

# Development Services



## MEMO

**Date:** May 31, 2023  
**To:** Planning Commission  
**CC:**  
**From:** Doug Libby, AICP, Deputy Development Services Director  
**Re:** Johnson Ranch Estates, Amended Conditions of Approval

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Planning Commissioners,

The Conditions of Approval for the Johnson Ranch Estates project have been amended, which resulted in a renumbering. The purpose of this memo is to draw your attention to the revised conditions, and an amended copy is included for reference.

6. To limit visibility, provide privacy and to minimize conflicting views of adjacent properties, the Tentative Map dated May 9, 2023 (filed with the City on January 3, 2023) is restricted as follows:
  - a. Phase 1) lots 3 – 8 and Phase 3) lots 18, 19, and 20 are to be restricted to single story construction or any back-facing window sills on the upper floor of a two-story residence are to be a minimum of 6.0 feet above the floor, and additionally, shall not establish second floor balconies facing single-story homes, or as otherwise approved by the Development Services Director.
  - b. All lots along the northern project boundary shall be recorded with a notice advising that future homes constructed to the north may be two story
  - c. Phase 3) lots 10 – 18 along West Onstott Frontage Road shall be:
    - i. Constructed with either an 8.0-foot-high solid wall with 2-foot berm, 6.0-foot high solid wall on 4.0 berm, or 10.0-foot high solid wall, and
    - ii. Constructed with improvements over standard construction to ensure compliance with the 45 dB Ldn interior noise level criterion. Specifically, second floor facades should be constructed of stucco (or wood siding with an under-layer of ¾ inch wood sheathing), and all second-floor bedroom windows adjacent to Highway 99 should have a minimum STC rating of 30, or as otherwise approved by the Development Services Director.
39. The property shall petition for formation of a Zone of Benefit of the Yuba City Lighting and Landscaping Maintenance District (LLMD) for the purpose of maintaining; street trees planted in the landscape planters, street lights, fencing and/or barricades, block walls, and any detention / water quality basin(s) or devices. All parcels that are created by the subdivision of land, including Parcel A, as said parcels are shown on SM 22-09, Johnson Ranch Estates, Revised May 9, 2023, shall be included in the LLMD. The Engineering Division shall be reimbursed actual costs associated with the formation of the district.

**CITY OF YUBA CITY  
CONDITIONS OF APPROVAL  
TENTATIVE SUBDIVISION MAP 22-09  
May 31, 2023**

**JOHNSON RANCH  
APNs: 059-030-008 AND 059-030-009**

**NOTICE TO PROJECT APPLICANT**

In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within ninety (90) calendar days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

**IMPORTANT: PLEASE READ CAREFULLY**

Please note that this project is subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies, those determined through tentative subdivision map review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community, and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings can be made.

All discretionary conditions of approval will ultimately be deemed mandatory unless appealed by the applicant to the City Council within 10 days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

These conditions are applicable to any person or entity making use of this tentative subdivision map, and references to "developer" or "applicant" herein also include any applicant, property owner, owner, leasee, operator, or any other person or entity making use of this tentative subdivision map.

**CONDITIONS OF APPROVAL**

1. To the furthest extent allowed by law, applicant/property owner shall indemnify, hold harmless and defend City and each of its officers, officials, employees, consultants, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures,

damages and costs (including attorney's fees, litigation expenses and administrative record preparation costs) arising from, resulting from, or in connection with any Third-Party Action (as hereinafter defined). The term "Third Party Action" collectively means any legal action or other proceeding instituted by (i) a third party or parties, or (ii) a governmental body, agency or official other than the City, that: (a) challenges or contests any or all of these Conditions of Approval or any approval associated with entitlements associated with the project (collectively "Approvals"); or (b) claims or alleges a violation of CEQA or another law in connection with the Approvals by the City, or the grant, issuance or approval by the City of any or all Approvals. Applicant's/property owner's obligations under this paragraph shall apply regardless of whether City or any of its officers, officials, employees, consultants, agents or volunteers are actively or passively negligent, but shall not apply to any loss, liability, fines, penalties forfeitures, costs or damages caused solely by the active negligence or willful misconduct of the City or any of its officers, officials, employees, agents or volunteers. The provisions of this section shall survive any termination, revocation, overturn, or expiration of an approval.

