



City of Yuba City
Planning Division Agenda Report
Planning Commission Meeting

November 12, 2008

DATE: November 12, 2008
TO: Yuba City Planning Commission
FROM: Community Development Department
SUBJECT: Agenda Report – Meeting of November 12, 2008

PUBLIC HEARINGS:

1. **GENERAL PLAN AMENDMENT GP 08-02, SUBDIVISION MAP SM 08-01 TO CHANGE THE GENERAL PLAN DESIGNATION FROM MEDIUM/HIGH DENSITY RESIDENTIAL TO MEDIUM/LOW DENSITY RESIDENTIAL AND TO SUBDIVIDE 3.72 ACRES INTO 24 RESIDENTIAL LOTS AND AN AMENDMENT TO THE DEVELOPMENT AGREEMENT; LOCATED AT THE NORTHWEST CORNER OF GILSIZER SLOUGH AND SMITH ROAD; ASSESSOR'S PARCEL NUMBER: 56-030-065; APPLICANT: DARRELL BOLOGNESI; PROPERTY OWNER: BRADDOCK AND LOGAN GROUP.**

Project Description:

The applicant, Darrell Bolognesi, has submitted the following applications:

1. General Plan Amendment GP 08-02 to change the General Plan designation from Medium/High Density Residential to Medium/Low Density Residential. (See Exhibit B),
2. Subdivision Map SM 08-01 to subdivide 3.72 acres into 24 parcels with a Parcel "A" along Gilsizer Slough and a remainder, being Units 1 and 2 of SM 05-05. (See Exhibit C), also
3. Development Agreement Amendment to reflect the latest terms associated with development impact fees and timing of improvements for "pipeline projects".

Property Description:

The project site is part of the Sutter Heritage Master Plan, which is located east of Walton Avenue, south of Hazel Avenue, west of Gilsizer Slough, and north of Smith Road. The subject property is located at the southeastern corner of the Master Plan area, adjacent to Gilsizer Slough

and Smith Road. The property is currently a walnut orchard. (See Attachment 1, “Aerial Photo”)

General Plan Designation:

Existing: Medium/High Density Residential (12 to 36 units per acre)
Proposed: Medium/Low Density Residential (6 to 14 units per acre)

Zoning Classification:

Planned Development (PD-11) District

Surrounding Land Use:

A walnut orchard (approved for single-family development as part of the Sutter Heritage Master Plan and SM 05-05) is located to the north and west; Gilsizer Slough and a walnut orchard are located east, Smith Road and large-lot single-family homes are located to the south.

Previous Actions and/or Policies:

RZ 05-01 applied the pre-annexation zoning of PD-11 to the Master Plan area and was approved by the City Council on June 21, 2005.

Annexation 323 annexed the Sutter Heritage Master Plan area into the City and took effect on November 23, 2005.

SM 05-05 was approved by the Planning Commission on July 12, 2006. SM 05-05 subdivided the western portion of the Sutter Heritage Master Plan into 162 single-family lots.

Sutter Heritage Master Plan and Development Agreement were adopted by the City Council on October 17, 2006.

Environmental:

A Mitigated Negative Declaration (Exhibit A) was prepared for the project and is attached for Commission review and consideration. Mitigation measures to offset possible adverse environmental impacts are contained in the mitigation monitoring program attached to the Mitigated Negative Declaration. Staff requests that the Planning Commission adopt the attached Mitigated Negative Declaration for the Subdivision Map and recommend that the City Council adopt the attached Mitigated Negative Declaration for the General Plan amendment.

Staff Comments:

Provided below is an evaluation of the findings required to approve the two applications. The required findings are italicized in bold font.

General Plan Amendment GP 08-02:

As noted above the current General Plan designation is Medium/High Density Residential that was intended for multi-family development. The applicant has requested this modification to allow for a higher density single-family product to be developed so that they can expand the size of their previously approved project and help with the overall cost of the project.

GP 08-02 proposes to change the General Plan designation from Medium/High Density Residential to Medium/Low Density Residential because the proposed density of SM 08-01 is too low to meet the minimum density of the existing Medium/High Density Residential designation.

Section 8-8 of the Yuba City Municipal Code specifies that a member of the public may initiate a General Plan amendment. The Municipal Code requires the Planning Commission to forward its recommendation and findings to the City Council for action. The Municipal Code does not contain any required findings for a General Plan amendment. However, Section 65358 of the California Government Code states that a City may amend its General Plan if it deems the amendment to be in the public interest. In the case of General Plan amendment GP 08-02, staff supports that the proposal is in the public interest because the land use change will accommodate a high-quality project and will result in fewer impacts on facilities and improvements in the vicinity of the project. The proposed amendment to the land use element of the General Plan does not conflict with any other elements of the General Plan. The Housing Element does not count on development of the subject property as multi-family units to meet the City's Regional Housing Needs Assessment numbers. Therefore, staff recommends that the Planning Commission make the following finding:

General Plan Amendment GP 08-02 to change the General Plan land use designation from Medium/High Density Residential to Medium/Low Density Residential is in the public interest.

