

YUBA CITY PLANNING COMMISSION
MINUTES

Regular Meeting
November 12, 2008
City Hall Council Chambers

The meeting was called to order by Chairman Starkey at 7:00 p.m. Members present were as follows:

PRESENT

Chairman Craig Starkey
Commissioner John Sanbrook
Commissioner John Dukes

Commissioner Preet Didbal
Commissioner Jana Shannon
Commissioner Mike Tomlinson

ABSENT

Commissioner Satwant Takhar

Also present were Aaron Busch, Community Development Director; Katie Ertmer, Associate Planner; Paulla Hyatt-McIntire, Counsel; and Roberta Kyle, Recording Secretary.

The Pledge of Allegiance was led by Commissioner Sanbrook.

The meeting minutes of October 22, 2008, were approved as written with Commissioner Tomlinson abstaining.

Appearance of Interested Citizens: - None

Correspondence: - None

Commission Consideration: - None

Public Hearing:

- 1. 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.**

Katie Ertmer, Associate Planner, presented a staff report, and stated that the applicant has requested that the project be continued indefinitely.

Commissioner Dukes moved to recommend that Development Plan #DP 06-02 be continued indefinitely, was seconded by Commissioner Tomlinson, and the motion passed by a vote of 6-0-1 (Commissioner Takhar absent).

Commissioner Dukes recused himself, having been elected as a new City Council member, and due to the fact that the next item will be forwarded on to the City Council for final approval.

2. 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.

Ms. Ertmer presented a staff report and mentioned the amendments to the Development Agreement.

Commissioner Tomlinson asked about street widths, what the traffic lanes are, if there are bike lanes and what the parking situation will be.

Ms. Ertmer directed Commissioner Tomlinson to the Conditions of Approval, Exhibit D, which incorporate the original Sutter Heritage Master Plan and map, and stated that conditions 11, 13, 12 (for Smith Road) and 14, contain the requirements for street sections. Ms. Ertmer read the conditions to Commissioner Tomlinson.

Commissioner Tomlinson stated that the street they are dealing with is Jacoby.

Ms. Ertmer stated that Jacoby is covered by condition #14, and read the condition to Commissioner Tomlinson.

Commissioner Sanbrook asked about Condition #4 on the staff report and suggested that in order for there to be no confusion, that the conditions set forth in the original tentative map be specifically incorporated as part of the conditions of this new tentative map request.

Ms. Ertmer stated that staff would be OK with that, and asked if Commissioner Sanbrook had any recommended language for the Commission to consider.

Commissioner Sanbrook suggested that Condition #4 be changed to read that the Conditions of Approval for TM 05-05 shall be conditions of approval for TM 08-01 so there is no confusion.

Ms. Ertmer re-read the language to state "Conditions of Approval for TM 05-05 as shown in Exhibit D, shall be incorporated herein as conditions of TM 08-01".

Commissioner Sanbrook asked about other roadway encroachments that were conditions of units 1 and 2, and asked if they now apply to unit 3.

Ms. Ertmer stated that some of the conditions are specifically tied to the 40th building permit for example, and those would still apply, and stated that if unit 3 was constructed as Phase I, that would not trigger the 40th building permit. Ms. Ertmer also stated that these conditions all apply to the entire Sutter Heritage Master Plan and even if the developer chose to build multi-family units, unit 3 still could have gone first and the conditions would still apply. Ms. Ertmer said that Condition #5 was added to provide clarity.

Commissioner Sanbrook asked about Conditions #62, #63, and #64, and asked if the applicant did chose to go ahead with unit 3 first, will those conditions be triggered at that time.

Ms. Ertmer stated that the 40th building permit is what triggers that and that the traffic analysis that was done for this Master Plan took into account 120+ multi-family units, and said the traffic impacts of this subdivision map is actually less than what is allowed.

Commissioner Sanbrook asked about Condition #64 and if the applicant would have to come up with the \$50,000.

Ms. Ertmer said the condition states prior to recordation of a final map, or units 1 and 2.

Commissioner Sanbrook stated he wants to make sure that staff is comfortable, and that the developer also understands what is being done.

Ms. Ertmer stated the developer has had the conditions for a couple of weeks to review, so staff could try to work out any details before the meeting tonight.

Commissioner Tomlinson asked if the General Plan's Housing Element does not count on this development as multi-family units to meet the City's regional housing needs assessment numbers, and asked if Ms. Ertmer could explain.

Ms. Ertmer stated that this particular location was not included in the Housing Element Opportunity Site list, and said that the Housing Element has not yet been adopted and is scheduled to be reviewed again by HCD at the beginning of December.

Chairman Starkey opened the public hearing.

Darrell Bolognesi of Braddock and Logan Group stated that one of the reasons for this application change request is that after they received approval, and saw where the market was going, they didn't see multi-family as a viable alternative for this location, plus they tried to lay out something with the density that gets close to matching what the high density designation is, but did not succeed. Mr. Bolognesi said they decided that the logical thing would be to put the same type of single family homes that were approved for the entire property and made the lots along the Hayes property larger so that they could put single family elements there that are similar to the ones approved by the Master Plan along the north side of the property, and stated they feel this is a better alternative. Mr. Bolognesi said the PD zoning approval will not have to be amended at all. Mr. Bolognesi asked staff if his Development Agreement covers his tentative map and all of his approvals achieved through the City for a period of 20 years, and thought some language may need to be added to his Development Agreement.

