



## MEMORANDUM

TO: City Council

FROM: Gerald Johnson, City Manager *GJ*

PREPARED BY: Marianne Nockles-Lockwood, Senior Planner *MN-L*

REVIEWED BY: George Dellwo, AICP, Assistant Director *GD*

APPROVED BY: Rodney Campbell, Director of Community Development *RC*

DATE: May 24, 2005

ITEM: Approval of Four-Lot Tentative Parcel Map and Categorical Exemption, 2800 Nicolaus Road, APNs 021-570-028 and -029, Buzz Oates Enterprises

### RECOMMENDATION:

To Have The City Council Review The Above Project And Take Action To Approve The Above Parcel Map

### BACKGROUND/ANALYSIS:

1. The City of Lincoln has received an application to divide an 11.7± acre parcel of land into four separate parcels containing 3.36± acres [Parcel A], 4.62± acres [Parcel B], 3.43± acres [Parcel C], and 0.30± acres [Parcel D] respectively. The property has two assessors parcel numbers. The project divides the property into two developable parcels [A and B] and two open space parcels [C and D]. The open space parcels are adjacent to Markham Ravine and consist of 100 year flood plain. The open space parcels shall be dedicated to the city. A 45,000+ square foot commercial/industrial building has been constructed on proposed Parcel A. The site is zoned C - Commercial and designated C - Community Commercial in the General Plan. The site is located within the Placer County Airport Land Use Compatibility Plan areas C-1 and C-2. The project area is located at the northwest corner of Nicolaus Road and Teal Hollow Drive. To the east across Teal Hollow Drive is a residential subdivision zoned RD-6. To the north and west is Markham Ravine open space with a residential subdivision further north. To the south across Nicolaus Road are the Western Placer Unified School District Bus Barn Facility and the former city wastewater treatment plant.

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2. The site is Lot 156 of the Lincoln Aircenter Planned Development. A General Development Plan, approved in 1986, indicates the 11.7-acre site as business/professional offices within a 315-acre industrial park complex. A 45,000+ square-foot building was constructed on proposed Parcel A in 2003. A portion of proposed Parcel B was previously graded for an anticipated 45,000+ square-foot building.
3. When dividing land, any resulting parcels created must conform to the underlying City standards for zoning, general plan, specific plans, etc. This project meets all the minimum requirements of the Commercial district for lot width, depth, and area. Public services are available in Nicolaus Road.
4. The proposed project qualifies for a Categorical Exemption under Section 15315 Class 15 Minor Land Division, and thereby is exempt from further environmental review under the California Environmental Quality Act Guidelines. The proposed project consists of a minor land division within an urbanized area where all services are available, and it is in conformance with the General Plan and zoning.
5. Future development on proposed Parcel B will require submittal of the appropriate applications and be subject to the standard review process. In preliminary meetings with staff, potential site layouts have been discussed with the buildings oriented and future users taking advantage of the proximity to the Markham Ravine for passive recreation and visual interest. A trail along the top of the bank has been discussed.
6. The Planning Commission conducted a public hearing on April 20, 2005, and recommended approval of the project with the conditions set forth in Exhibit A. At the Commission hearing there were two items discussed by the Commission regarding the parcel split.
7. The first item involved a potential trail along Markham Ravine. The city has been working on a trail system within the Markham Ravine corridor and has been actively involved with the Markham Ravine Neighborhood Committee. The actual trail alignment has not been determined. However, there is a possibility that the trail could be located on this site. See the attached "Markham Ravine Corridor Concept Plan". While development of proposed Parcel B is subject to future hearings before the city, proposed Parcel A has already been developed. This parcel map application had provided an opportunity for the city to reserve a potential connection across proposed Parcel A.

One of the recommended conditions of approval at the Planning Commission meeting was a generically worded condition that a 10-foot wide trail would be constructed along the north side of Parcels A and B when Parcel B was developed. Since the trail is still conceptual, the condition contained the wording "if feasible". The applicant protested this condition at the hearing. The actual trail design and the connections have not been developed. There is a

steep slope and parking lot improvements on proposed Parcel A, so the trail might have to be narrowed, cut into the slope with retaining walls, placed over a utility easement in the parking lot, etc. Having reviewed the matter and the available information, the Planning Commission determined that given the fact that the site was already developed, it was not feasible to place the trail system through the northern portion of Parcel A. In addition since Parcel B would be back before the City to approve a development application it was felt that the City could request the easement at that time when a design had been worked out. Based upon that review, the Commissioners decided to remove the condition and not recommend requiring the trail easement for Parcel A of B to the City Council.

The Markham Ravine trail system is currently under evaluation in conjunction with the Markham Ravine Neighborhood Committee. Because of the interest in retaining the flexibility and opportunity to place a portion of the Markham Ravine trail system along the northern portion of Parcel A, there is still interest in requiring an easement for the trail as part of the mapping approval. Since the Parcel A site is already developed, the applicants will not likely require any future entitlements from the City. Staff would recommend that the City Council consider taking this opportunity in approving a parcel map to retain an easement along the northern portion of Parcel A. Should the City Council wish to review this issue during the hearing, staff will provide the additional details for consideration in retaining an easement for purposes of a trail system.