Nothing in this section shall obligate the City to defend any claim and the City shall not be required to pay or perform any settlement arising from any such claim not defended by the City, unless the City approves the settlement in writing. Nor shall the City be prohibited from independently defending any claim, and if the City does decide to independently defend a claim, the applicant/property owner shall be responsible for City's attorneys' fees, expenses of litigation, and costs for that independent defense, including the costs of preparing any required administrative record. Applicant/property owner shall submit all documents filed in the Third-Party Action for review and approval of the City Attorney prior to filing of said documents on behalf of the City.

The City may, at any time, require the applicant to reimburse the City for costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of processing or defending any Third-Party Actions. The City shall provide applicant/property owner with an invoice detailing all reasonable costs incurred. Applicant/property owner shall tender to the City payment-in-full of all reasonable and necessary costs within thirty (30) days from the date upon the invoice. Applicant/property owner shall contact the City within a reasonable time to arrange any extension of the thirty (30) day time period for payment-in-full of the invoiced amount. Applicant/property owner further acknowledges and agrees, failure to timely tender payment-in-full to the City shall be considered a breach and non-compliance with the conditions of approval for the project. Applicant/property owner shall also be required, upon request of the City, to deposit two month's estimated costs anticipated by the City to be incurred, which may be used by the City as a draw down account to maintain a positive balance pending tender of payment by Applicant/property owner as noted herein.

2. **Standard Cultural Resource:** The following cultural resource COA are applicable to all approved applications associated with TSM 22-09.

- **Prior to and during construction of each phase or individual construction activity** undertaken as part of the project and to mitigate potential impacts to cultural resources, the following steps shall be taken:
- **Prior to excavation and construction on the project site**, the prime construction contractor and any subcontractor(s) shall be cautioned on the legal and/or regulatory implications of knowingly destroying historic or prehistoric

cultural resources or removing artifacts such as, but not limited to, prehistoric ground stone, projectile points, shell middens, or debitage, human remains, historic materials such as, but not limited to, bottles or cans and other cultural materials from the project site.

**Responsibility:** Project Applicant, Prime Construction Contractor, Subcontractors

**Timing:** Prior to excavation and construction

**Funding:** Project Applicant

- **Prior to any demolition, excavation, or construction**, the project applicant shall identify a qualified archaeologist to be on call if any cultural resources are identified, or if required by the City. The City shall approve the selected archaeologist **prior to issuance of the any permit that includes soil disturbance, if any cultural resources are identified and/or required by the City.** When excavation of greater than four (4') feet is anticipated, a Tribal Monitor may be required.

**Responsibility:** Project Applicant, City

**Timing:** Prior to any demolition, excavation or construction.

**Funding:** Project Applicant

- In the event of a find, reasonable time shall be allowed for the qualified archaeologist to conduct additional subsurface testing, analysis, and reporting, if warranted. During this time, excavation and construction shall not be allowed in the immediate vicinity of the find (within a 50-meter radius, or approximately 164-feet, or within a larger area as determined by the qualified archaeologist), However, activities may continue in other areas of the project site if so, determined by the qualified archaeologist.
- If any find is determined to be significant by the qualified archaeologist, representatives of the project developer or construction contractor and the City, and the qualified archaeologist, shall meet to determine the appropriate course of action.

**Responsibility:** Project Archaeologist, Project Applicant, Construction Contractor, City

**Timing:** Prior to any work within a 50-meter radius, or approximately 164-feet, of the find

**Funding:** Project Applicant

- All cultural materials recovered as part of the testing or monitoring program shall be subject to scientific analysis, professional museum curation, and reporting prepared according to current professional standards. A copy of the report and analysis shall be provided to the California Historical Resources Information System Northwest Information Center for recordation.