Paulla Hyatt-McIntire, Counsel, stated that if the intent of the agreement is that the Tentative Map run the same term as the Development Agreement, then language will be required, as it will not happen automatically.

Mr. Busch stated that the applicant is asking that the expiration of the tentative map run concurrently with the Development Agreement which is fine, and that the reason there needs to be specific language included in the Development Agreement as opposed to just assuming it's inferred, is that the Government Code Section cited says that the expiration date may be extended to the life of the Development Agreement. Mr. Busch stated that staff is comfortable with the language the applicant is proposing, and would not object to including that language.

Mr. Busch asked everyone to look at page 4 of the Development Agreement, Exhibit E under item 1.2, Term, and said at the end of that language there would be added “Pursuant to Government Code Section 66452.6a and this agreement and subject to the provisions below, the term of any of the entitlements shall automatically be extended to and until the later of the following: 1) the end of the term of this agreement (as it may be extended) or, 2) to the end of the term or life of any such entitlement otherwise given pursuant to the subdivision map act or local regulation not in conflict with the subdivision map act.” Mr. Busch stated that what this is saying is that we agree that the life of the map will run concurrently with the term of the Development Agreement, and also that the applicant will not have to keep extending his entitlement if it takes more than 10 years to build out the subdivision map, meaning that nothing has been done at all.

Chairman Starkey asked Mr. Bolognesi if he was good with the proposed language.

Mr. Bolognesi stated he submitted the language to Ms. Ertmer last week, as she wanted to run it by Mr. Busch and the City Attorney.

Commissioner Tomlinson asked Counsel why the Subdivision Map Act has expiration dates in it.

Ms. Hyatt-McIntire stated that she could not answer that question, that it was a policy decision.

Commissioner Tomlinson asked what Counsel thinks.

Ms. Hyatt-McIntire stated there are special provisions depending on the amount of money that has been spent, and again stated it is a policy decision.

Commissioner Sanbrook stated he has the same concerns as Commissioner Tomlinson.

Chairman Starkey asked if the developer will have to build according to the codes at the current time the project is built.

Mr. Busch stated that was correct.

Commissioner Sanbrook asked if the developer is being required to conform to the current standards with reference to the various roads within the project.

Mr. Busch stated that road width improvements typically do not change drastically over a course of time, and said that if there are radical changes within the next 20 years to the street standards and the developer has not effectuated any improvements, then the Development Agreement gives the City the ability to go back and mutually agree to modify the agreement on the standards.

Commissioner Sanbrook asked if it requires a mutual agreement.

Mr. Busch stated that was correct.

Commissioner Tomlinson asked if according to lot width, configurations, etc., will houses be built the same way in 20 years as they are built now, and said they are being asked to make a new policy without a lot of thought.

Mr. Busch stated that was a fair comment, but doesn't feel it is a new policy, and said if it's a good map now that conforms with all the requirements, it will be a good map in 20 years.

Mr. Bolognesi stated to Commissioner Tomlinson that their intent is not to wait 20 years to build the project and that the only reason the 20 year number was added in is because that was the number being used in the Development Agreement. Mr. Bolognesi said they will build according to what the market is at that time.

Commissioner Tomlinson said that the ultimate control is in the market.

Mr. Bolognesi stated that the City's General Plan is actually the control. Mr. Bolognesi stated they are continually trying to bid out the project.

Mr. Busch asked the Planning Commission to refer to section 2.5 on pg 7 of the Development Agreement, and stated that in terms of potential for change over 20 years, the Development Agreement states that the City may, during the term of the agreement, change the rules as long as it doesn't affect the overall approvals or intent of the project.

There being no further testimony, Chairman Starkey closed the public hearing.

Commissioner Sanbrook asked the applicant if they were comfortable with the provisions of the Development Agreement.

Mr. Bolognesi said they are in agreement with the requested change to the Development Agreement.

Mr. Busch stated there is the handout with the additional findings and that the language will need to be modified to incorporate the requested change by the applicant to the Development Agreement.

Commissioner Shannon moved to:

- A. Adopt the Mitigated Negative Declaration;
- B. Recommend that the City Council adopt the finding that GP 08-02 to change the General Plan designation is in the public interest;
- C. Recommend that the City Council approve GP 08-02 as shown on Exhibit B;
- D. Recommend that the City Council adopt the 7 recommended findings to the Development Agreement as modified;
- E. Recommend that the City Council approve the proposed amendments to the Development Agreement as shown in Exhibit E;
- F. Adopt the 4 findings for SM 08-01;
- G. Approve SM 08-01 as shown in Exhibit C, with 5 conditions of approval.

The motion was seconded by Commissioner Tomlinson and passed by a vote of 5-0-2 (Commissioner Takhar absent and Commissioner Dukes recused).

Commission Discussion:

Commissioner Tomlinson stated his concerns about breaking commercial lots into small lots, and asked how that can be addressed.

Mr. Busch stated that would be a zoning ordinance revision, and said that revision is on the work plan but probably will not happen until next year.

Other Business:

Mr. Busch congratulated Commissioner Dukes for being elected as a City Council member, and stated that the City Clerk's office will be putting out a flyer to fill two positions on the Planning Commission.

Commissioner Shannon asked if the application would be online.

Mr. Busch stated he believes it will be.

Report on Actions of the City Council: - None

Adjournment: There being no further business, the meeting was adjourned at 7:52 p.m.

Respectfully submitted,

Roberta Kyle, Secretary
YUBA CITY PLANNING COMMISSION