



CITY OF YUBA CITY
PLANNING COMMISSION
STAFF REPORT

Meeting Date: October 23, 2019

To: Chairperson and Members of the Planning Commission

From: Development Services Department

Presentation By: Brian Millar, Interim Development Services Director

Project: Consideration of a requested 18-month extension of time to file a Final Map for TM 17-02.

Applicant/Owner: Joe Schmidl

Project Location: The project is located on the east side of Stabler Lane, between Butte Vista Lane and Parc East Drive, east of Regency Park. (Assessor's Parcel Number 59-030-108)

Request:

The applicant has submitted a request for an 18-month extension of time in which to file a final map for TM 17-02.

Background:

Tentative Parcel Map TM17-02 was approved with an effective date of November 3, 2017, allowing the subdivision of a 1.21-acre parcel into 4 lots ranging in size from 0.16 acres to 0.31 acres.

The subdivision was approved for two years with an expiration date of November 3, 2019. Condition of Approval No. 8 of TM 17-02 states:

"Approval of Tentative Parcel Map TM 17-02 shall be null and void without further action if either the project has not been substantially commenced within two years of the approval date of the Tentative Parcel Map TM 17-02 or that a request for an extension of time, pursuant to Section 8-5.7106 of the Yuba City Municipal Code (YCMC) has been submitted to the City."

On September 25, 2019, the applicant filed a request for an 18-month time extension to allow for completion of the project Final Map. The applicant is requesting the time extension due to the recent change of ownership of the property. (See attached letter)

Staff Comments:

Public Works and Planning staff have determined that the conditions for approval of the project remain valid, and there is no reason for the denial of the requested time extension. Additionally, the applicant submitted a written request for the extension in compliance with the Conditions placed on the project at the time of approval.

Any subsequent time extension request, if requested by the property owner, must comply with the provisions of the Subdivision Map Act and the City's Municipal Code.

Recommended Action:

Staff recommends that the Planning Commission:

1. Approve an 18-month extension of time for Tentative Subdivision Map TM 17-02 pursuant to City Municipal Code Section 8-2.610, resulting in a new expiration date of October 23, 2021.

Attachments:

1. Aerial Photo
2. Letter from Joe Schmidl requesting TM17-02 time extension
3. Approved Tentative Subdivision Map TM 17-02
4. TM17-02 Conditions of Approval

Attachment 1: Aerial Photo



Joe Schmidl

330 S. Township Road

Yuba City, CA 95993

(530) 218-0700

RECEIVED
SEP 25 2019

City of Yuba City
Development Services

September 25, 2019

City of Yuba City

Development Services Department

1201 Civic Center Boulevard

Yuba City, CA 95993

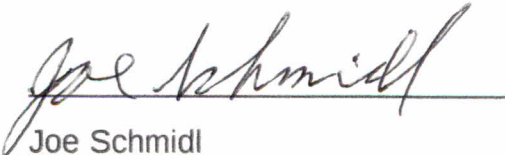
RE: TPM 17-02

Gentlemen:

As the new owner of the property of the subject Tentative Map, I am respectfully asking that your department process an extension of the expiration date of the map. Enclosed please find a check for \$366.69 to cover your fees for the processing of the extension request.

Your assistance in this matter is greatly appreciated.

Respectfully,


Joe Schmidl

CONDITIONS OF APPROVAL
GENERAL PLAN AMENDMENT 17-03, SPECIFIC PLAN AMENDMENT SPA 17-01,
REZONE 17-02, AND TENTATIVE PARCEL MAP TM 17-02

MITIGATION MEASURES

1. Air Quality Mitigation Measure: Prior to issuance of a building or grading permit obtain a Feather River Air Quality Management District (FRAQMD) approved Fugitive Dust Control Plan.
2. Air Quality Mitigation Measure: Any wood burning devices installed in the project shall meet EPA certification standards as well as FRAQMD regulations.
3. Cultural/Tribal Resources: Should artifacts or unusual amounts of bone or shell be uncovered during demolition or construction activity, all work shall be stopped and a qualified archeologist shall be contacted for on-site consultation. Avoidance measures or appropriate mitigation shall be completed according to CEQA guidelines. The State Office of Historic Preservation has issued recommendations for the preparation of Archeological Resource Management Reports which shall be used for guidelines. If the bone appears to be human, California law mandates that the Sutter County Coroner and the Native American Heritage Commission be contacted.
4. The project shall comply with all applicable mitigation measures adopted with the Mitigated Negative Declaration EA 17-07.

