

YUBA CITY PLANNING COMMISSION
MINUTES

Regular Meeting
April 22, 2009
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 George Parker
Commissioner Preet Didbal
Commissioner John Hager III

ABSENT

Commissioner Satwant Takhar
Commissioner Jose Flores

Also present were Aaron Busch, Community Development Director, Katie Ertmer, Senior Planner, Roberta Kyle, Recording Secretary, and Alfredo Castillo, of RRM Design Group, consultant for the Lincoln East Specific Plan.

The Pledge of Allegiance was led by Commissioner Parker.

Commissioner Sanbrook moved to approve the meeting minutes of February 25, 2009 as written, was seconded Commissioner Hager, and the motion passed by a vote of 4-0-3. Commissioners Takhar and Flores were absent, and Commissioner Parker abstained.

Appearance of Interested Citizens: - None

Correspondence: - None

Commission Consideration: - None

Public Hearing:

- 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**

Ms. Ertmer presented a staff report.

Chairman Starkey opened the public hearing.

Bill Walker of Von Geldern Engineering, 430 Second St., Yuba City, stated the applicant is in agreement with the Conditions of Approval with the exception of Condition #6 which would require The Red Cross to enter into a deferred improvement agreement for the future undergrounding of existing utilities, and stated they were told that the City Council waived that requirement in 2002 or 2003 when the surrounding subdivision was created. Mr. Walker said that he is of the opinion that once something is waived, it stays waived, and suggested that the City Council look at this issue again.

Chairman Starkey stated that when the Planning Commission approve the surrounding subdivision, they required that the undergrounding be done, then the City Council waived the requirement to do undergrounding, and said that because the City Council made a mistake, it does not mean it can be done again. Chairman Starkey stated that the Planning Commission has to do what is right in regards to the code, and needs to make wise planning decisions for the City.

Mr. Walker stated that if they wanted to appeal the Planning Commission's action they would need to make it known at this point and time. Mr. Walker stated that the properties both to the north and south have overhead utilities and have no deferred improvement agreements on those properties. Mr. Walker further stated that he does not disagree with Chairman Starkey's account of what happened previously, however, once that happened, values were established and the Red Cross is faced with a piece of property that at the time did not have a deferred improvement agreement. Mr. Walker explained that undergrounding those facilities can be very expensive and if the undergrounding were to be imposed, the value of the Red Cross would change considerably which is unfair to them.

Chairman Starkey stated he understands and appreciates the argument.

Commissioner Sanbrook stated that the argument of once waived always waived, is not a valid point and said he does not know if there was ever any legal input from counsel on that issue. Commissioner Sanbrook also stated that the applicant is coming in now for a separate entitlement to split this property and the Planning Commission can impose any reasonable condition on that split. Commissioner Sanbrook said that if the Planning Commission chooses to require undergrounding or a deferred improvement agreement with the necessary security to ensure undergrounding will take place when it is needed, he feels it is appropriate. Commissioner Sanbrook asked Mr. Walker what the approximate cost would be for undergrounding the utilities in this area, and how many feet would be required.

Mr. Walker said he has heard the cost is around \$200 a running foot to underground existing utilities, and that there would be around 374 feet that would need to be done. Mr. Walker stated this will establish values on the property and that when a buyer comes in, they will look at the cost associated with having to underground the utilities, and will most likely subtract that amount from their purchase offer. Mr. Walker said that the previous waiver benefited the developer, not the Red Cross.

Commissioner Sanbrook stated that at this point and time, for the Planning Commission to waive this requirement would not only be inconsistent with the requirements of the municipal code, but actually contrary to the code, and said it would not be wise to take that course of action.

Stephen De Sena, 101 Boulder Street, Nevada City, who is part of the De Sena Development Group, talked about Commissioner Sanbrook's comments, and stated that the probability of undergrounding ever happening is unlikely, and said if it isn't going to happen, why have a deferred improvement agreement as a condition, and said that a buyer coming in would use that as leverage on a purchase price.

Chairman Starkey stated that if the applicant entered into a deferred improvement agreement, and never did the undergrounding, it would cost them nothing.

Mr. De Sena stated it would cost the Red Cross through a purchase offer, and said it is not reasonable for the Red Cross to have to bear the burden because of the mistake made before, and said again that the area will probably never be undergrounded.

Commissioner Sanbrook stated he appreciates Mr. De Sena's arguments.

Commissioner Parker asked Aaron Busch, Community Development Director, if there is a sunset period for deferred improvement agreements.

Mr. Busch stated it is typically 30 years.

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

Commissioner Sanbrook stated that if the Red Cross disagrees, this issue will have to be directed to the City Council, and said he feels the Planning Commission should not go against the code.

Commissioner Parker said that consistency across the board is imperative and concurs with Commissioner Sanbrook.

Commissioners Hager and Didbal also concurred with Commissioner Sanbrook.

Commissioner Sanbrook moved to A. Adopt the 5 findings, and B. Approve Tentative Subdivision Map #SM 08-02 subject to the 8 conditions of approval, was seconded by Commissioner Hager, and the motion passed by a vote of 5-0-2 (Commissioners Takhar and Flores absent).

Chairman Starkey read the appeal process to the applicant.

Commission Discussion:

Presentation regarding the Lincoln East Specific Plan.

Aaron Busch, Community Development Director, presented a brief staff report.

Alfredo Castillo, RRM, presented a power point presentation giving an overview of the Lincoln East Specific Plan and the Draft Environmental Impact Report. Throughout the presentation, several questions were posed by the Planning Commissioners.

