parcels being created, and may impose other conditions of approval as the commission deems are necessary to ensure the public health, safety, and welfare.”

Findings

- A. The proposed subdivision is consistent with the general plan, zoning, and the city subdivision ordinance.
- B. The subject property is physically suitable for residential use
- C. The proposed division is not likely to cause serious public health problems; and it is not likely to cause environmental damage or avoidable injury to fish and wildlife, and easements for use will be required and substantially equivalent to those previously acquired by the public.
- D. Discharge of liquid or solid waste into city sewer will not result in violation of existing requirements.
- E. The proposed subdivision does provide, to the extent feasible, future passive or natural heating or cooling opportunities for the proposed new parcels in accordance with Section 66473.1 (c) of the Subdivision Map Act.
- F. Fleethart Street does not meet City Standards due to physical and historical constraints.
- G. Creation of a single-family residential lot is consistent with the housing element of the City and County General Plans and State goals for increased residential opportunities.

Recommendation

Based on these findings its staff recommendation this minor land division be approved subject to the following conditions.

- 1. City Sanitary Engineer
Easements for existing and proposed sanitary sewer facilities shall be set forth and dedicated on the Parcel Map subject to review and approval of the City Sanitary Engineer.
- 2. City Engineer
 - i) Areas subject to inundation from 100-year storm event shall be set forth on the parcel map or written certification from a professional engineer that none exist.

- ii) Stormwater runoff from Fleehart shall be collected with improvements and facilities constructed consistent with City Standards and directed to Amador Creek within easements dedicated on the parcel map.
 - iii) Parcel Map shall be prepared in accordance with Chapter 16.22 Parcel Maps of the City Code, and subject to compliance with conditions of approval.
3. Amador Water Agency
Residential water service shall be installed for Parcel 2 and applicable agency fees paid in accordance with Amador Water Agency Standards prior to issuance of a building permit for construction on Lot 2.
4. Sutter Creek Fire Protection District
No conditions of approval required.

City Council, serving as City Planning Commission, is authorized pursuant chapter 16.12.100 of City Code and Government Code 66452.2 (b) to:

- A. Deny by minute order
- B. Conditionally approve this minor division of land subject to the findings and recommendations it deems in the City's best interest.


A draft resolution of conditional approval is attached.

CC: City Clerk
City Attorney

CITY OF AMADOR CITY

MEMORANDUM

TO City Council

FROM Roark Weber, Associate City Engineer 

RE Groth Variance Request

DATE December 28, 2021

BACKGROUND

David Groth, son of Brent and Patricia Groth, parcel owners, have applied for a front yard set back reduction to 3.5 feet for residential construction on APN 008-294-009; 10731 Fleehart Street. They have also applied for a Tentative Map that would, if approved, create two 12,000+ SF lots within the parcel.

A single-family home exists on the parcel at this time which was constructed with a 3.5 feet front yard setback. Another residential structure is proposed subject to Tentative Map and Variance approvals.

The existing property line of the proposed second lot varies between 10 to 18 feet from the edge of Fleehart and varies from 5 to 18 feet below the roads edge. The entire lot frontage slopes down 2.5:1 for approximately 55 feet from the road's edge. Distance from the toe of that slope to the back lot line is approximately 40 feet. There are existing city sewer facilities along this back lot line, with Amador Creek just beyond.

These topographic conditions between the front lot line and Fleehart will constrain normal residential construction.

ISSUE

Chapter 17.12.050 "Front Yard" of City Code establishes typical front yard set backs at twenty (20) feet. Variance from set back can be granted pursuant to Chapter 17.76.020: "When practical difficulties, unnecessary hardships, or result inconsistent with the general purpose of this title occur by reason of a strict interpretation of any of the provisions of the title..."

