

ITEM IV-C: GENERAL PLAN AMENDMENT, SPECIFIC PLAN AMENDMENT, REZONE, DEVELOPMENT AGREEMENT AMENDMENT, AND EASEMENT ABANDONMENT – 4073 SONATA WAY– WESTPARK VILLAGE 13B, LOT B WELL SITE– PL14-0435

REQUEST

The applicant requests approval of a General Plan Amendment, West Roseville Specific Plan Amendment, Rezone, Development Agreement Amendment, and Easement Abandonment for a single parcel located at 4073 Sonata Way in Westpark Village. The property is currently designated Public/Quasi-Public (P/QP), and the Development Agreement specifies that it is to be developed with a public water well. The City no longer desires a well in this location, and thus the applicant is requesting that the parcel be changed to Low Density Residential with Small Lot Residential/Design Standards (RS/DS) zoning, that the Development Agreement be amended, and that the Irrevocable Offer of Dedication recorded on the property be abandoned by the City.

Applicant/Owner – Leo Pantoja, KB HOME Sacramento Inc.

SUMMARY RECOMMENDATION

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

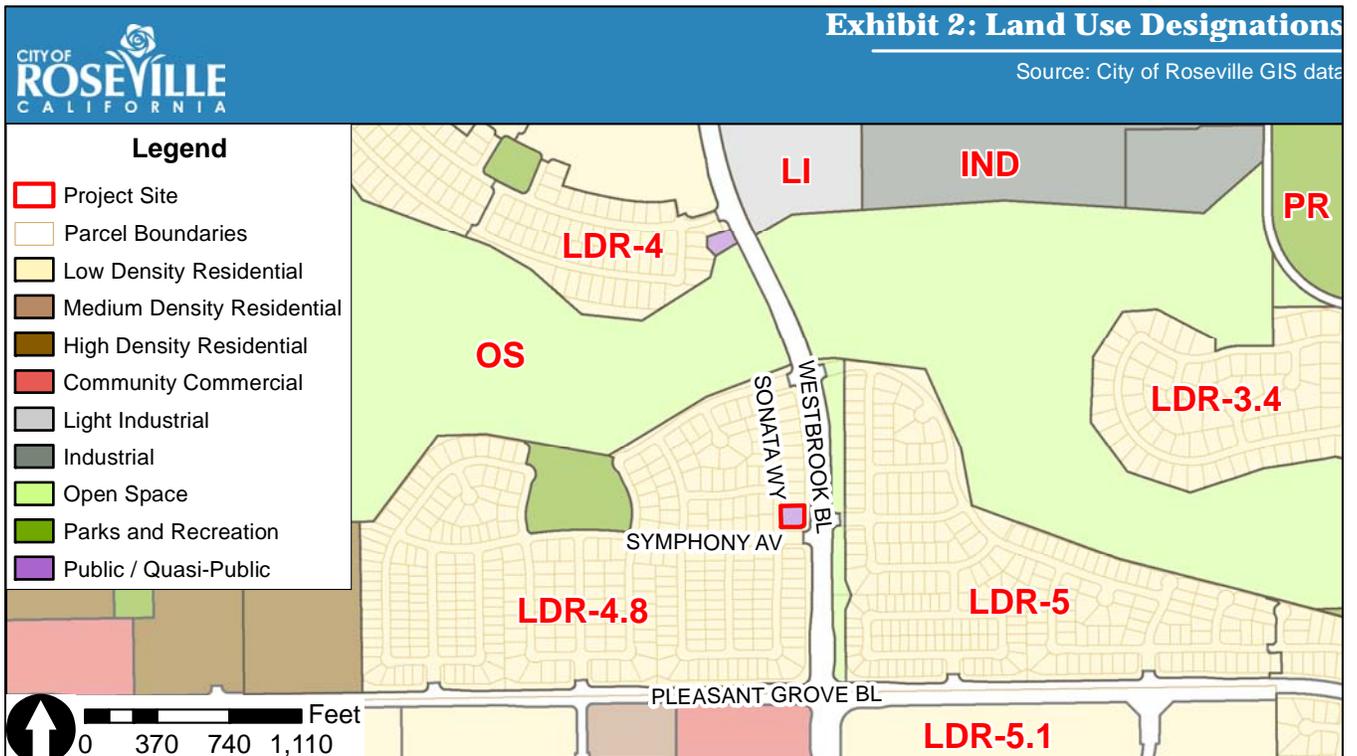
- A. Recommend that the City Council approve the General Plan Amendment,
- B. Recommend that the City Council approve the Specific Plan Amendment,
- C. Recommend that the City Council adopt the two (2) findings of fact and approve the Rezone,
- D. Recommend that the City Council adopt the five (5) findings of fact and approve the Development Agreement Amendment, and
- E. Recommend that the City Council adopt a Resolution to abandon the existing Irrevocable Offer of Dedication.

