



City of Yuba City
Planning Division Agenda Report
Planning Commission Meeting

April 22, 2009

DATE: April 16, 2009
TO: Yuba City Planning Commission
FROM: Community Development Department
SUBJECT: Agenda Report – Meeting of April 22, 2009

PUBLIC HEARING: TENTATIVE MAP SM 08-02 TO SUBDIVIDE ONE PARCEL INTO TWO PARCELS LOCATED AT 2125 EAST ONSTOTT FRONTAGE ROAD; ASSESSOR'S PARCEL NUMBER: 51-280-060; PROPERTY OWNER/APPLICANT: AMERICAN NATIONAL RED CROSS, THREE RIVERS CHAPTER

Background:

On February 25, 2009, the Planning Commission continued Subdivision Map SM 08-02 to a later date to allow staff additional time to assess the applicant's request to remove condition number 6, which requires execution of a Deferred Improvement Agreement for the future undergrounding of the overhead utilities. Since that time, staff has met with the applicant to further discuss the merits of their request.

Staff Analysis:

After further review, staff recommends that condition number 6 be retained as originally proposed because it conforms to the requirements of the Municipal Code. The applicable sections of the Municipal Code are listed below:

Section 8-2.1412(b) of the Municipal Code requires that utility distribution facilities be placed underground.

Sections 8-2.705, 8-2.809, and 8-2.1001-1002 of the Municipal Code state that Deferred Improvement Agreements may be approved by the City Council when it is not feasible for a subdivider to meet the standards required by the Municipal Code, as long as security for the future value of the improvements is obtained by the City.

Waiving the requirement to either underground the utilities or to enter into a Deferred Improvement Agreement to secure payment of the subdivider's fair share for the future

undergrounding of utilities would not be consistent with the Municipal Code. Therefore, staff recommends that the Planning Commission uphold the original recommendation in the staff report dated February 25, 2009, which includes the requirement for a Deferred Improvement Agreement to underground the utilities.

The applicant is aware of staff's recommendation and will be present at the meeting to address the Commission on this matter. **The attached staff report has not been changed since the Planning Commission first reviewed it.**

- 1. TENTATIVE MAP SM 08-02 TO SUBDIVIDE ONE PARCEL INTO TWO PARCELS LOCATED AT 2125 EAST ONSTOTT FRONTAGE ROAD; ASSESSOR'S PARCEL NUMBER: 51-280-060; PROPERTY OWNER/APPLICANT: AMERICAN NATIONAL RED CROSS, THREE RIVERS CHAPTER**

Project Description:

The applicant proposes to subdivide a 3.9-acre parcel into two parcels of approximately 1.2 acres and 2.7 acres. The purpose of the map is to provide the applicant the ability to sell the portion of its site that is not used for Red Cross operations.

Property Description:

The 3.9-acre parcel is currently developed with two 11,600 square foot office buildings, a 3,200 square foot storage building, and related site improvements, such as parking and landscaping. Parcel 1 will contain the building currently occupied by the Red Cross and the storage building, and Parcel 2 will contain the second building, most of the onsite parking, and a small, undeveloped portion of land. (See Attachment 1, "Aerial Photo".)

General Plan Designation:

Office & Office Park

Zoning Classification:

R-3, Multiple Family Residence District

Surrounding Land Use:

Single family homes surround the project on the north, east, and south sides. East Onstott Frontage Road and State Route 99 are located to the west.

Previous Actions and/or Policies:

UP 519: On December 11, 1985, the Planning Commission approved a Use Permit for a church to construct and occupy the two buildings that currently exist on the site.

UP 98-05: On January 13, 1999, the Planning Commission approved a Use Permit to allow the conversion of the buildings from a church to the current use by the American National Red Cross.

SM 02-22 (East Onstott Estates): The subject property was part of East Onstott Estates, which was approved, upon appeal, by the City Council on March 18, 2003. The City Council removed a condition that the overhead utilities along East Onstott Frontage Road be placed underground. SM 02-02 created all of the single-family parcels that currently surround the project site.

