AGENDA REPORT
Biggs City Council
July 12, 2016

Location: **Aleut Street, Biggs, CA 95917**
Application No. **TPM2016-002**

Project Data

Applicant:	Sunny Dhami
Application Type:	Tentative Parcel Map (Lot Split)
Assessor Parcel Number:	001-150-068
Lot Size:	17,424 square feet
Zoning:	Single Family Residential (R-1)
General Plan:	Low Density Residential (LDR)
Environmental Review:	Categorical Exemption (PRC Section 15315; Minor Land Divisions)
City Planner:	Scott Friend

Summary:

A request for Tentative Parcel Map (TPM) approval to divide an existing parcel of land located on the north side of Aleut Street between First Street and Second Street. The proposed action would divide the existing lot thereby creating two lots. The lot being split is identified as Butte County Assessor Parcel Number 001-150-068. The parcel is owned by NorCal Investors, Inc.. The proposed action would result in the creation of two lots of 9,100 and 8,450 square feet respectively. The parcel is located in the R-1, Single Family zoning district. The minimum lot size in the R-1 zone is 7,200 square feet.

Project Location / Description

The applicant/owner, Mr. Sunny Dhami, has submitted a Tentative Parcel Map (TPM2016-02) to split an existing parcel of land generally located on the north side of Aleut Street between First and Second Streets and further identified as APN 001-150-068. Approval of the map would result in two lots with each meeting the minimum parcel size as required by the City of Biggs Zoning Ordinance. As proposed, the dimensions of the two new lots would be 70' x 130' (9,100 square feet) for Parcel 1 and 65' x 130' (8,450 square feet) for Parcel 2. The subject parcel is designated Low Density Residential (LDR) by the City of Biggs General Plan and is located in the Single Family Residential (R-1) zoning district. No change of land use designation or zoning is requested and no construction plans have been submitted for subsequent development.

The parcel on which the proposed lot split would occur is vacant. The parcel is approximately 0.40 acres (17,424 square feet) in size. The parcel is located in an established neighborhood composed primarily of single family residential dwelling units (see Exhibit A, Project Location Map). If approved, both parcels will have access via Aleut Street. Water, sewer and electric services lines are currently available to serve the project and both of the proposed lots would front on a public street.

As noted previously, the lot proposed to be split is currently vacant. However, the survey prepared by the applicant has indicated that an existing garage/outbuilding located in the northwest corner of the parcel and owned by the adjacent property owner (Durso - APN 001-150-076) encroaches approximately 1.77' onto the parcel. The garage/outbuilding that was identified as encroaching onto the existing parcel has been in its current location for many years and appears to have been constructed in a location which was believed at the time to be on the correct property. As a result, the resolution of this matter is a private matter between two adjoining property owners and is not an

issue of concern for this action and does not by itself constitute grounds for denial of the application. The western parcel being created by this action (Parcel 1), and on which the garage is located, exceeds that City's minimum lot size standards and meets or exceeds that City's lot development standards. As such, the proposed lot split meets the City's land division standards and can be approved as presented.

It is also noted that the survey submitted by the applicant, indicates that a substantial amount of property (14') located on the east-side of the existing parcel belongs to the parcel to the east (January – 001-150-069) but is outside of the existing property fence of that parcel. Finally, the survey also indicates that the fence line at the northern property boundary is approximately 1.5' to 2.5' feet onto the adjacent parcels (Durso, Busch). Staff has reviewed the conditions described above and has determined that because none of the conditions described in this report affect that ability to meet the City's land subdivision requirements or conflict with State or City land division requirements, none of these conditions would support the denial of the proposed action due to their presence.

Review Criteria

State of California – Government Code:

California Government Code Section 66473.5 guides subdivisions at the local level:

> *No local agency shall approve a tentative map… unless the legislative body finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan required by Article 5 (commencing with Section 65300) of Chapter 3 of Division 1, or any specific plan adopted pursuant to Article 8 (commencing with Section 65450) of Chapter 3 of Division 1.*
>
> *A proposed subdivision shall be consistent with a general plan or a specific plan only if the local agency has officially adopted such a plan and the proposed subdivision or land use is compatible with the objectives, policies, general land uses, and programs specified in such a plan.*

In addition, California Government Code Section 66474 requires that findings be made to support approval or denial of a Map. These findings have been included in this report and are added as **Attachment D**.