Necessary conditions for granting variance are set forth in Chapter 17.76.030: "Before a variance may be granted, all of the following shall be shown:

- A. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone and vicinity;
- B. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or vicinity in which the property is located;
- C. That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by other property in the same zone and vicinity;
- D. That the granting of such variance will not adversely affect the comprehensive general plan. (Ord. 55 § 18.02, 1980)"

CONSIDERATIONS

1. An existing structure on the property is set back 3.5 feet from the property line.
2. Front property line varies approximately 18 to 12 feet from Fleehart Street in an area of a 2.5:1 down slope.
3. The back lot area abuts Amador Creek and is encumbered by existing sanitary sewer facilities.

4. Approximately 50% of the proposed parcel's area of 12,186 SF (Tentative Map application) is comprised of hill slope below Fleehart.
5. There are other structures along Fleehart with front yard set backs of less than 20 feet.
6. Residential development of this parcel is consistent with City Code and General Plan.

RECOMMENDATION

City Council approve front yard set back of not less than four (4) feet for new residential construction based on findings A-D and considerations 1-6.

ACTION REQUIRED

City Council may:

- A. Continue or deny application by minute order
- B. Approve by resolution

A draft resolution is attached, should Council approve the variance.

cc City Clerk

City Attorney

Subject: Re: Increase of Monthly Salary for Greg Wood - Wastewater Facility Operator

From: Grant Reynolds <grant.wrfed@gmail.com>

Date: 1/10/2022, 12:25 PM

To: City Clerk <city.clerk@amador-city.com>

Thanks Joyce.

On Mon, Jan 10, 2022 at 12:12 PM City Clerk <city.clerk@amador-city.com> wrote:

Grant, It will be on January agenda. The meeting will be held Tuesday, January 18. The agenda in December was very long.

On 1/7/2022 1:24 PM, Grant Reynolds wrote:

Joyce,

Did the Council make a decision on Greg's salary increase? Thanks.

On Thu, Dec 16, 2021 at 9:41 AM City Clerk <city.clerk@amador-city.com> wrote:

I think this memo should suffice. If you have something like a job description that my be helpful...I may have something also that can be provided the Council. I am certain some of the Council members are not familiar with what his responsibilities are. I will print out your memo to make certain it gets on December agenda. Joyce

On 12/14/2021 3:05 PM, Grant Reynolds wrote:

Joyce,

Greg Wood has been working for the City for five (5) years as the wastewater facility operator and is requesting an increase in his monthly salary which has stayed the same for the five year period. I believe that \$200.00 per month for the services he provides is more than fair and he is deserving for the work he does. What else do you need from me in order to process this request through the Mayor and City Council?

--

Grant Reynolds, P.E.

Weatherby-Reynolds-Fritson Engineering and Design

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aceswaste.com

DEC 27 2021

December 21, 2021

Ms. Joyce Davidson, City Clerk
City of Amador City
PO Box 200
Amador City, CA 95601

Re: New Contract

Dear Ms. Davidson:

Hope all is well with you. On 6/14/2019, the City Council granted our request to extend the contract to 8/30/2024. The contract language was originally written in 2009 and does not reflect current changes to state law, such as SB 1383, the mandatory food waste law passed several years ago.

We would like to sit down with you, council members to discuss a new long-term contract with the City of Amador City at your earliest opportunity. Our legal counsel, Jasun Molinelli, is ready to work with the councilmembers and your City Attorney to draw up a new, long-term contract that includes all updates to state law that have occurred since 2009.

ACES Waste Services appreciates the relationship we have with the City and its residents. We look forward continuing for the long-term future.

Please contact me at pauljr@aceswaste.com, or my cell, 209-969-5431. Looking forward to hearing from you soon.

Merry Christmas and Happy New Year!

Regards,

A handwritten signature in blue ink that reads "Paul Molinelli, Jr." with a stylized flourish at the end.

Paul Molinelli, Jr
VP/COO

Subject: Clear liability of the blue oak tree in the city cemetery

From: K Lindsay <wedogoodthings@gmail.com>

Date: 1/6/2022, 12:59 PM

To: Joyce Davidson <city.clerk@amador-city.com>

Greetings,

Would you be able to put this on the next city council agenda? I will not be there but believe that Bruce can address the issue. Sharing a copy with the city attorney would be appropriate.