The second item involved the wording on condition #21. Because Parcel A and B will share a common driveway and visitors to Parcel B are likely to use the Parcel A parking lot as an exits to Teal Hollow Dr. for left turns onto Nicolaus, a recommendation was made for reciprocal rights for parking and maintenance. Following a discussion on the matter, the Planning Commission changed the recommendation to read. "All parcels/lots shall have rights of reciprocal access. A separate agreement to this effect shall be submitted to the City as a part of final/parcel map submittal." This change was made at the request of the applicant. The original condition wording had called for reciprocal access, *and reciprocal rights for construction, parking and maintenance*. Staff had originally requested to be a party to the agreement, but after additional consideration would not want to pursue this component. The rationale for the original condition is that this is a commercial development and reciprocal parking and maintenance of common facilities is typical in such situations. Because of the relationship between the future Parcel A and B, the City Council may wish to review this item and restructure the condition to insure the City is comfortable with the long term operation and maintenance of access and parking between the two sites.

**OPTIONS:** The City Council may take the following action:

1. Open public hearing to receive public testimony.
2. Take action regarding approval of the proposed entitlement; or
3. Provide staff with additional direction.

**FISCAL IMPACT:**           None

**RELATED ACTIONS:**       None

RESOLUTION NO. 2005 - \_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINCOLN APPROVING A FOUR-LOT TENTATIVE PARCEL MAP FOR APNS 021-570-028 AND -029 [BUZZ OATES ENTERPRISES]

WHEREAS, Title 17, Chapter 17.04 et seq. of the Lincoln Municipal Code provides for the review and recommendations of the City Council on all tentative parcel maps; and

WHEREAS, notices describing the proposed Tentative Parcel Map for the Buzz Oates Enterprises project were sent to neighboring property owners pursuant to Section 18.80.30 of the Lincoln Municipal Code;

WHEREAS, the City Council has reviewed the parcel map along with the recommendations of the Planning Commission regarding the proposed tentative parcel map for an 11.7-acre site, which is a portion of Assessor's Parcel Numbers 021-570-028 AND -029, for property owned by Buzz Oates Enterprises, and conducted a public hearing.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LINCOLN DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Council Commission finds and determines that:

That the proposed project qualifies for a Section 15315 Class 15 Minor Land Division Categorical Exemption, and thereby is exempt from further environmental review under the California Environmental Quality Act Guidelines based on the following findings of fact: (a) the proposed project consists of a minor land division within an urbanized area; (b) is zoned for residential, commercial, or industrial uses consisting of less than four parcels; (c) is in conformance with the General Plan and zoning; (d) no variances or exceptions are required; (e) all services and access to the proposed parcels to local standards are available; (f) the parcel was not involved in a division of a larger parcel within the previous 2 years; and (g) the parcel does not have an average slope greater than 20 percent.

Section 2. Parcel Map Findings. Pursuant to Section 66474 of the Subdivision Map Act, the City Council hereby finds and determines as follows:

1. The Parcel Map is consistent with the Lincoln General Plan, because the map provides for the subdivision of the property to allow development in accordance with the General Plan land use designations and the policies for commercial, business and professional and new residential land uses.
2. The design or improvement of the proposed minor land division is consistent with the General Plan because adequate infrastructure and services will be extended to the property and will be available to serve the demand for services generated by the division, including water, sanitary sewer, storm drain facilities and roadways.
3. The site is physically suitable for the type of proposed development.
4. The site is physically suitable for the proposed density of development.

5. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.
6. The design of the subdivision or type of improvements is not likely to cause serious public health problems since water, sewer, police, fire and solid waste services are available and adequate for the subdivision.
7. The design of the subdivision or the type of improvements will not conflict with easements.
8. The project area is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965.

Section 3. This Resolution incorporates, and by this reference makes a part hereof, that certain Parcel Map for the Buzz Oates Enterprises project, substantially in the form on file with the Community Development Director.

Section 4. Based on the findings set forth in this Resolution and the evidence in the Staff Report, the tentative parcel map for the Buzz Oates Enterprises dividing a 11.7-acre parcel into four lots on Assessor's Parcel Numbers 021-570-028 and -029, is hereby approved subject to the following conditions set forth in Exhibit A, attached hereto and incorporated by this reference.

