

RESOLUTION No. 2009-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA APPROVING A NEGATIVE DECLARATION, A TENTATIVE PARCEL MAP AND PLANNED UNIT DEVELOPMENT FOR THE SUBDIVISION OF A 14,232 SQUARE FOOT PARCEL LOCATED AT 1112 THIRD STREET TO CREATE TWO PARCELS (APN: 002-26-0-047)

WHEREAS, on May 5, 2009, the San Juan Bautista Planning Commission held a properly noticed public hearing and recommended to the City Council (3 ayes; 2 abstained) that it approve the Negative Declaration, tentative parcel map and Planned Unit Development for the subdivision of a 14,232 square foot parcel at 1112 Third Street (APN #002-26-0-047) to create two parcels ("Project"), which would create a two-lot residential subdivision; and

WHEREAS, the proposed project is subject to environmental review per CEQA and not exempt per Guidelines Section 15315 - *Minor Land Divisions*, as the parcel was subject to a subdivision action within the previous two year; and

WHEREAS, the proposed project was subject to CEQA review and an Initial Study and Negative Declaration where circulated from April 13 through May 4, 2009, and no comments were received; and

WHEREAS, a Notice of Intent to Adopt a Negative Declaration was posted with the county Clerk on April 15, 2009; and

WHEREAS, a properly noticed public hearing was held before the City Council on May 12, 2009; and

WHEREAS, the City Council carefully considered all of the information presented to it, including the staff report, Initial Study / Negative Declaration and other information submitted at the public hearing by interested persons.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of San Juan Bautista that it hereby approves the tentative parcel map and Planned Unit Development subject to the following required Findings and Conditions of Approval:

FINDINGS and FACTS

Findings - Planned Unit Development

11.05.050 Findings. The City Council shall make the following findings upon approval of a PUD permit:

- A. That the project is consistent with the required density for the zoning district.
- B. That the use is necessary or desirable in relation to the purposes and intent of the San Juan Bautista General Plan, zoning ordinance, and the economic, social and environmental status of the City;
- C. That the use will be properly related to other uses, transportation facilities, and other public facilities in the area, and will not cause undue environmental impacts relating to noise, odor, pollution, etc.; and
- D. That the use will not adversely affect the health or safety of persons living or working in the vicinity, or be materially detrimental to the public welfare of the City and its residents.

Facts (in support of Findings) - Planned Unit Development

- A. Based on the discussion herein, the proposed subdivision does meet all the requirements of the R-2 district.
- B. The proposed subdivision is desirable as it will infill an empty parcel in an area surrounded by low and medium density residential.
- C. The proposed subdivision is properly related to other uses as it is an infill project in a residential urban setting surrounded by urban services and will have a less than significant or no impact on environmental resources.
- D. Because of the nature of the proposed project there is no possibility for health and safety impacts related to persons living or working in the vicinity, or materially affect public welfare in general.

Findings – Subdivision

- A. That the proposed map is consistent with the General Plan in that this proposal is consistent with the General Plan low-density residential designation.
- B. That the site is physically suitable for future development as it is somewhat flat.
- C. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially injure fish or wildlife or their habitat in that the project is determined to have no significant impact on the environment.
- D. That, if the subdivision is completed in accordance with the Conditions of Approval, the Parcel Map meets and performs all of the requirements or conditions imposed by the Subdivision Map Act, Title X Chapter 2 of the San Juan Bautista Municipal Code and the approved Tentative Map for the subdivision.

Facts – Subdivision

The Tentative Parcel Map has been reviewed by the City Engineer and City Planner. The Tentative Parcel Map includes all required easements and dedications for public improvements, public utilities, and public access. A Negative Declaration was prepared to support the finding that there are no significant environment impacts.