City of Biggs General Plan:

The Low Density Residential (LDR) classification allows for development at a density ranging from 2 dwelling units per acre to not more than 6 dwelling units per acre. Assuming a household size of three persons, corresponding population ranges, depending on housing density and types, would extend from 6 to 21 people per acre. This classification is intended to provide primarily single family detached houses on individual lots.

If approved, the project would result in one new legal parcel designated with the LDR land use designation. No change of land use designation or zoning is requested or required The size of the new lots would serve to meet the density requirements of – and would be required to be consistent with – that designation. Therefore, as proposed, the Tentative Parcel Map is consistent with the General Plan.

City of Biggs Zoning Ordinance:

14.105 – R-1 Single Family Residential Zoning District
The subject parcel is located within the City's R-1 Single Family Residential zone district, which intends to *"provide areas of low density residential development at densities not less than 2.0 and not more than 6.0 units per gross acre. Development within this district should maintain and enhance the historic character and community qualities of Biggs…" [Ord. 320 § 1, 1999].*

In guiding the nature of development, each zone district defines lot requirements. New lots created in each district must be consistent with those requirements. Following are the lot requirements for the R-1 district:

> ***14.105.080 Minimum lot area.***
> *Minimum lot area in the R-1 district shall be 7,200 square feet of usable land. Land subject to public easements which is not available to the property owner for typical yard uses (excluding permanent improvements or structures) shall not be considered as meeting the minimum lot area requirements. [Ord. 320 § 1, 1999]*
>
> ***14.105.090 Minimum lot width.***
> *Minimum lot width for 7,200-square-foot lots within the R-1 district is 60 feet and widths of between 55 feet and 70 feet are considered acceptable. Lot widths outside of this range may be considered by the city in cases where property ownership or physical constraints requires variation. However, all options for maintaining appropriate widths of lots must be considered and found infeasible prior to approval of lot widths outside the typical range. [Ord. 320 § 1, 1999]*

The two lots that would result from the Tentative Parcel Map would be consistent with the R-1 district lot size requirements. The existing 17,000+ square foot parcel would be divided to create two smaller parcels with an area of approximately 0.21 acres (+/-9,100 square feet) and 0.19 acres (+/-8,450 square feet). As proposed, the dimensions of the two new lots would be 70' x 130' and 65 x 130' respectively.

At this time, no construction has been proposed for either Parcel 1 or Parcel 2. All future development plans must be consistent with the setback requirements identified in the municipal code. Following are the set back requirements for the R-1 district:

14.105.040 Front yard setbacks.	*20'*
14.105.050 Side yard setbacks.	*20% of average lot width; not less than 5'* *Street side setback: 15'*
14.105.060 Rear yard setbacks.	*20'*

14.60.040 Accessory buildings - Detached

Accessory Building Height	*Minimum Side and Rear Yard Setbacks*
<6'	*0'*
6'-9'	*3'*
10'	*4'*
11'	*5'*
12'	*6'*
13'	*7'*

14'	*8'*

City of Biggs Subdivision Ordinance:

Under TITLE 13 SUBDIVISIONS of the City of Biggs Municipal Code, procedure relevant to the subject application is included as follows:

> *13.20.010 Procedure (4)*
> *At its next regular meeting… the planning commission shall determine whether the tentative map is in accordance with the provisions of law and of this title and shall thereupon approve, conditionally approve, or disapprove the map or it may conditionally reject, subject to revision, such map. In the case of conditional rejection, the subdivider may submit a revised map without additional filing fee within a period of 60 days after such conditional rejection, which period may be extended, for good cause by the planning commission. In the event the subdivider shall fail to submit a revised map within said 60 days, or any extension thereof, the planning commission shall enter an order specifically disapproving the map so conditionally rejected. In the event the planning commission shall disapprove the tentative map no further action shall be taken thereon except after public hearing thereon in the manner provided by said Subdivision Map Act. A new tentative map may be filed for the same area, or a portion thereof, at any time after rejection by payment of a new filling fee.*