SUMMARY OF OUTSTANDING ISSUES

There are no outstanding issues associated with this request.

BACKGROUND

This application has been submitted because Environmental Utilities no longer desires a well in this location. As a consequence, the applicant filed an application to change the parcel from a Public/Quasi-Public to a Low Density Residential designation, for the purpose of constructing a home on the site. In a letter dated July 10, 2014 (Attachment 1) the Environmental Utilities Department affirmed support for the proposal. The subject parcel is within the Westpark Village area of the West Roseville Specific Plan (WSRP). The WSRP was approved on February 4, 2004, and the Westpark Village portion was approved for 4,260 residential units in four phases; at that time, this site was designated for residential use. Subsequent to that approval, an Amendment to the WRSP was approved in February 2009. The Amendment adjusted the land uses and unit counts within Phase 3 and Phase 4 of Westpark Village; the total unit count was increased by 153 units. It was at this time that the designation on the current project site was changed from Low Density Residential to Public/Quasi-Public (refer to Exhibit 1 and Exhibit 2), and was identified as a future public well site. The Final Map was recorded in December 2013, which is when the Irrevocable Offer of Dedication was recorded on the property. After recordation of the Final Map, the City Environmental Utilities Department contacted the applicant to discuss abandonment of this site.



SITE INFORMATION

Location: 4073 Sonata Way

Total Size: 12,831 square feet (0.3 acres)

Topography and Site Setting: Westpark Village 13B, where the parcel is located, has been mass graded to be flat, and is fully improved with streets, curbs, gutters, and sidewalks. A solid masonry subdivision wall along Westbrook Boulevard is also in place, along with mulch and landscaping in front of the wall. Model homes have been built along Westbrook Boulevard and along Symphony Avenue. The subject parcel is located at the corner of Westbrook Boulevard and Symphony Avenue, and is thus surrounded on the eastern and southern sides by the completed masonry wall. The current zoning of the site is P/QP and the land use is designated Public/Quasi Public.

EVALUATION

The project includes multiple entitlement requests, which are analyzed in different sections. The General Plan Amendment and Specific Plan Amendment requests are analyzed together based on the consistency of the proposal with the policies and intent of the General Plan and WRSP. The Rezone is evaluated based on the required findings of Zoning Ordinance Section 19.86.050.A. The Development Agreement Amendment is analyzed based on the requirements of Zoning Ordinance Section 19.84.040. The request to abandon the Irrevocable Offer of Dedication on the lot has been analyzed based on Government Code Section 7050, which lays out the procedural requirements for abandonments.

GENERAL PLAN AND SPECIFIC PLAN AMENDMENTS

The proposed project includes a very minor amendment to the General Plan and Specific Plan designations within the WRSP. A single lot will be changed from a dedicated public well site (Public/Quasi-Public) to a single-family home site (Low Density Residential 4.8)—which is consistent with the original WRSP designation for the land. The City Environmental Utilities Department no longer desires a well in this location, because data from the existing groundwater monitoring wells have indicated that the location is not suitable. An in-lieu fee to build a well at an alternate location would be of greater public benefit. The addition of a single home will have no measureable effect on infrastructure planning or City services, and is consistent with policies of the General Plan and WRSP.