Subdivision Map SM 08-01:

SM 08-01 proposes to subdivide one 3.72acre site into 24 parcels, with lots ranging in size from 0.09 acres to 0.21 acres and a remainder. (See Exhibit C.) Section 8-2.609 of the Yuba City Municipal Code and the Subdivision Map Act require that findings be made in order to approve a tentative map. The required findings are listed below in bold italics and are followed by an evaluation of the tentative map in relation to each finding.

- 1. The proposed tentative map is consistent with the General Plan and the design or improvement of the proposed subdivision is consistent with the General Plan.***

Staff Analysis: The proposed tentative map conforms to the General Plan and the Yuba City Zoning Regulations in all respects. Specifically, density of the project is 6.45 dwelling units per acre, which is within the density prescribed by the Medium/Low Density Residential designation. Additionally, the proposed parcels all meet the minimum lot sizes (4,000 square feet and 3,650 square feet for corner and interior lots, respectively) established by the PD-11 District.

2. *The site is physically suited for the type and proposed density of development.*

Staff Analysis: The proposed tentative map will accommodate the development that is proposed on the site. The project plans demonstrate that the parcels will be large enough to accommodate single-family residences, required parking and driveways, setbacks, and other improvements. Since the site is flat, there are no topographical features that would preclude development of any of the proposed parcels. Land within and adjacent to Gilsizer Slough has been preserved as open space and is shown on the map as “Parcel A”. In addition, the proposed subdivision is a logical extension of the previously approved subdivision and it will with the planned infrastructure improvements previously identified in the original Development Agreement.

3. *The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage and the type of improvements are not likely to cause serious public health problems.*

Staff Analysis: Subdivision of property itself will not cause environmental damage or public health problems. Staff completed a mitigated negative declaration that analyzes the impacts associated with the proposed development on the project site. The applicant will be required to install all required improvements prior to occupying any of the facilities. The Sutter Heritage Development Agreement governs the timing associated with installation of improvements.

4. *The design of the subdivision or 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.*

Staff Analysis: As conditioned, all necessary easements will be preserved to provide access through the property within the proposed subdivision.

Recommended Actions:

The Planning Division recommends that the Planning Commission take the following actions:

- A. Adopt the Mitigated Negative Declaration for the Subdivision Map and recommend that the City Council adopt the Mitigated Negative Declaration for the General Plan Amendment.
- B. Recommend that the City Council adopt the finding that GP 08-02 to change the General Plan designation from Medium/High Density Residential to Medium/Low Density Residential is in the public interest.
- C. Recommend that the City Council approve GP 08-02 to change the General Plan designation from Medium/High Density Residential to Medium/Low Density Residential, as shown on Exhibit B.
- D. Adopt the following four findings for SM 08-01:

1. The proposed tentative map is consistent with the General Plan and the design or improvement of the proposed subdivision is consistent with the General Plan.
2. The site is physically suited for the type and proposed density of development.
3. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage and the type of improvements are not likely to cause serious public health problems.
4. The design of the subdivision or 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.

E. Approve SM 08-02 as shown in Exhibit C, subject to the following 6 conditions of approval:

General

1. The Conditions of Approval shall be attached to and be made an integral part of the improvement plans.
2. Subdivision Map SM 08-02 is approved as shown in Exhibit C and as conditioned herein.
3. Approval of Subdivision Map SM 08-02 is contingent upon the receipt of City Council approval of General Plan amendment GP 08-02.
4. The conditions approved by the Planning Commission on July 12, 2006 titled, “Revised Conditions of Approval Tentative Subdivision Map SM 05-05 Sutter Heritage Master Plan” shall apply.
5. Should applicant choose to proceed with Phase 3 prior to development of Unit 1 and/or Unit 2 the following shall apply:
 - a. Applicant shall submit a phasing plan for the required improvements for approval of the Public Works Director.
 - b. Right-of-way for Walton Avenue and Pebble Beach Drive shall be dedicated.
2. **PUBLIC HEARING: DEVELOPMENT PLAN DP 06-02 FOR SIERRA CENTRAL CREDIT UNION FOR A THREE-PHASE, 132,600 SQUARE FOOT PROJECT; LOCATED AT THE SOUTHEAST CORNER OF HARTER PARKWAY AND BUTTE HOUSE ROAD; APN: 59-010-103; APPLICANT: RENGEL + COMPANY ARCHITECTS; PROPERTY OWNER: SIERRA CENTRAL CREDIT UNION**

Recommended Action:

Per the applicant’s request, staff recommends that the Planning Commission continue this item to the December 10, 2008 Planning Commission meeting.