Environmental Review

Staff has reviewed the project to determine the required level of review under the California Environmental Quality Act (CEQA). Section 15315 *Minor Land Divisions*, of the CEQA Guidelines allow exemptions for certain actions that involve minor land divisions in "*urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.*"

Staff has reviewed the project against the requirements of Section 15315 and has determined that the project is exempt from review under the California Environmental Quality Act as the project is consistent with the requirements for the use of the exemption.

Recommendation

Staff recommends that the City Council open the Public Hearing, accept public testimony, and make a determination approval or disapproval of the Tentative Parcel Map. Should the Council approve the proposed Tentative Parcel Map, staff recommends that the Council do so making the *Findings* outlined shown on **Attachment D** and subject to the *Conditions of Approval* shown on **Attachment C**, in the motion to approve the project.

Specifically, staff recommends that the following actions take place:

1. California Environmental Quality Act: Move that the project is Categorically Exempt from review under the California Environmental Quality Act (CEQA) section 15315, Minor Land Divisions.

2. Tentative Parcel Map: Move to approve Resolution CC 2016-XX approving application number TPM2016-02 as presented subject to the Findings and Conditions of Approval shown on Attachments C, D and E of this report.

Attachments

Attachment A.1 – Project Location Map
Attachment A.2 – Proposed Tentative Parcel Map
Attachment B – Tentative Parcel Map Application
Attachment C – Conditions of Approval
Attachment D – Findings for Approval of TPM2016-02
Attachment E – Resolution of Approval of TPM2016-02
Attachment F – Notice of Exemption