PASSED AND ADOPTED this 24th day of May, 2005, by the following roll call vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

## EXHIBIT A

The Parcel Map for 2800 Nicolaus Road, APNs 021-570-028 and -029, [Buzz Oates Enterprises], is approved subject to the following conditions:

1. The project shall be subject to the requirements under Chapter 17.20 of the City's Municipal Code and the Subdivision Map Act.
2. The resulting parcels shall be annexed to the City's Lighting and Landscaping District prior to the Recordation of the Final Map. The proposed assessments for the parcels identified in the attached map shall be assessed annually in accordance with the project's "area of benefit formula" found in the City Engineer's Report; which will include a component for open space maintenance and, to the extent allowed by law, a yearly adjustment for increases for inflation based on the Consumer Price Index for the San Francisco-Oakland area.
3. All previous dedications of land for easements for roadway and utilities purposes shall be retained.
4. At the time of conducting surveys for final maps associated with this project, the Subdivider, through his/her engineer or surveyor, shall set sufficient durable monuments to conform to the standards prescribed in Section 8771 of the Business and Professional Code of California. At least one exterior boundary line for the project site shall be so marked before any final map is recorded.
5. Prior to the filing of final maps with the City, the subdivider shall file with the Placer County Clerk, a certificate from the Placer County Tax Collector's Office indicating that no liens against the subdivision or any part thereof exist for unpaid State, County, Municipal or local taxes or special assessments collected with taxes, except those not yet due and payable.
6. The conditions of approval for the tentative map supersede any and all conflicting notations, and information which may be shown on said maps.
7. Future development on proposed Parcel B shall require submittal of the appropriate entitlement applications and be subject to the standard review process. Additional easements may be required including but not limited to reciprocal parking, access and maintenance. Such agreement shall first be reviewed for approval by the City Attorney.
8. The approval of a Tentative Map and/or tentative site plan does not constitute approval of proposed improvements as to size, design, materials, or location, unless specifically addressed in these conditions of approval.
9. The design and construction of all improvements shall conform to the City of Lincoln Design Criteria and Procedures Manual and Public Facilities Improvement Standards, or as modified by these conditions of approval, or as directed by the City Engineer.

10. The developer shall not commence with any on-site improvements until such time as grading and/or improvement plans are approved and grading and/or encroachment permits are issued by the Department of Public Works.
11. The applicant shall pay City's actual costs for providing plan check, mapping, GIS, and inspection services. This may be a combination of staff costs and direct billing for contract professional services.
12. Any grading and improvement plans for development activities shall be designed in accordance with the City of Lincoln Design Criteria and Procedures Manual and Public Facilities Improvement Standards.
13. No grading or other construction activity shall be allowed on site without the required resource agency permits from the U.S. Army Corps of Engineers, State Department of Water Resources, State Water Resources Control Board, and State Department of Fish and Game.
14. Prior to the development and approval of development plans for any of the parcels created with the Parcel Map, a master drainage plan of the entire site shall be prepared. Necessary storm drain facilities to accommodate the storm drain flow and conveyance of storm water flow from and through the parcels shall be demonstrated. The construction of all necessary stubs and/or conveyance pipes will be required for the orderly development of the parcels utilizing existing storm drain pipe stubs to the site.
15. It is the developer's responsibility to notify PG&E of any work required on PG&E facilities.
16. The following easements shall be provided and shown on the Final/Parcel Map or by separate instrument, unless otherwise provided for in these conditions:
  - a. A 12.5-foot wide public utilities easement along Teal Hollow Drive, if necessary.
  - b. A 21-foot landscape, bicycle, and pedestrian easement and PUE along Nicolaus Road.
  - c. Private Water, sewer, and storm water easements as required through the site.
  - d. Easement widths shall comply with the City of Lincoln Design Criteria and Procedures Manual and Public Facilities Improvement Standards.
17. All existing easements shall be maintained, unless otherwise provided for in these conditions.
18. Separate document easements required by the City shall be prepared by a licensed Land Surveyor.
19. The applicant shall provide the Department of Public Works with a current title report.

20. The Final/Parcel Map shall include an irrevocable offer to dedicate public rights-of-way and public and/or private easements as required by the City.
21. All parcels/lots shall have rights of reciprocal access. A separate agreement to this effect shall be submitted to the City as a part of final/parcel map submittal.
22. The words "traffic control appurtenances" shall be included in the list of utilities allowed in public utilities easements (PUE's) located along public roadways.
23. A plot or print of the Final/Parcel Map submittal shall accompany the electronic copy. The complete submittal shall occur after the Department of Public Works approval but prior to City Council approval of the Final/Parcel Map.
24. The Department of Public Works shall make a determination that there is adequate conveyance and treatment capacity in the City sewer system to handle the newly created Lot/Parcels.
25. The applicant shall pay all applicable water, sewer, drainage and traffic fees.
26. The applicant shall pay City's actual costs for providing plan check, installation, mapping, GIS, and inspection services. This may be a combination of staff costs and direct billing for contract professional services.
27. Existing public facilities damaged during the course of construction shall be repaired by the applicant, at the applicant's expense, to the satisfaction of the City.
28. The applicant shall provide a grant deed for Parcels C and D in fee title to the city.
29. The applicant shall underground all overhead utilities fronting Nicolaus Road in conformance with the Lincoln Aircenter General Development Plan. The applicant may post a bond, in an amount to be determined by the Community Development Director and Public Works Director, to ensure satisfactory completion of this condition.