**Responsibility:** Project Archaeologist, City

**Timing:** After Report and Analyses is completed

**Funding:** Project Applicant

In accordance with *State CEQA Guidelines*, Section 15064.5 (e)(1)(A)(B), in the event of the discovery or recognition of any human remains on the project site during development, the following steps shall be taken:

- There shall be no further excavation or disturbance of the site or any area reasonably suspected to overlie adjacent human remains until the Monterey County coroner is contacted to determine that no investigation of the cause of death is required. Possible indications of burials could include a layer of shells placed over the burial.
- If the coroner determines the remains to be Native American, then the coroner shall contact the Native American Heritage Commission ("**Commission**") within twenty-four (24) hours. The Commission shall identify the person or persons it believes to be the most likely descendent ("**MLD**") from the deceased Native American. The MLD may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98.

**Responsibility:** Project Contract, Project Applicant, City

**Timing:** In Event of Discovery or Recognition of any Human Remains

**Funding:** Project Applicant

- Where the following conditions occur, the landowner or their authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if the:
  - a) Commission is unable to identify an MLD or the MLD failed to make a recommendation within forty-eight (48) hours after being notified by the Commission;
  - b) Descendent identified fails to make a recommendation; or
  - c) Landowner or their authorized representative rejects the recommendation of the descendent, and the mediation by the Commission fails to provide measures acceptable to the landowner.

**Responsibility:** Project Applicant, NAHC, MLD, City

**Timing:** After Discovery of Human Remains

**Funding:** Project Applicant

3. The lot design on the subdivision maps shall be designed in conformance with the TSM 22-09, as appropriate, and as approved by the Planning Commission.
4. The development and operation of the project shall comply with all CEQA mitigation measures identified in Environmental Assessment 23-01 dated April 2023.
5. The development and operation of the project shall comply with all local, state, and federal codes (including Building and Fire codes) and local development standards.
  - a. The Developer or Representative shall obtain an Encroachment Permit from the City prior to performing any work within public rights of way.
6. To limit visibility, provide privacy and to minimize conflicting views of adjacent properties, the Tentative Map dated May 9, 2023 (filed with the City on January 3, 2023) is restricted as follows:

- a. Phase 1) lots 3 – 8 and Phase 3) lots 18, 19, and 20 are to be restricted to single story construction or any back-facing window sills on the upper floor of a two-story residence are to be a minimum of 6.0 feet above the floor, and additionally, shall not establish second floor balconies facing single-story homes, or as otherwise approved by the Development Services Director.
  - b. All lots along the northern project boundary shall be recorded with a notice advising that future homes constructed to the north may be two story
  - c. Phase 3) lots 10 – 18 along West Onstott Frontage Road shall be:
    - i. Constructed with either an 8.0-foot-high solid wall with 2-foot berm, 6.0-foot high solid wall on 4.0 berm, or 10.0-foot high solid wall, and
    - ii. Constructed with improvements over standard construction to ensure compliance with the 45 dB Ldn interior noise level criterion. Specifically, second floor facades should be constructed of stucco (or wood siding with an under-layer of  $\frac{3}{4}$  inch wood sheathing), and all second-floor bedroom windows adjacent to Highway 99 should have a minimum STC rating of 30, or as otherwise approved by the Development Services Director.
7. The Developer shall, prior to the issuance of the first certificate of occupancy of the first residence, construct a solid 6-foot-high chain link fence across the right-of-way of any stub street to an adjacent property or future phase connecting with the adjoining six-foot high private fences. This fencing shall be constructed in addition to the standard dead-end barricade. The fence and barricade shall be maintained by the City via the lighting and landscape maintenance district.
  8. 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.
  9. Paved streets shall be swept frequently (water sweeper with reclaimed water recommended; wet broom) if soil material has been carried onto adjacent paved, public thoroughfares from the project site.
  10. 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 assure compliance.
  11. Storage of construction material is not allowed in the travel way.
  12. A Subdivision Agreement outlining any costs (hot tap, connection fee, fair share contribution, etc.) associated with the development shall be accepted by the City prior to recordation of map, or prior to approval of the Improvement Plans, whichever comes first.