Planning staff are also in support of the proposal, as a home in this particular location would be more consistent with the surrounding parcels than mechanical equipment servicing a public water well. The parcel is located on the corner of a community entryway, and the Community Design Guidelines and Development Standards both speak directly to the desire to create visually-appealing and compelling community entryways. Conditions already applied to the approved Final Map for the subdivision will ensure that lot development will be consistent with the surrounding lots and development standards, and that all of the community fees and other requirements will apply. The applicant has been advised that applicable fees due upon building permit issuance will include the WRSP Trail Fee; WRSP Transit fee; City-wide park and neighborhood fees; and all of City's actual costs for providing plan check, mapping, GIS, and inspection services. In addition, consistent with the existing Final Map conditions, the design and construction of all improvements will be required to conform to the Improvement Standards and Construction Standards of the City of Roseville and with the development standards of the WRSP. The project is consistent with the applicable policies of the General Plan and WRSP.

REZONE

Zoning Ordinance Section 19.84.040 specifies that recommendations for approval or denial of a rezone shall include consideration of the proposed amendment's consistency with:

1. The public interest, health, safety, or welfare of the City, and
2. The General Plan and any applicable Specific Plan.

The site will be rezoned from P/QP (Public/Quasi-Public) to RS/DS (Small-Lot Residential/Development Standards), and home construction on the site will be subject to the Development Standards outlined in the RS/DS zone district. As discussed in the prior section, the proposed use will be consistent with the goals of the General Plan and Specific Plan, and the abandonment of the well site is supported by the Environmental Utilities Department. It is staff conclusion that approval of the project is of greater public benefit than the current designated use. The project is consistent with the above findings.

DEVELOPMENT AGREEMENT AMENDMENT

Zoning Ordinance Section 19.84.040 specifies that recommendations for approval or denial of a Development Agreement (including Amendments) shall include consideration of the following:

1. Consistency with the objectives, policies, programs, and land use designations of the City of Roseville General Plan.
2. Consistency with the City of Roseville Zoning Ordinance.
3. Conformity with the needs of public health, safety, and welfare.
4. The effect on the orderly development of property or the preservation of property values.
5. Whether the provisions of the Agreement shall provide sufficient benefit to the City to justify entering into the agreement.

The Development Agreement (DA) Amendment makes text and exhibit changes that are needed for the DA to remain consistent with the changes being proposed through the General Plan Amendment, Specific Plan Amendment, and Rezone. The DA also removes the section requiring construction of Well Site 76 (the designation this site had been given) and instead requires payment of an in-lieu fee. The DA Amendment has been reviewed by the City Attorney and by Environmental Utilities, and the changes have been found to be acceptable to all parties. As discussed in the prior two sections, staff believes that Findings 1–3 can be made. Converting the well site to a single-family site, consistent with the surrounding parcels, will not have a negative effect on property values. The development standards will be the same as the standards for all of the other lots in the subdivision, and it will be an improvement to have a home on the lot rather than mechanical equipment servicing a public water well. Thus, Finding 4 can also be made. Environmental Utilities has determined that the in-lieu fee will be of greater benefit to the City than construction of a well in this location; Finding 5 can be made.

ABANDONMENT

An Irrevocable Offer of Dedication (IOD) was recorded on the subject parcel, but the terms of the Development Agreement stated that the City would not accept the land until the well had been constructed. Given that a well is no longer desired, the IOD can be terminated via Abandonment. This is consistent with Government Code Section 7050, which states that an IOD may be terminated in the same manner as an easement or right-of-way, pursuant to Part 3 of Division 9 of the Streets and Highways Code. There are two pathways for termination (vacation): summary or general vacation. An

abandonment request for a public service IOD is eligible for the simpler, summary vacation process when any one of three potential conditions applies:

1. The IOD has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed abandonment.
2. The IOD has been in place for less than five years (making it ineligible for condition 1, above), but it has been in place for at least a year and has not been used for the purpose for which it was dedicated or acquired.
3. The need for the IOD has been superseded by relocation, and there are no other public facilities in the IOD.