CONDITIONS OF APPROVAL

The following are the City Planner's Conditions of Approval:

1. Install electrical infrastructure to accommodate one street light on Third Street similar to the type of street light installed on Muckelemi Street by the Mission Gardens Apartments developer.
2. The Parcel B building envelop shall be reoriented so that the front yard shall face Third Street. Any future residence will be at least 20 feet from the front yard setback from Third Street. Side yard setback requirements are five foot minimum from the driveway easement on the east side and five foot minimum on the west side. Rear yard minimum is 10 feet (as proposed by the applicant a portion of the proposed Parcel B rear yard area is "common open space" area per SJBMC Section 11.05.030.G, and shall be "readily accessible to all dwelling units").
3. Pay the following fees prior to approval of the Final Map by City Council on May 19, 2009: Park In-lieu Development Impact Fee – \$2,700.
4. Pay the following fees associated with future building permits for new residence:

- Water Connection (Development Impact) Fee - \$14,223.00 (residential 5/8-1" equivalent)
- Sewer Connection (Development Impact) Fee - \$3,266.00 (residential up to 1' equivalent)
- Traffic Development Impact Fee - \$4,506
- Public Safety Development Impact Fee – \$2,313
- Storm Drain Development Impact Fee - \$3,204
- Library Development Impact Fee – \$-6,470
- Technology Development Impact Fee – \$169
- Public/Civic Facilities Development Impact Fee – \$3,783

Sub-Total = \$37,934.00

FEES TOTAL = \$40,634

5. The applicant/property owner shall comply with the City's tree ordinance.

The following are the City Engineer's Conditions of Approval:

Note that the City of San Juan Bautista uses the City of Hollister Design Standards, Standard Specifications, and Standard Plans (latest edition). All improvements shall be to these standards, unless noted otherwise, and shall be reviewed and approved by the City Engineer.

6. Pursuant to Map Act section 66474.9 (b) (1), the subdivider shall defend, indemnify, and hold harmless the City or its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul, and approval of the local agency, advisory agency, appeal board, or legislative body concerning the subdivision, which action is brought within the time period provided for in Section 66499.37.
7. That, prior to approval of the Parcel Map, the applicant shall submit three copies of the site plan to each of the following utility companies: Pacific Gas and Electric Company, SBC, Comcast and City of San Juan Bautista City Engineer. The applicant shall subsequently provide the City Engineer with copies of the transmittal letter, each utility's easement needs and the utility connection plans as part of the initial submittal of the improvement plans and that easements for any and all public services shall be offered for dedication to the public forever and designated at "Public Service Easement" to serve this project, and other requirements as may be set forth by the City Engineer pertinent to subdividing in the City.
8. That the Parcel Map filed pursuant to this approval shall, in the opinion of the City, be in substantial conformance with the referenced tentative subdivision map on file in the offices of the City and approved by the City Council.
9. That the Parcel Map shall be recorded with the County Recorders Office within 24 months from the approval or conditional approval of the Tentative Map. The City may grant an extension not exceeding two additional years upon application of the applicant. Failure to comply with this deadline shall cause all proceedings of this project to be terminated.
10. The project owner/developer shall submit grading, drainage, and improvement plans, including but not limited to grading (Parcel B - fronting Third Street - shall be designed to drain to Third Street, with no surface drainage across adjacent private property lines, or any concentrated surface flows onto City Right of Way, and suitable overland release drainage shall be provided for Parcel A), sanitary sewer,