City of Biggs - Planning Information Lookup

Address

City Limits

Biggs Sphere of Influence

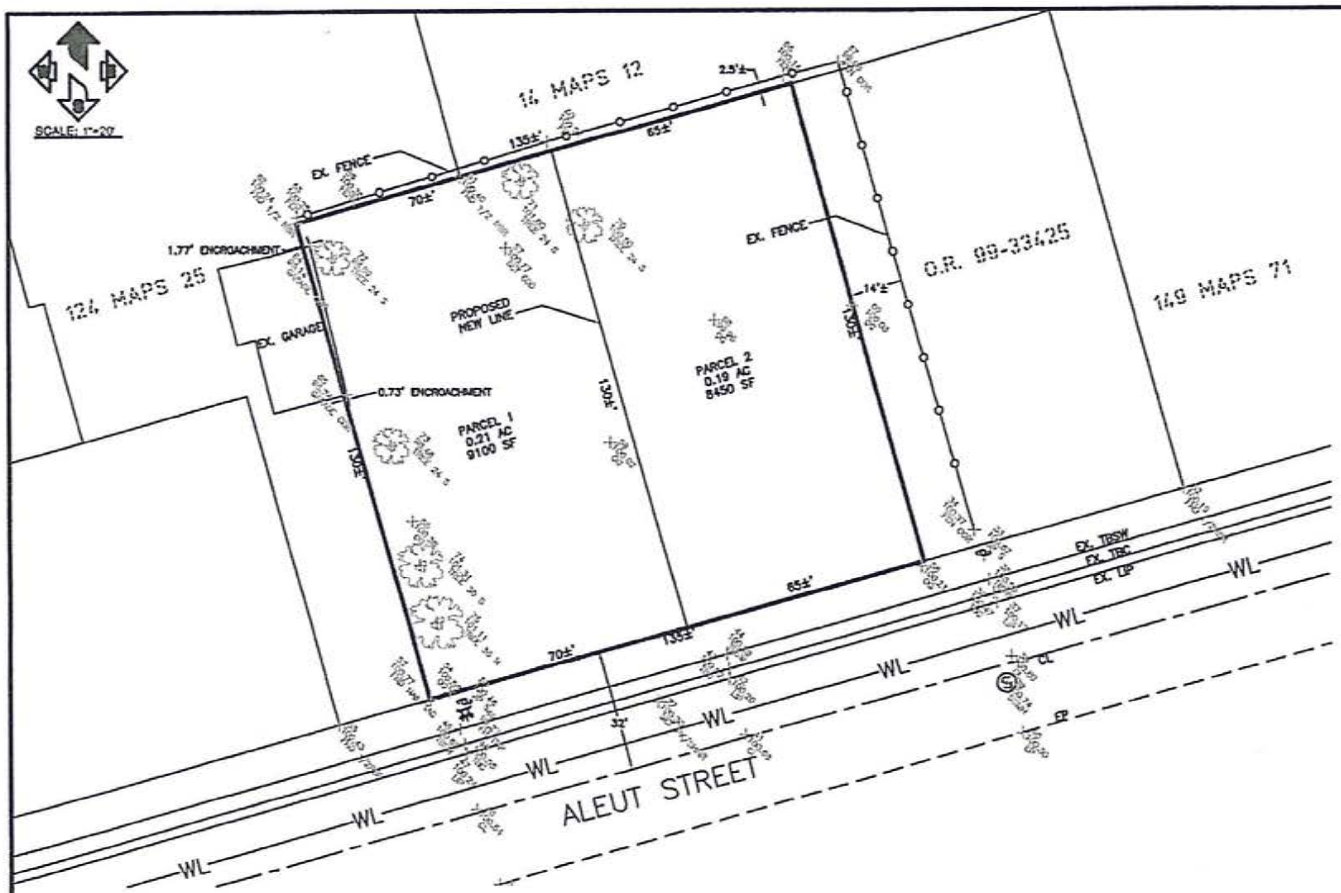
Biggs Plan Area

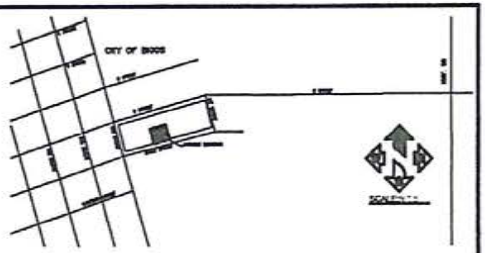
Biggs Locales

Parcels

Biggs Zoning

- C-D - Downtown Commercial
- C-G - General Commercial
- M-1 - Light Industrial
- M-2 - General Industrial
- P-Q - Public/Quasi-public
- R-1 - Single Family Residential
- R-2 - Medium Density Residential
- R-3 - High Density Residential





LOCATION MAP
N.T.S.

GENERAL NOTES:

APPLICANT
SUNNY DHAMI
DBA: NORCAL INVESTORS, INC.
824 SANTI CT
YUBA CITY, CA 95993
(530)844-1106

OWNER(S)
SUNNY DHAMI
SAME AS ABOVE

ENGINEER
KEY AND ASSOCIATES
1646 POOLE BLVD.
YUBA CITY, CA 95993
(530)674-1565

AP#001-150-068

TENATIVE PARCEL MAP

FOR

SONNY DHAMI

THE SOUTH HALF OF LOT 3 IN BLOCK 6, AS SHOWN ON THAT CERTAIN MAP ENTITLED, PITTS ADDITION TO TOWNSITE OF BIGGS", ALONG WITH THE EAST 7.5' OF AN ABANDONED ALLEYWAY ADJACENT ON THE WEST AND THE NORTH 10' OF ALEUT STREET ADJACENT ON THE SOUTH, CITY OF BIGGS, COUNTY OF BUTTE, STATE OF CALIFORNIA.

KEY & ASSOCIATES
CIVIL ENGINEERS
1646 POOLE BLVD.
YUBA CITY, CA
TEL: 530-674-1565

APRIL 2016
SHEET 1 OF 1
JOB# 16-7460

Application No.

