



Agenda Item

DATE: JUNE 15, 2023

TO: PLANNING COMMISSION

FROM: CARMELA CAMPBELL, ECONOMIC AND COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: TENTATIVE PARCEL MAP 11356 (TPM-23-001)

APPLICANT: New Haven Unified School District / City of Union City

LEGAL OWNER: New Haven Unified School District

REQUEST: Tentative Parcel Map 11356 (TPM-23-001) for a two (2) lot subdivision.

LOCATION: 31100 Fredi St. (APN: 483-20-17-5)

SIZE OF PARCEL: 18.39 acres

GENERAL PLAN

LAND USE: Civic Facility (CF)

ZONING: Civic Facilities (CF)

SURROUNDING LAND USES:

Table 1 – Surrounding Land Uses			
LOCATION	GENERAL PLAN DESIGNATION	ZONING DISTRICT	LAND USE
North	Residential (3-6 du/ac)	RS 6000	Single Family Residential
South	Residential (10-17 du/ac)	RM 3500	Multi-Family Residential
East	Civic Facility	CF	Alvarado Middle School Park
West	Residential (10-17 du/ac)	RM 2500	Multi-Family Residential

ENVIRONMENTAL ASSESSMENT:

Staff recommends that the project be considered categorically exempt from the California Environmental Quality Act (CEQA) per Section 15315, *Minor Land Divisions*, of the CEQA Guidelines.

LOCATION MAPS:

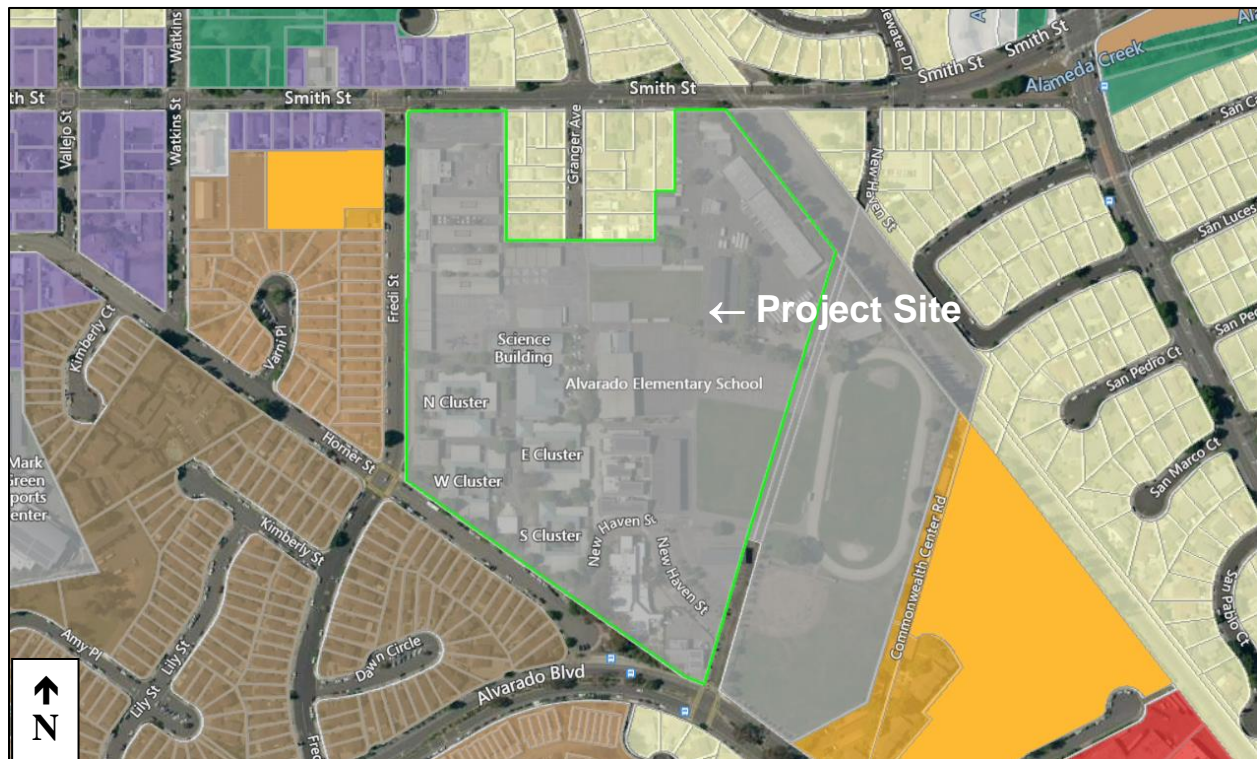


Figure 1 – Zoning map of property

I. BACKGROUND & PROPOSAL

At its meeting of December 6, 2022, the City Council, per Resolution Number 6048-22, approved a land exchange agreement for Shorty Garcia Park, Pioneer Park and the Itliong Vera Cruz School Property ("IVC Property").

Both the City and New Haven Unified School District ("District") have facilities that are located adjacent to each other and have been used jointly for several decades. A review of these facilities revealed that certain facilities were being predominantly used by one party who should logically own and maintain them. In addition, it was noted that over time, facilities were expanded and sometimes built on the other party's property. To clean up this confusing situation, the City and District decided to do a Land Exchange Agreement (LEA) to swap portions of properties to reflect how the properties were used and managed.

Following is a summary of the three (3) properties that are included in the LEA including the project that is the subject of this application:

A. Guy Emanuele Elementary School and Shorty Garcia Park (APN 87-21-14-15)

The City will transfer 0.729 acres to the District pursuant to a lot line adjustment. The transfer area is a small parking lot that is located at the northeast corner of the school property and is exclusively used for parking by District staff. It doesn't accommodate any current City use or anticipated future use.