GENERAL

5. Approval of Tentative Map TM-17-02 shall not be final until approval of General Plan Amendment GP 17-01 from Neighborhood Commercial to Low Density Residential, Specific Plan Amendment SPA 17-01 from Commercial to Single Family, and Rezone RZ 17-02 from C1/SP (Neighborhood Commercial/Specific Plan) to R1/SP/X (One-Family Residential/Specific Plan/Combining District) is final.
6. Approval of Tentative Parcel Map TM 17-02 may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on Tentative Parcel Map TM 17-02, the Zoning Ordinance, and all Public Works Standards and Specifications. The City shall not assume responsibility for any deletions or omissions resulting from the permit review process or for additions or alterations to construction plan not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions.
7. The applicant/property owner agrees to defend, indemnify and hold harmless the City, its officers, agents and employees, from any and all claims, damages, liability or actions arising out of or connected with this Agreement, except to the extent such liabilities are caused by actions of the City.

EXPIRATION AND DEVELOPMENT IMPACT FEES

8. Approval of Tentative Parcel Map TM 17-02 shall be null and void without further action if either the project has not been substantially commenced within two years of the approval date of the Tentative Parcel Map TM 17-02 or that a request for an extension of time, pursuant to Section 8-5.7106 of the Yuba City Municipal Code (YCMC) has been submitted to the City.

PLANNING DIVISION

9. Development within Tentative Parcel Map TM 17-02 shall be in compliance with the City of Yuba City Design Guidelines, Yuba City Zoning Regulations, and approved Buttes Vista Neighborhood Plan Design Standards. The approved project shall be constructed per the plans approved by the Planning Commission or City Council, except as provided by the conditions below.
10. Relinquish vehicular access rights to the streets and/or easements along Stabler Lane frontage for the following property lines: Lot 2, Lot 3, and Lot 4.
11. The residential unit on Lot 2 shall be oriented towards Parc E. Drive with a wrap-around porch on the southwesterly corner of the home. The design of the structure shall be submitted to the Development Services Director for review and approval prior to submittal of building permits.
12. Covenants:
 - a. Prior to final map approval, the owner of the subject property shall execute a "Right to Farm" covenant with the City. Said covenant is to run with the land and shall acknowledge and agree that the subject property is in or near agricultural districts and that the residents of said property should be prepared to accept the inconveniences and discomfort associated with normal farm activities. The "Right to Farm" covenant shall be recorded prior to or concurrent with the recording of the Final Map of Parcel Map No. TM 17-02.
13. Agreements. A cross access, drainage, maintenance, and shared parking covenant is required for Lots 3 and 4. All covenants or agreements will be prepared upon receipt of the fee and proper documents. The covenant shall stipulate maintenance requirements for the drive approach, wall, landscaping, automatic irrigation system, etc. Covenants must be approved by the City prior to issuance of building permits.
14. A six foot high split faced masonry wall with a decorative cap shall be constructed along the common shared property line of Lot 4 with the parcel identified as Assessor's Parcel Number 59-490.040. The wall shall begin approximately 35 feet behind the sidewalk on Butte Vista Lane.
15. A five foot landscape strip with automatic irrigation and drought resistant plants shall be installed and maintained between the access easement and six foot high wall.
16. Landscape plans and wall design plans shall be submitted for review and approval by the Development Services Director prior to issuance of building permits for either Lots 3 or 4.
17. Building elevations for the single-family units shall be submitted for review and approval by the Development Services Director prior to issuance of building permits for Lots 1, 2, 3, and 4.

18. Trash collection for Lots 1 and 2 will be from Parc E. Drive and for Lots 3 and 4 from Butte Vista Lane.

PUBLIC WORKS

19. To help contain fugitive dust, construction sites shall be watered down during the construction phase of the project or as directed by the Public Works Department.
20. Paved streets shall be swept frequently if soil material has been carried onto adjacent paved public thoroughfares from the project site. The use of a water sweeper that utilizes reclaimed water is recommended; i.e. wet broom.
21. The Developer, at their expense, shall be solely responsible for all quality control associated with the project. The quality control shall include, but is not limited to, the following: survey work, potholing existing utilities, all geotechnical testing, soil reports, concrete testing, asphalt testing, and any other required special testing/inspections. The City will only perform necessary testing to insure compliance.
22. Storage of construction material is not allowed in the travel way.
23. The only hard surface (concrete or pavers) that can be placed in the street planter area other than the standard driveway serving the residence is 18" wide strips to accommodate the wheel path of vehicles unless authorized/approved by the Public Works Director.