City of Biggs
Planning Department
3016 Sixth Street
P.O. Box 1134
Biggs, CA 95917

Application for: **Tentative Parcel Map**

Applicant	☑ Parcel Map ☐ Subdivision Map ☐ Check box if application is for a vesting map	
Name: NORCAL INVESTORS, INC. SUNNY DHIAMI	Daytime Phone: (530) 844-1106	
Street Address: 824 Santi Ct		
City: Yuba City	State: CA	Zip: 95993
Property Owner	☐ Check box if same as applicant	
Name: SANDEEP S. DHIAMI	Daytime Phone: 530 - 844-1106	
Address: 824 Santi Ct		
City: Yuba City	State: CA	Zip 95993
Project Engineer/Surveyor		
Firm Name: Roger Key & Associates	Day Phone: 530-674-1565	
Name: Roger Key	License Number:	
Address: 1646 Poole Blvd		
City: Yuba City	State: CA	Zip: 95993
Property/Project Description		
Property Address: Alent St, Biggs		AP#:
Number of Proposed Lots: 2	Average Lot Size: 7,000	Project Acreage: .15
Within City Limits: (y/n) Y	Existing Land Use:	
Proposed Land Use: For Residential		
Present Zoning: R 3	General Plan Designation:	
Related Applications:		

I hereby certify that this application and all other documents submitted are true and correct to the best of my knowledge and belief. (Before signing, see note on back.)

Applicant's Signature _____ Date 05/05/2016

Property Owner's Signature or letter of acknowledgement _____ Date 05/05/2016

For Office Use Only	
Submittal Information Application received by: LRD Date: 5-6-16	Planning Commission Action: Approved ____ Denied ____ Date ____ Vote ____
Fees: Application Fee $ 1,140.00 Receipt No. ____ Environmental Review $ ____ Total Fee $ ____	City Council Action: Approved ____ Denied ____ Date ____ Vote ____ Resolution No. ____

See back and attachments for additional information.

CONDITIONS OF APPROVAL
TENTATIVE PARCEL MAP 2016-02 (Dhami)
Assessor's Parcel Number: 001-150-068

Approved Use: A Tentative Parcel Map resulting in the creation of two new parcels, from the lot identified as APN 001-150-068, generally located on the north side of Aleut Street between First and Second Streets in the City of Biggs.

CITY OF BIGGS – GENERAL:

1. Unless specifically provided otherwise herein or by law, each condition of these Conditions of Approval shall be completed to the satisfaction of the City prior to filing of the Final Map.

2. Owner or an agent of Owner shall satisfy, and the project shall meet, all applicable requirements provided by federal, state, and local laws, City of Biggs Municipal Code, City of Biggs Land Division Standards, Zoning Ordinance, City of Biggs Development Requirements, City of Biggs General Plan, and regulations including the requirements provided by the Subdivision Map Act (Government Code Section 66410).

3. Pursuant to section 66474.9 of the California Government Code the subdivider shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any claim, action, or proceeding against the County, its agents, officers, or employees to attack, set aside, void, or annul, an approval by the Planning Commission or City Council concerning this subdivision, which action is brought within the time period provided for in Section 66499.37. The City shall promptly notify the applicant of any such claim, action or proceeding and shall cooperate fully in the defense of the action. If the City fails to so notify the applicant or to cooperate fully in the defense, the applicant shall not be obligated by this condition.

PUBLIC WORKS DEPARTMENT:

4. All of the following Conditions must be met for the approval of the Parcel Map.

5. Owner shall be required to pay all taxes, past and current, including those amounts levied as of January 1, but not yet billed, on the property prior to the filing of the Parcel Map.

6. Prior to the filing of the Parcel Map for recording, the subdivider shall file a properly executed Tax Collector's Certificate with the County Recorder. A copy of this executed certificate shall be included with the Parcel Map at the time the Map is submitted to the City for recording. In lieu of the abovementioned requirements the subdivider may choose to have the County Tax Collector execute a Tax Collector's Certificate placed on the face of the Parcel Map. The Certificate shall be executed by the Tax Collector prior to submitting the Parcel Map to the City for recording.