Questions and responses are as follows:

Commissioner Sanbrook stated that there is an area that lies east of the LESP that is not the subject of any specific plan, and asked if that was correct.

Mr. Busch said that the area east of the Siller Ranch Master Plan is currently in the County and is fully developed. Mr. Busch stated the area chose not to be annexed in to Yuba City, and because it is fully developed, there is no need for a specific plan in that area.

Commissioner Sanbrook asked if quasi public facilities is the exclusive area where churches can go or can they go in some other locations, by right or by permit.

Ms. Ertmer said with a use permit they can locate in other areas as noted in the Zoning Regulations.

Commissioner Sanbrook wanted confirmation that it is not confined to the quasi public facility district.

Mr. Busch said it was intended to accommodate the existing uses, and that if in the future, those uses were to change over they couldn't turn into something beyond what the quasi public facilities district allows.

Mr. Castillo said that a good example is the Sikh Temple off George Washington Blvd., stating that if they were to abandon that project, and if it was designated low density residential as it was previously in their planning efforts, residential units could be built there.

Commissioner Sanbrook asked if it is appropriate to limit churches or religious facilities to a quasi public facility area as opposed to residential or other areas.

Mr. Castillo stated it has been done in other communities mainly to recognize the existing uses that are there, and said that some of these churches do provide community services. Mr. Castillo said in regards to limiting churches strictly to quasi public, depends on the jurisdiction, and said that here in Yuba City, there is no restriction other than the use permit.

Mr. Busch wanted to point out the strategic location of the neighborhood parks in terms of proximity to high density and medium density residential, with the goal of creating a walkable community.

Mr. Busch spoke regarding the affordable housing issue, and said we are obligated per our agreement with the SACOG Compact. Mr. Busch said we have a goal of 10% and also stated that the housing element that will be brought back before the Commission and to the City Council also talks about having a goal of 10%. Mr. Busch said the challenge with this particular plan is that we have an obligation to reach 10% and typically in plans such as these, you designate sites within the plan and you have the property owners at the table agreeing where those predefined sites are located. Mr. Busch said you either have them build those sites or you collect in-lieu fees to build those sites at a later time, and said since we don't have any property owners at the table with us, we didn't feel it was appropriate to identify specific sites. Mr. Busch said the hope is that we utilize a variety of mechanisms to reach our goal of having 486 units with the plan, and that can be done in a variety of different ways. Mr. Busch stated what is being proposed is that when we get into the implementation component of the specific plan is that as staff works with the property owners and begins to negotiate the obligation for contributing towards affordable housing within the Lincoln East Specific Plan. Mr. Busch said this can be done a number of different ways by figuring out the price point for those 486 units and come up with an in-lieu fee that would be spread on a prorated share throughout the entire plan.

Chairman Starkey asked about the positioning of homes with the family/living rooms facing towards the streets/parks.

Mr. Castillo stated that you can be very rigid on design standards, but then you loose flexibility and said a well designed home, even if it doesn't have a living or family room facing the street, containing the amenities such as a porch, a garage pushed to the back, smaller pavement width such as what is presented in the LESP, you will see more people out in front of their houses and kids playing.

Commissioner Sanbrook asked how phase areas were decided on.

Mr. Castillo said the phase areas were determined based on the proximity of infrastructure and the location of interested developers when the plan started.

Commissioner Parker asked if it was safe to say that whoever starts Phase I will bring the main trunk line all the way to the wastewater treatment plant down Lincoln.

Mr. Busch stated it's likely they will, and said that one of the things they will have to put into the specific plan and future development agreements is that the City has the ability to work with the landowners in and out of phases as long as it meets the intent of the overall master infrastructure for the plan. Mr. Busch said it cannot be piecemealed together, so the real key to the implementation will be the Public Facilities Financing Plan.

Commissioner Parker asked if any property owners joining who haven't tied in, will they have the opportunity to do so.

Mr. Busch said there is the potential for that opportunity.

Mr. Castillo said there are currently sewer connections and water connections available, but they are limited, and said there are only about 500 for each, and said beyond that is where the plan comes into play.

Chairman Starkey requested that the Planning Commission take a 10 minute break at 8:45 p.m.

The meeting resumed at 8:53 p.m.

Mr. Castillo resumed his presentation, then continued on to reviewing the EIR.

Mr. Busch thanked Mr. Castillo for his presentation. Mr. Busch stated that although the City Council will be charged with taking final action on these documents and establishing the policies that go into the documents, it will be the Planning Commission that will be responsible for its full implementation. Mr. Busch said as this moves forward, there will be maps, development projects, commercial projects, etc. which will be brought before the Commission for review and approval.

Chairman Starkey stated his concern is continuity and said he hopes their decision will be enduring.

Commissioner Hager said that the document was well done and was very easy to follow.

Mr. Busch said that he is hoping that the Planning Commission will go through the Specific Plan document and Environmental Impact Report with special attention to the executive summaries which give the details, then if the Commission has any strong opinions or comments, they want to be sure to incorporate those into the final EIR. The May 13th meeting will be the opportunity for the Planning Commission to give feedback on the documents

Chairman Starkey stated it will probably be effective to go through the documents step by step, so if there are questions, comments or concerns, they can be addressed at that time.

Other Business: - None

Report on Actions of the City Council: - None

Adjournment: There being no further business, the meeting was adjourned at 9:07 p.m.

Respectfully submitted,

Roberta Kyle, Secretary
YUBA CITY PLANNING COMMISSION