PRIOR TO ISSUANCE OF GRADING PERMIT

24. Provide evidence that a Notice of Intent has been submitted and received by the local Water Quality Control Board for a General Construction Activity Storm Water Permit. Two copies of the project Storm Water Pollution Protection Plan shall be provided to the City.
25. The improvement plans for the development of the subject property shall include all measures required to ensure that no drainage runoff resulting from the development of the property flows onto the adjacent residential or agricultural lands, or impedes the drainage from those properties. The rear yards and/or side yards of the lots that are created by this subdivision, that are adjacent to existing residential development, shall have the same finish grade elevation as those lots within tolerances as approved by the Public Works Department. If retaining walls are required they shall be constructed of concrete or masonry block.
26. Existing and proposed grade elevations at perimeter of the proposed land development shall be shown on the tentative map per Section 8-2.604 of the Municipal Code. The Engineer of Record shall designate on the plans as to where any retaining walls are required, and provide details of all proposed retaining walls. The retaining wall is required where grade differences between the proposed development and the surrounding land is greater than 6" (inches). The use of any type of wood as the retaining wall is not permitted.
27. Per Government Code Section 66490, the applicant shall submit, with the first improvement plan check, to the City for review and approval, a detailed geotechnical investigation prepared

by a Civil Engineer registered in the State of California and qualified to perform geotechnical work. The grading plan shall incorporate the recommendations of the approved geotechnical investigation.

28. A master grading plan for all phases of the subdivision shall be submitted to the Public Works Department as part of the improvement plans with the first subdivision phase.

PRIOR TO APPROVAL OF IMPROVEMENT PLANS

29. An Improvement Agreement outlining any costs (hot tap, connection fee, fair share contribution, etc.) associated with the development shall be accepted by the City prior to approval of plans.
30. A streetlight shall be installed on Stabler Lane at Lot 4 (as shown on the tentative map dated June 2016) near the existing fire hydrant and dedicated to the City.
31. Obtain all necessary approvals from City, State, and Federal agencies, utilities and other effected parties that are required for the project including, but not limited to, the preparation of drawings, studies, reports and permit applications, and payment of fees. Prior to City approval of improvement plans the Developer shall provide evidence, to the satisfaction of the Public Works Department, that all such obligations have been met.
32. The contractor shall obtain an Encroachment Permit from the City prior to performing any work within public rights of way.
33. Where an excavation for a trench and/or structure is 5 feet deep or more, the contractor shall conform to O.S.H.A. requirements. The contractor shall provide a copy of the approved O.S.H.A. permit, and shoring details and calculations prepared by California licensed structural engineer to the Public Works Department.
34. All ADA access ramps along frontage of property shall be modified as required to meet current standards.
35. The Developer shall be responsible for preparation of a street tree and irrigation plan that is deemed acceptable by the Community Services Director prior to entering into an Improvement Agreement with the City. Only one tree species shall be planted on any street.
36. The street landscape planters, the street trees, and street lighting are public improvements which shall meet the Parks Division Planting Standards and Yuba City Standard Details and be included in the improvement plans and specifications for the subdivision when the improvement plans are submitted for the first improvement plan check.
37. The Improvement Plans shall show provisions for the placement of centralized mail delivery units in the Public Utility Easement (P.U.E.). Developers will provide a concrete base for placement of the centralized mail delivery unit. Specifications and location of such base shall be determined pursuant to the applicable requirements of the Postal Service and the Yuba City Public Works Department, with due consideration for street light location, traffic safety, security and consumer convenience.

38. Required Improvement Plan Notes:

- a. "Any excess materials shall be considered the property of the contractor/owner and shall be disposed of away from the job site in accordance with applicable local, state and federal regulations."
- b. "During construction, the Contractor shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and roadways. The Contractor shall be responsible that all construction equipment is equipped with manufacturers approved muffler baffles. Failure to do so may result in the issuance of an order to stop work."
- c. "If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Sutter County Environmental Health Department, the Fire Department, the Police Department, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies."
- d. "The Contractor(s) shall be required to maintain traffic flow on affected roadways during non-working hours, and to minimize traffic restriction during construction. The Contractor shall be required to follow traffic safety measures in accordance with the CalTrans "Manual of Traffic Safety Controls for Construction and Maintenance Work Zones." The City of Yuba City emergency service providers shall be notified, at least two working days in advance, of proposed construction scheduled by the contractor(s)."
- e. "Soil shall not be treated with lime or other cementitious material without prior express permission by the Public Works Department."