7. Owner shall submit a current Preliminary Title Report or Parcel Map Guarantee, in favor of the City of Biggs for checking, approval and filing of the Parcel Map. An updated Parcel Map Guarantee shall be provided two days prior to filing the parcel map with the Butte County Recorder.

8. Owner shall provide monumentation in conformance with requirements of the California Subdivision Map Act (Government Code section 66410 and following).

9. The location, identification and description of known or found monuments on or adjacent to the site, shall be shown and noted on the Parcel Map.

10. All easements of record that affect this property are to be shown on the Parcel Map.

11. Any and all conflicting existing utilities shall be relocated at the developer's expense.

12. Prior to recordation of the final map, subdivider shall prepare a disclosure statement acceptable to the City Engineer to be recorded with the final map, describing and disclosing the presence of any and all encroachments on both parcels.

13. Prior to development occurring on either of the two parcels subject to this action, the developer shall submit plans for approval by the City Engineer for the installation of curb, gutter, sidewalk and street improvements along the street frontage and site improvements (drainage).

14. Electrical services for future development shall be placed underground.

PLANNING DEPARTMENT:

15. No new principal dwelling units or structures may be constructed on the lots without an approved Site Plan Review application.

16. Owner/applicant shall apply for and receive all permits deemed necessary from the County of Butte Building Department, and City of Biggs Engineering, Public Works, and Electric Departments, wherever applicable for work on the existing dwellings.

FINDINGS OF APPROVAL FOR
TENTATIVE PARCEL MAP #2016-02
Sunny Dhami (Owner/Applicant)
Location is bound by Aleut Street, First Street, and Second Street on the south, east, and west respectively, in the City of Biggs
Assessor's Parcel Number: 001-150-068

Findings for determination of Categorical Exemption: The project has been determined to be categorically exempt from environmental review under the California Environmental Quality Act. In accordance with the State CEQA Guidelines, as developed under Public Resources Code Section 21084, the project has been determined to be categorically exempt pursuant to Section 15315 of the State CEQA Guidelines. The project has been determined to be exempt from CEQA review based upon the findings that the project meets the requirements of Section 15315 as follows: a project within an "*urbanized area[s] zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent*". In this instance, the Project as presented would result solely in the division of one existing parcel of land into two parcels of land as otherwise permitted by Section 66410 of the California Government Code. Approval of the project would not allow for any use or development of the property not otherwise already allowed without the approval of a discretionary action by the City. Further, the Project as submitted does not propose to make any site improvements that could have a physical effect on the environment as the action being contemplated is only related only to the division of property. The project meets all the requirements for this categorical exemption.

Findings for Approval of Parcel Map 2016-02 (Dahmi):

1. Upon implementation of the Conditions of Approval and the engagement of the requirements of Section 66462.5 of the State of California Subdivision Map Act, the tentative parcel map conforms to the provisions of the Subdivision Map Act and to the provisions of Biggs Municipal Code Title 13 – Subdivisions (BMC Section 13.20.010).

2. Upon implementation of the Conditions of Approval and the engagement of the requirements of Section 66462.5 of the State of California Subdivision Map Act, the tentative parcel map conforms to the provisions of the City of Biggs General Plan (BMC Section 13.20.010).

3. The tentative parcel map is consistent with good planning and engineering practice (BMC Section 13.20.010).

4. Upon implementation of the Conditions of Approval the project is consistent with the standards and guidelines of the City of Biggs General Plan and Municipal Code.

5. The project will not be harmful to the public health and safety or the general welfare of the persons residing or working in the area.