B. Pioneer Park Property (APN 543-423-1 and 543-433-1)

The City will transfer 5.375 acres of the Pioneer Park Property to the District pursuant to a lot line adjustment. The Pioneer Elementary School is built on two City-owned lots, one of which accommodates Pioneer Park which also serves as a school park. The lot line adjustment will carve out an area encompassing the City park and the rest of the City property will be transferred to the District.

C. Itliong Vera Cruz Middle School Property (APN 483-20-17-5)

The District will transfer 2.01 acres of the IVC property to the City, through the creation of a new parcel and recordation of a parcel map, which is the subject of this staff report. See Exhibit A for Tentative Parcel Map (TPM) 11356, which shows the existing IVC site subdivided into two parcels. Parcel 1 shall be retained by the District and measures 16.38 and includes all the middle school, associated parking lot and the District corporation yard. Parcel 2 shall be acquired by the City and includes the Holly Community Center, Fire Station No. 32, and a portion of the adjacent parking lot, which is used by visitors to the community center. A reciprocal access and parking easement will be recorded at the time the final map is recorded to allow both parties to continue to utilize the parking lot on both parcels.

II. PROJECT ANALYSIS

A. Permit Requirements

The transfer of property from the District to the City at IVC requires approval of a Tentative Parcel Map from the Planning Commission per Union City Municipal Code (UCMC) Sec. 17.20.110.

B. Zoning and General Plan Compliance

The General Plan designation for the site is Civic Facility and the Zoning designation is Civic Facilities. The Civic Facility General Plan designation provides for public uses

including government offices, public educational facilities, and community centers. The designation is applied to the City's major public buildings and facilities owned by public agencies including NHUSD. The Civic Facility General Plan designation does not include standards for minimum parcel size or floor area ratio (FAR). The proposed TPM will not have any impact on the existing uses or operations of the site. As such, the proposed TPM is consistent with the Civic Facility General Plan designation.

The site has a Zoning designation of Civic Facilities, which like the corresponding General Plan designation is applied to sites that accommodate uses that serve the public. The Civic Facilities Zoning District does not include any standards for creation of new lots nor setbacks for building. The proposed TPM is consistent with the Civic Facilities Zoning District.

C. Public Noticing

A notice for the project was published in the Tri-City voice and notices were sent out to residents within 300 feet of the site within the timelines consistent with the noticing requirements included in Chapter 18.92, Administration, of the Union City Municipal Code. No comment or feedback has been received by staff.

III. REQUIRED FINDINGS

Tentative Map - Subdivision Map Act

Section 66473.5 and 66474 of the Subdivision Map Act requires that the Planning Commission deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:

1. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
2. That the design or improvement of the proposed subdivision, is not consistent with applicable general and specific plans.
3. That the site is not physically suitable for the type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.

7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgement of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access though or use of property within the proposed subdivision.

Tentative Map (Union City Municipal Code)

Section 17.20.100 of the UCMC requires that the Planning Commission make the following findings in granting the Tentative Map request:

1. The design, density and improvements of the proposed subdivision are consistent with applicable general and specific plans and zoning.
2. The site is physically suitable for the development.

IV. ALTERNATIVES

1. Approve the Tentative Parcel Map as proposed;
2. Approve the Tentative Parcel Map with modified conditions;
3. Deny the Tentative Parcel Map, stating reason for denial; or
4. Continue the matter for further consideration.

V. CONDITION OF APPROVAL

1. The applicant/property owner shall record the Final Parcel Map in compliance with the requirements of the Subdivision Map Act and Title 17 of the Union City Municipal Code.

VI. RECOMMENDATION

The Economic and Community Development Department and the Public Works Department recommend that the Planning Commission approve Tentative Parcel Map (TPM-23-001), subject to the condition, making the following specific findings in support:

1. That the project is categorically exempt from the requirements of CEQA, per Section 15315, *Minor Land Divisions*, of the CEQA Guidelines; and
2. That the TPM is consistent with the site's General Plan designation of Civic Facility. The site's current use and operations are not changing. The TPM is solely to facilitate transfer of land from the District to the City. There are no applicable specific plans; and
3. That the Civic Facility General Plan designation does not include any applicable subdivision standards. As such, the proposed subdivision is consistent. There are no applicable specific plans; and
4. That the project site is physically suitable to accommodate the existing development. No new development is proposed. The TPM will facilitate a transfer of land from the District to the City, which includes the Holly Community Center, Fire Station No. 32, and some associated parking; and
5. That the project site is physically suitable to accommodate the existing density of development. No new development is proposed. The TPM will facilitate a transfer of land from the District to the City, which includes the Holly Community Center, Fire Station No. 32, and some associated parking; and
6. That the design of the subdivision and the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the subdivision does not involve any new development and is being undertaken solely for the purpose of transferring property; and
7. That the subdivision of will not cause serious public health problems since the subdivision does not involve any development and is being undertaken solely for the purpose of transferring property; and

8. That neither the design of the subdivision nor the type of improvements will conflict with any public easements. Both the City and the District will be formalizing access and parking easements that would continue to allow each party to utilize the parking lot that is being transferred to the City; and
9. That the design, density and improvements of the proposed subdivision are consistent with the site's General Plan designation of Civic Facility and Zoning designation of Civic Facilities. There are no applicable specific plans; and
10. That the site is physically suitable for the existing development. No new development is proposed. The subdivision is solely for the purpose of transferring property to the City.

It is further recommended that the Planning Commission adopt a Resolution confirming this action.

Prepared by

Farooq Azim, City Engineer

Attachments

Exhibit A: Tentative Parcel Map (TPM) 11356