- storm drainage, water services, driveways, and erosion control. The Grading, Drainage, and Improvement Plan shall be submitted and approved by the City Engineer prior to the issuance of any building or grading permit, and/or recordation of the Final Parcel map.
11. Each parcel shall have individual water and sanitary sewer services to the City main in Third St. All services shall be to current City Standards, and shall not cross lot lines. Existing services that are to remain shall be potholed and accurately verified on improvement plans.
 12. All parcels shall have individual water and sanitary sewer services that meet City Standards. All public utilities, pavement, drainage, sanitary sewer, and water service improvements shall be installed, tested, and fully operational to the satisfaction of the City of San Juan Bautista prior to occupancy of new or remodeled building construction.
 13. All sidewalks and driveways along Third Street shall conform to ADA requirements. Sidewalk must have a minimum clear width of 4' wide (2% cross slope) concrete sidewalk per City Standards in City Easement or ROW.
 14. Provide Soils Report. Proposed Parcel B is over a filled drainage swale, the report shall review the site for surface and subsurface soils and/or drainage issues, suitability of the soils and remediation required for the project. Prior to the approval of any grading and/or earthwork related improvement plans for the project, the final project plans shall be reviewed and approved by the Geotechnical Engineer, and a written approval of shall be submitted to the City Engineer.
 15. All retaining walls shall be cement masonry block and/or poured in place concrete construction. Pressure treated wood or other wall will not be allowed. All fences and/or retaining walls must be first approved by the Planning Department before approval of grading drainage improvement plan.
 16. The owner/developer shall be responsible for securing any needed permits including but not limited to City Encroachment Permit for work in City Right of Way and obtaining any right of way and/or easements for this project. The developer shall be responsible for all costs in securing any needed permits, right of way and/or easements for this project.
 17. There shall be concurrence in writing by PG&E, Telephone, Cable TV and any other affected entity and/or agency as to improvements, easements, right of way, or other facility which is applicable to them.
 18. The requirement of Construction of Improvements shall be noticed per City Municipal Code 10-2-720.
 19. A Final/Parcel Map for the project shall be prepared and shall provide all required dedications, easements, and/or reservation of easements. All Maps and Plans shall be submitted to, reviewed, and approved by the City Engineer.
 20. The width of the proposed easement to Parcel A shall be a minimum of 20' wide. The City shall execute an agreement between Parcel A and Parcel B that provides for maintenance and repair of driveway and utilities in the easement, including but not limited to driveway, emergency vehicle access, landscaping, private utilities, public utilities (ie: gas, electric, telephone, tv), emergency ingress/egress. The City Attorney and City Engineer shall review and approve this agreement. The City shall not own or maintain this easement.
 21. Within the existing parcel is an existing utility easement that connects two adjacent properties to the north of the subject parcel to the Third Street water and sewer utilities. The two properties to the north are identified as of April 16, 2009 as APN 002-26-0-023 and APN 002-26-0-024. This easement is indicated on the Tentative Parcel Map to be A "15' WIDE SEWER EASEMENT PER VOL. 416, PAGE 408,

- OFFICIAL RECORDS". The proposed subdivision shall require that the 15 foot easement remain in place.
22. In deference to the adjacent parcels to the north (as of April 16, 2009 as APN 002-26-0-023 and APN 002-26-0-024), the applicant shall install the sewer line in the easement and cap it.
 23. If it is the case that the owner(s) of parcels identified as APN 002-26-0-023 and APN 002-26-0-024 do not arrange for payment up front for trenching and installation of utilities in the easement that flanks the east side of Parcels A and B on APN 002-26-0-47, future development on the adjacent properties to the north and identified as APN 002-26-0-023 and APN 002-26-0-024 will be required to reimburse Mr. and Mrs. Lopez, current owners of APN 002-26-0-047, or subsequent owner(s) of APN 002-26-0-47 (as the parcel is identified prior to its subdivision) for purposes of financially reimbursing the cost associated with the installation and capping of utility lines within the easement. This easement is indicated on the proposed Tentative Parcel Map to be A "15' WIDE SEWER EASEMENT PER VOL. 416, PAGE 408, OFFICIAL RECORDS".
 24. All utilities (i.e., two utility poles) along the project frontage of Third Street shall be undergrounded per City Municipal Code 10-2-1100 thru 1120.
 25. City Engineer Inspection Fee: The City Engineer duties and review /inspection of onsite work is anticipated to be minimal provided the project engineer/soils engineer adheres to the requirements of the March 18, 2008 memo from the City Engineer to the Project Engineer.

NOW THEREFORE, BE IT RESOLVED that the City Council hereby approves the Parcel Map and Planned Unit Development and approves the Negative Declaration based on the following findings:

1. The Parcel Map meets and performs all of the requirements or conditions imposed by the Subdivision Map Act, Title X Chapter 2 of the San Juan Bautista Municipal Code and the approved Tentative Map for the subdivision.
2. The Planned Unit Development meets and performs all of the requirements of the Municipal Code Section 11.05.

PASSED AND ADOPTED this 12th day of May 2009 by the following vote:

AYES: Edge, Laverone, Hill, Bilich, Moore
 NOES: None
 ABSENT: None
 ABSTAIN: None

Mayor Rick Edge

ATTEST: _____
 Linda G. McIntyre, City Clerk