PRIOR TO ACCEPTANCE OF PUBLIC IMPROVEMENTS

39. At the Public Works Department's discretion, the storm sewer and sewer mains shall be re-hydroflushed.
40. The contractor shall maintain record drawings of the improvements and keep them on site at all times. When the project is complete, the contractor shall deliver a marked set of plans to the Engineer of Record. The Engineer of Record shall update the improvement plans with the record information. Once the changes have been added to the plans, the Engineer of Record shall submit both an electronic copy (AutoCad version 2010 or newer) and a hard copy to the City. The City will not accept the completion of the improvements until the electronic copy and hard copy have been submitted.

PRIOR TO FINAL MAP RECORDATION

41. The development shall pay for operations and/or maintenance for police, fire, parks, drainage, and ongoing street maintenance costs. This condition may be satisfied through participation in a Mello Roos Community Facilities District, by payment of cash in an amount agreed to by the City, by another secure funding mechanism acceptable to the City, or by some combination of those mechanisms. The City shall be reimbursed actual costs associated with the formation of

the district. The maximum annual assessment provided in such district or mechanism shall not be greater than \$425 per single family residential unit for the 4 single family homes.

42. All public street lighting shall be dedicated to the City of Yuba City.
43. Right of way on Stabler Lane shall be dedicated to the City, a width of 30.0 feet from centerline to 6" behind the back of curb.
44. A public utility easement shall be provided along Stabler in accordance with the approved tentative map.
45. A public utility easement shall be provided along Butte Vista Lane extending 20.0 feet from 6" behind the back of curb and along Parc East Drive extending 18.0 feet from 6" behind the back of curb.
46. The Developer shall reimburse Cresleigh Homes Corporation for the parcel's fair proportionate share of the construction of the roundabout at the intersection of Stabler Lane and Butte Vista Lane, as such roundabout is shown on Drawing No's. 4978-D and 5044-D and approved by the City Engineer. The amount to be reimbursed is \$9,100.00 as shown on City Resolution No. 07-120.
47. The developer shall comply with the Yuba City Basin Drainage Study; Draft dated December 2016.
48. The AT&T easement at the southeast corner of Lot 1 (as shown on the tentative map dated December 2014) shall be abandoned.

PRIOR TO BUILDING PERMIT

49. The Developer's Superintendent/Representative shall submit three sets of Pacific Gas and Electric approved utility plans showing joint trench locations and distribution lines prior to issuance of first building permit for each phase of construction.
50. All street lighting shall be energized prior to the issuance of any building permits unless otherwise approved by the Public Works Department.

PRIOR TO CERTIFICATE OF OCCUPANCY

The curb, gutter, sidewalk, and lot drainage shall be inspected and approved by the City. Any curb, gutter and sidewalk which is not in accord with City standards or is damaged before or during construction, shall be replaced. All sidewalks along the City right-of-way shall be free of any non-control joint cracking. In addition, any concrete with cracks, chips, blemishes, and spalling greater than an inch in diameter shall be replaced from control joint to control joint.

51. Prior to the certificate of occupancy being approved for the last unit in the development the streets shall be Type II slurry sealed the full width as follows:

- b. Stabler Lane: north of the north crosswalk stripe at Parc East Drive to south of the south crosswalk stripe south of the round-a-bout.
- c. Parc East Drive: east of the new stamped sidewalk to the east end of the property.
- d. Butte Vista Lane: east of the east crosswalk stripe on Butte Vista Lane to the east end of the property.

52. Prior to the certificate of occupancy being approved for the last unit in the development any pavement marking and/or striping that was destroyed during construction shall be re-stripped to meet City Standards.

53. Prior to issuance of any certificate of occupancy, all underground utilities, public improvements, and site improvements, including rough grading, shall be completed.

SCHOOLS

54. Prior to the issuance of building permits, school construction fees shall be paid to the Yuba City Unified School District in accordance with the school district's adopted schedule of fees.

UNITED STATES POSTAL SERVICE

55. Contact the United States Postal Service for the location and type of mailboxes to be installed in this subdivision.