## **PRIOR TO ISSUANCE OF A GRADING PERMIT**

13. The improvement plans for the development of the subject property shall include all measures required to ensure that no increased drainage runoff resulting from the

development of the property flow onto the adjacent lands or that the development will not impede 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.

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

## **PRIOR TO APPROVAL OF THE IMPROVEMENT PLANS**

15. The proposed development shall install signage along Peach Tree Lane to restrict left turn movements during the hours of 4pm and 6pm, or as otherwise determined by the Public Works Director.
16. 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 the Improvement Plans, the Developer shall provide evidence, to the satisfaction of the Public Works Department, that all such obligations have been met.
17. The contractor shall obtain an Encroachment Permit from the City prior to performing any work within public rights of way.
18. The plans shall indicate the locations of all septic and leach field areas, and all wells. Any septic areas and wells that are to be destroyed shall be demolished in accordance with Sutter County Environmental Health Department requirements.
19. The Developer shall dedicate right-of-way to the City as follows, or as approved by the Public Works Director:
  - a. West Onstott Frontage Road: on the **west** side, shall have right-of-way dedicated to a width of 47.5 feet (centerline to back of new 8.0-foot-high solid wall with 2-foot berm, 6.0-foot high solid wall on 4.0 berm, or 10.0-foot high solid wall), including a 10.0-foot PUE.
  - b. Interior minor residential streets (Butte Bend Lane, Danna Drive, Kaia Way, Cameron Way, Ariana Way):
    - i. *Detached sidewalk option* -- Right-of-way shall be dedicated to a width of 38.0 feet together with a 19.5-foot PSE behind the right-of-way. A 12.0-foot wide PUE shall be dedicated along the sidewalk with 2.0-foot located underneath the sidewalk along each side of the roadway.
    - ii. *Attached sidewalk option* -- Right-of-way shall be dedicated to a width of 46.0 feet. A 12.0-foot wide PUE shall be dedicated adjacent to the right-of-way with 2.0-foot located underneath the sidewalk along each side of the roadway.
    - iii. *A combination of the attached and detached sidewalk options to provide street trees and meeting City design standards.*
  - c. Interior major residential street (Butte Vista Lane and Tres Picos Drive):
    - i. *Detached sidewalk* -- Right-of-way shall be dedicated to a width of 38.0 feet together with a 19.5-foot PSE behind the right-of-way. A 12.0-foot wide PUE shall be dedicated along the sidewalk with 2.0-foot located underneath the sidewalk along each side of the

roadway. All necessary right of way and easements are to be dedicated with the recordation of the Final Map.

20. The Developer shall construct frontage improvements to City standards as follows, or as approved by the Public Works Director:

a. West Onstott Frontage Road:

- i. 24.0-foot-wide asphalt road section – centerline stripe of West Onstott Frontage Road to lip of gutter
- ii. 2.5-foot wide barrier curb and gutter
- iii. 6.0-foot wide landscaped parkway strip (measured from back of curb to face of sidewalk) with City approved street trees, landscaping, and irrigation
- iv. 5.0-foot wide detached sidewalk
- v. landscaping and irrigation between the sidewalk and block wall
- vi. 8.0 foot high solid wall (i.e. concrete, masonry, proto II, brick) on a 2.0-foot berm, 6.0 foot high solid wall on 4.0 berm, or 10.0 foot high solid wall.
- vii. streetlights
- viii. fire hydrants
- ix. storm drainage facilities
- x. roadway striping
- xi. roadway signage

b. Interior minor residential streets (Butte Bend Lane, Danna Drive, Kaia Way, Cameron Way, Ariana Way):