The IOD was recorded in December 2013, at the time the final map was recorded, so neither conditions 1 or 2 are met. The applicable circumstance is condition 3, which is for circumstances in which the public facility originally intended for the site is no longer needed there. The IOD was specifically for the purpose of the well, so there are no other public facilities located within or intended to be located within the IOD. The Project has been routed to all internal City Departments, and no objections were received. A letter of support was submitted to the applicant by Environmental Utilities, as previously discussed. Given that it is no longer needed, and will have no effects on other utilities, the public's health, safety, and welfare will not be adversely affected by the abandonment of the Irrevocable Offer of Dedication.

CONCLUSION

Staff has reviewed the proposed General Plan Amendment, Specific Plan Amendment, Rezone, Development Agreement Amendment, and Easement Abandonment (IOD Abandonment) and has also forwarded the application to all affected departments for their review. The proposed change is very minor, and is supported by Environmental Utilities. As discussed above, the required findings can be made; staff recommends approval.

ENVIRONMENTAL DETERMINATION

A Final Environmental Impact Report (FEIR) was certified by the City Council when adopting the WRSP, and a Negative Declaration was adopted by the Planning Commission for the Specific Plan Amendment which moved the proposed well to the project site. The physical impacts of developing this parcel were already examined and disclosed, and appropriate mitigation and Findings of Fact were adopted. The impacts to any resources on the site would be similar regardless of whether a home or a well were constructed, and the increase to the community unit count—and thus to service demand—is negligible. Pursuant to Section 15162 of the CEQA Guidelines, where an EIR has been certified or a negative declaration adopted for a project, subsequent documentation is only required when there are substantial changes that will require major revisions, substantial changes in environmental circumstances that will require major revisions, or new information of substantial importance. None of those conditions exist in this case, and thus no further documentation is required. In addition, the project can also be found exempt based on "General Rule" Section 15061(b), which states that CEQA only applies to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that the proposed change from a well site to a home site will have no significant effects, and thus the project is exempt from CEQA.

RECOMMENDATION

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

- A. Recommend that the City Council approve the **GENERAL PLAN AMENDMENT – WESTPARK VILLAGE 13B, LOT B WELL SITE – 4073 SONATA WAY – PL14-0435** as shown in Exhibit A and C.
- B. Recommend that the City Council approve the **SPECIFIC PLAN AMENDMENT – WESTPARK VILLAGE 13B, LOT B WELL SITE – 4073 SONATA WAY – PL14-0435** as shown in Exhibit A.
- C. Recommend that the City Council adopt the two findings of fact as found in the staff report and approve the **REZONE –WESTPARK VILLAGE 13B, LOT B WELL SITE – 4073 SONATA WAY – PL14-0435** as shown in Exhibit B.
- D. Recommend that the City Council adopt the five findings of fact as found in the staff report and approve the **DEVELOPMENT AGREEMENT AMENDMENT – WESTPARK VILLAGE 13B, LOT B WELL SITE – 4073 SONATA WAY – PL14-0435** as shown in Exhibit E.
- E. Recommend that the City Council adopt a Resolution to abandon the existing Irrevocable Offer of Dedication for **WESTPARK VILLAGE 13B, LOT B WELL SITE – 4073 SONATA WAY – PL14-0435** as shown in Exhibit D.

Attachments

1. Environmental Utilities Department Letter Dated July 10, 2014

Exhibit

- A. General Plan and Specific Plan Amendment
- B. Rezone
- C. West Roseville Specific Plan Land Use Summary (Table 4-1)
- D. Abandonment of an Irrevocable Offer of Dedication
- E. Development Agreement Amendment #6

<p>Note to Applicant and/or Developer: Please contact the Planning Division staff at (916) 774-5276 prior to the Commission meeting if you have any questions on any of the recommended conditions for your project. If you challenge the decision of the Commission in court, you may be limited to raising only those issues which you or someone else raised at the public hearing held for this project, or in written correspondence delivered to the Planning Manager at, or prior to, the public hearing.</p>