After 1/3 of this tree split off, a large crack in the inner core of the tree was exposed. Several other cracks have appeared since then. The exposed crack has doubled in width and depth since the initial loss of the large trunk/limb.

I reviewed these cracks/splits with Bruce at the site last week. I believe that these cracks in the main trunk indicate that the tree is completely compromised. Several arborists have reviewed the tree (these written evaluations should be on file at the city) with the basic conclusion that the tree is at the end of its life.

A TREMENDOUS LIABILITY would accrue to the city if there were property damage or personal injury done during a collapse.

I recommend discussion of the two possible steps below:

- 1) Yellow caution tape be staked around the potential collapse area if #2 cannot be accomplished right away
- 2) The city determine that this venerable tree needs to be removed, sooner than later.

Regards, Kirk Lindsay

AGENDA

Subject: Research and Encouraged Actions regarding Short Term Rentals in Amador City

From: Jillian Buckholz <jillianbuckholz@gmail.com>

Date: 1/8/2022, 10:01 AM

To: Anne Kel-Artinian <kelartinian.anne@gmail.com>, Susan Bragstad <amadorolive@twinwolf.net>, Eric Marks <eric.marks@mail.com>, Bruce Smith <bruce@lifesmark.com>, russcr@gmail.com

CC: Joyce Davidson <cityclerk@amadorcity.net>, city.clerk@amador-city.com

Hello Amador City Council --

Thank you for your continued discussion regarding short term rentals requirements in Amador City. I am reaching out to share additional research I've conducted related to short term rental ordinances in other municipalities to support your continued conversation. Please note the attached spreadsheet has three tabs of information - "Amador City Considerations," "Northern California Ordinances," and "Major US City Ordinances." In addition to this information, I've attached the research I shared with the City Council on this topic at the 11/16/21 meeting.

As Council discusses next steps with short term rentals in Amador City, I encourage you to consider the following questions based on reoccurring themes from other municipal short term rental ordinances:

- 1a. Does the property have to be the owner's primary residence?
- 1b. If the property is NOT the owner's primary residence, how many days should the property be eligible for short term rental?
2. What annual permits and fees are required by Amador City prior to the property becoming a short term rental?
3. What are the fines associated with violating Amador City's short term rental ordinance?
4. How will Amador City monitor and enforce violations to the short term rental ordinance?

Based on research outlined in the attached spreadsheet, I encourage City Council to take into consideration the following answers to the above questions when updating the existing short term rental ordinance for Amador City:

- 1a. The property must be the owner's primary residence in order to qualify for a short term rental.
- 1b. If the property is NOT the owner's primary residence, the property may be eligible for short term rental up to 90 days per year. Owner may operate no more than one short term rental property in Amador City limits.
2. Amador City should continue the requirements that the property owner pay for a business license, short term rental application fee, and transient occupancy tax. Suggest increasing the one-time \$250 application fee to an annual \$250 fee (and that applications are required to be submitted annually for short term rental properties) and that an annual "Enforcement Fee" be added for City Council responsibilities associated with addressing complaints and violations of the short term rental ordinance. The Enforcement Fee amount should be decided by City Council (suggest \$250 annual Enforcement Fee).
3. Fines should be the responsibility of the owner for each day of violation and result in revocation of short term lease permit and business permit for a specific period of time. Violation fine amount and time period to be determined by City Council (suggest revocation of permit for one calendar year to

start at date of violation and \$500 fine for first offense, \$1000 fine for subsequent offenses).

4. Violations may be submitted directly to the City Council through an email and/or hotline system. The City Council will develop a sub-committee to review and enforce violations on a case-by-case basis.

My motivation for conducting this research and presenting this information is to preserve Amador City as an active, vibrant space where the people that work in and care for our community have an opportunity to live here, too. I do not want to see Amador City become a revolving door of weekend tourists that are not invested in this community. I believe if you talk to your constituents, both business owners and residents, you will find others that are like minded.