Environmental:

Categorically Exempt per Section 15315 pertaining to minor land divisions.

Staff Comments:

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, the proposed parcels exceed the 10,000 square foot minimum lot size and meet all setbacks that are required in the R-3 District. Offices are permitted with the approval of a Use Permit by the Planning Commission. As noted above, a Use Permit for the current use was approved on January 13, 1999.

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

Staff Analysis: The proposed tentative map does not involve additional development on the project site. The site currently accommodates the existing development in accordance with all applicable standards; approval of the tentative map would not result in a nonconforming situation. By requiring cross access and parking easements, Condition Number 7 ensures that the owners of the northerly building will be allowed to use the parking located on Parcel 2.

- 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: The proposed tentative map does not involve additional development or public improvements at this time. Division of the property into two parcels will not result in environmental damage or public health problems. Condition Number 6 requires that the applicant enter into a deferred improvement agreement for undergrounding the utilities along East Onstott Frontage Road.

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 shown on the tentative map, the existing sewer lines serving both buildings are located in an easement that runs along the back yards of four homes on the southeast corner of the project site. The proposed subdivision does not interfere with this easement. The applicant or future owners of the site will be required to conform to Section 6-5.301(c) of the Yuba City Municipal Code, which requires two things. First, it requires the owners of the property to develop an agreement for maintenance of the sewer line. Second, it requires the owners of the property to enter into a subdivision agreement with the City wherein the owners agree to connect immediately to a sewer line when it exists in the public right-of-way adjacent to the parcels. Because all properties to the north and south of the subject parcel are already served by City sewer, it is unlikely that a sewer line will be constructed in East Onstott Frontage Road adjacent to the Red Cross property. Conditions 3 and 8 ensure compliance with Section 6-5.301(c) of the Yuba City Municipal Code.

Recommended Action:

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

- A. Adopt the following findings:
 1. SM 08-02, in accordance with Section 15315 of the California Environmental Quality Act, is exempt from further environmental review since it consists of the division of property in an urbanized area and is in conformance with local General Plan and Zoning requirements.
 2. The design or improvement associated with the proposed SM 08-02 is consistent with the Yuba City General Plan and the Yuba City Zoning Regulations.
 3. The site of the proposed SM 08-02 is physically suited for the type and proposed density of development.
 4. The design of SM 08-02 and the proposed improvements are not likely to cause substantial environmental damage and the types of improvements are not likely to cause serious public health problems.
 5. The design of SM 08-02 and the proposed improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- B. Approve Tentative Map SM 08-02 subject to the following 8 conditions of approval:

General

1. Tentative Map SM 08-02 is approved as shown in Exhibit A and as conditioned herein.
2. Approval of Tentative Map SM 08-02 shall expire two years from the date of the project approval.

Prior to Final Map Recordation

Engineering Division

3. The applicant and the City shall enter into a Subdivision Agreement stipulating that the property owner agrees to connect immediately to the public sewer when it exists in the public right-of-way adjacent to the property. All construction costs and City fees associated with the new connection shall be the responsibility of the property owner.
4. All domestic, landscape, and fire service water lines, including existing lines, shall have reduced pressure backflow preventers.
5. All reduced pressure backflow preventers shall be tested and a backflow preventer certification performed by an AWWA licensed tester shall be submitted to the Public Works Department.
6. A Deferred Improvement Agreement shall be executed providing for the future undergrounding of all existing overhead utilities (of 26,000 volts or less). This does not include surface mounted transformers, pedestal mounted terminal boxes and meter cabinets.
7. Cross easements shall be reserved in deeds for all underground utilities, ingress and egress, parking, drainage, landscaping, and the maintenance thereof to the benefit of all parcels involved in the division.
8. A Maintenance Agreement shall be drafted providing for maintenance of the sewer line servicing both properties from Northwoods Drive and the shared storm drain lines on-site.