6. The project will not result in substantial environmental impacts.

RESOLUTION NO. 2016-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS APPROVING TENTATIVE PARCEL MAP 2016-02 (DAHMI) ON ASSESSOR PARCEL NUMBER 001-150-068, LOCATED NORTH OF ALEUT STREET, WEST OF FIRST STREET, AND, EAST OF SECOND STREET, SUBJECT TO FINDINGS AND CONDITIONS OF APPROVAL

WHEREAS, Mr. Sunny Dhami, owner, filed an application with the City of Biggs (hereinafter referred to as City) to approve a Tentative Parcel Map to divide one (1) existing lot described as Butte County Assessor's parcel 001-150-068 into two (2) smaller parcels; and

WHEREAS, the proposed parcel map does not conflict with the use and intensity requirements of the City of Biggs General Plan; and

WHEREAS, the proposed parcel map conforms the standards of the R-1, Single Family Residential zone district; and

WHEREAS, it has been determined that the project meets the conditions established fro the use of a Class 15 exemption pursuant to the State CEQA guidelines as established under PRC Section 15315; and

WHEREAS, the City Council is the appropriate authority to hear and take action on this project; and

WHEREAS, the project has been considered at a legally noticed public hearing for which notices where sent to adjacent property owners within 300' of the proposed project and for which all required notice was completed; and

WHEREAS, conditions of approval have been prepared for the project and are incorporated herein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BIGGS HEREBY RESOLVES AS FOLLOWS:

1. Adopt determination of Categorical Exemption for the project under Section 15315 of the State CEQA Guidelines.

2. Adopt the findings in the staff report, and approve Tentative Parcel Map #2016-02 (Dahmi), subject to the conditions of approval listed in the staff report.

I HEREBY CERTIFY that the foregoing **RESOLUTION** was duly introduced, passed and adopted at a regular meeting of the City Council of the City of Biggs, held on the 12th day of July, 2016 by the following vote:

AYES: Council Members: _____

NOES: Council Members: _____

ABSENT: Council Members: _____

ABSTAIN: Council Members: _____

ATTEST:

_____ _____

Roben Dewsnup, CITY CLERK Roger Frith, MAYOR

NOTICE OF EXEMPTION

To: ☐ Office of Planning and Research
P.O. Box 3044, 1400 Tenth Street, Room 22
Sacramento, CA 95812-3044

☒ County Clerk-Recorder
Butte County
25 County Center Drive
Oroville, CA 95965

From: City of Biggs
Planning Department
P.O. Box 1134
Biggs, CA 95917

Project Title: **Sunny Dhami Lot Split**

Project Location - Specific: City of Biggs – North side of Aleut Street between First and Second Streets.

Assessor's Parcel Number(s): 001-150-068

Project Location – County/City: **Butte / Biggs**

Project Description: A Tentative Parcel Map to split an existing parcel of land in the City of Biggs. The proposed map would result in two lots, with each meeting the minimum parcel size as required by the City of Biggs Zoning Ordinance. The subject parcel is designated Low Density Residential (LDR) by the City of Biggs General Plan and is located in the Single Family Residential (R-1) zoning district. No change of land use designation or zoning is requested.

The subject parcel is approximately 0.40 acres (17,424 square feet) in size with an existing garage on the northwest portion of the property as well as an existing fence 14 feet east of the eastern property line. As proposed, the two new lots would be 70' x 130' (9,100 square feet) for Parcel 1 and 65' x 130 (8,450 square feet) for Parcel 2.

Lead Agency: **City of Biggs**

Lead Agency Contact Person and Phone Number: **Scott Friend, City Planner**
(530) 513-5974

Applicant: Sunny Dahmi

Exemption Status:

☐ Ministerial [Section 21080(b); 15268];

☐ Declared Emergency [Section 21080(b)(3); 15269(a)];

☐ Emergency Project [Section 21080(b)(4); 15269(b)(c)];

☐ General Rule [Section 15061(b)(3)];

☒ Categorical Exemption a Class 15 exemption, Section 15315

☐ Statutory Exemption

REASONS WHY THIS PROJECT IS EXEMPT OR DOES NOT REQUIRE FURTHER ENVIRONMENTAL DOCUMENTATION:

A Class 15 Categorical Exemption (CEQA Guidelines Section 15315) applies to certain actions that involve minor land divisions in "*urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.*" As identified in the Project Description, the project qualifies for a Class 15 exemption and no further environmental review is required.

City of Biggs
Planning Department

By _____
Scott Friend, AICP City Planner
Date: July 12, 2016