Best,

Jillian Buckholz

530 228 4520

— Attachments: —

Short Term Rentals_Notes for Amador City Council Meeting_11.16.2021.pdf	57.8 KB
Short Term Rental (STR) Ordinances_2022.01.05.xlsx	26.1 KB

Short Term Rentals
Notes for Amador City Council Meeting
11.16.2021
By Jillian Buckholz
jillianbuckholz@gmail.com - 530.228.4520

For consideration for the Amador City Council Subcommittee concerning AirBnB/VRBO (short-term rentals): Amador City needs an ordinance outlining parameters for short-term rentals in city limits.

Research from various sources supports the following:

- AirBnbs decrease housing stock for purchase and long-term rental
- AirBnBs increase housing prices and long-term rental prices

As a result, it is more difficult for people that live and work in the community to purchase a home or find a long-term rental that is in close-proximity and affordable.

In particular, a study by the Economic Policy Institution (EPI), a non-profit, non-partisan American think tank, found that:

1. **The economic costs of Airbnb likely outweigh the benefits:**
 - a. While the introduction and expansion of Airbnb into cities around the world carries large potential economic benefits and costs, the costs to renters and local jurisdictions likely exceed the benefits to travellers and property owners.
2. **Airbnb might, as claimed, suppress the growth of travel accommodation costs, but these costs are not a first-order problem for American families:**
 - a. There is little evidence that the high price of travel accommodations is a pressing economic problem in the United States.
3. **Rising housing costs are a key problem for American families, and evidence suggests that the presence of Airbnb raises local housing costs:**
 - a. The largest and best-documented potential cost of Airbnb expansion is the reduced supply of housing as properties shift from serving local residents to serving Airbnb travelers, which hurts local residents by raising housing costs.
4. **The potential benefit of increased tourism supporting city economies is much smaller than commonly advertised:**
 - a. There is little evidence that cities with an increasing supply of short-term Airbnb rental accommodations are seeing a large increase in travelers. Instead, accommodations supplied via Airbnb seem to be a nearly pure substitution for other forms of accommodation. Two surveys indicate that only 2 to 4 percent of those using Airbnb say that they would not have taken the trip were Airbnb rentals unavailable.

Also, short-term rentals can have a large cost for neighbors, like the noise brought by people occupying adjacent homes as a vacation rental.

Lastly, Amador City already has at least 3 or 4 short-term rental properties. If the current housing stock in city limits is 90 homes, approximately 4% of the Amador City housing stock is a short-term rental to-date. Now is the time to design an Amador City short-term lease ordinance before the percentage of short-term lease housing stock increases.

Suggested Solutions for an Amador City Short-Term Lease Ordinance:

- A short-term rental may exist on a property that is the primary residence of the homeowner.
- A home designated as a non-primary residence may be designated as a long-term rental.
- 90-day annual limit for homes not occupied by the owner
- Ban lodging businesses from residential neighborhoods

Sources:

- [What Airbnb really does to a neighbourhood](#) (BBC News, Aug 2018)
- [The economic costs and benefits of Airbnb](#) (Economic Policy Institute, Jan 2019)
- [The Airbnb Effect: It's Not Just Rising Home Prices](#) (Bloomberg CityLab, Feb 2019)
- [Research: When Airbnb Listings in a City Increase, So Do Rent Prices](#) (Harvard Business Review, April 2019)
- [Is Airbnb Ameliorating – or Exacerbating – Inequality in Cities?](#) (US News, May 2019)
- [How much does Airbnb really affect rents and housing prices?](#) (USC News, Aug 2019)
- [Small town New York is an example of Airbnb's effect on housing](#) (CBS News, Feb 2020)
- [The Airbnb Effect On Housing And Rent](#) (Forbes, Feb 2020)

reoccurring themes found in other municipal short term rental ordinances.

1a. Does the property have to be the owner's primary residence?

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