- i. *Detached sidewalk option* -- Streets shall be designed/constructed to a width of 37.0 feet back of curb to back of curb with parking permitted on both sides. Frontage improvements shall include street section, curb, gutter, 6.0-foot wide landscape parkway strip (measured from back of curb), 4.0-foot wide sidewalk, street trees, and streetlights.
  1. The landscape plan for the front yard, including the area between the sidewalk and curb, shall be handled by each individual lot improvement. The irrigation system shall be designed to accommodate the street tree and shall meet the City's Model Water Efficient Landscape Ordinance.
  2. The landscaping in the parkway strip is to have a coordinated theme referenced on the public improvement plans, or as approved by the Development Services Director.
  3. 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.
- ii. *Attached sidewalk option* -- Streets shall be designed/constructed to a width of 37.0 feet back of curb to back of curb with parking permitted on both sides. Frontage improvements shall include street section, curb, gutter, a 4.0-foot wide attached sidewalk, and streetlights.
  1. Curb bulb-outs (a contained area for the street trees) shall be installed with the following characteristics, or as otherwise determined by the Public Works Director:
    - a. 8.0-feet long by the width of the parking lane;
    - b. As shown on the tentative map;
    - c. Shall not be placed over any service laterals;
    - d. Detached from the standard adjacent 6" barrier curb and gutter;



- e. Planted with City approved trees prior to the Certificate of Occupancy of the adjacent residence.
    - iii. *A combination of the attached and detached sidewalk options to provide street trees and meeting City design standards, or as approved by the Public Works Director.*
  - c. Interior major residential street (Butte Vista Lane and Tres Picos Drive):
    - i. *Detached sidewalk* -- Streets shall be designed/constructed to a width of 37.0 feet back of curb to back of curb with parking permitted on both sides. Frontage improvements shall include street section, curb, gutter, 6.0-foot wide landscape parkway strip (measured from back of curb), 4.0-foot wide sidewalk, street trees, and streetlights.
      - 1. The landscape plan for the front yard, including the area between the sidewalk and curb, shall be handled by each individual lot improvement. The irrigation system shall be designed to accommodate the street tree and shall meet the City's Model Water Efficient Landscape Ordinance.
      - 2. The landscaping in the parkway strip is to have a coordinated theme referenced on the public improvement plans, or as approved by the Development Services Director.
      - 3. 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.
21. The Developer shall comply with all City requirements related to drainage, including submittal of a drainage plan for any drainage improvements for the proposed development. A drainage analysis, along with calculations, shall be submitted to the City Engineer for approval. The analysis shall include, but is not limited to:
- a. Grading and drainage plan showing the proposed drainage conveyance and storage system.
  - b. Supporting calculations demonstrating adequacy of conveyance capacity and storage volume. The calculation analysis shall meet the requirements of the North Yuba City Drainage Area Master Drainage Plan.
  - c. Storm Drain Collection Systems- For the design of all pipeline conveyance facilities, the Hydraulic Grade Line (HGL) shall be maintained a minimum of one foot below the gutter flow line of all drain inlets and at least one foot below all maintenance hole rims during a 10-year, 24-hour storm event. The storm drain minimum pipe size shall be 12 inches. The minimum velocity shall be 2 fps.
  - d. Street Flow - The street system shall be designed to convey the 100-year, 24-hour runoff while maintaining a water surface at least 1 foot below the adjacent building pad elevations (or alternatively, the building pad elevations shall be at least 1 foot above the 100-year water level). The grading plan shall ensure that the 100-year, 24-hour runoff can be conveyed through the development and to the receiving drainage facility.
  - e. Drainage systems (pipes and street systems) shall be designed to accommodate the runoff from the ultimate development of the entire upstream watershed.

- f. Water Quality – Water quality basin(s) shall meet State Water Resource Board requirements for water quality. The water quality basin can be incorporated into a detention pond, designed as an individual pond, included in a water quality manhole system, or as approved by the Public Works Director.
  - g. Detention Basins - The detention pond located on West Onstott Frontage Road shall be utilized in accordance with North Yuba City Drainage Master Plan.
  - h. The Drainage Study shall be completed and stamped by a Professional Engineer and determined by the City Engineer and the Sutter County Water Agency Engineer to be comprehensive, accurate, and adequate.
- 22. The development shall comply with Yuba City's stormwater requirements and Post-Construction Standards Plan. The Post Construction information can be found here: [https://www.yubacity.net/city\\_hall/departments/public\\_works/engineering/stormwater\\_management](https://www.yubacity.net/city_hall/departments/public_works/engineering/stormwater_management)
- 23. All development shall be designed to local, state, and federal flood standards.
- 24. The structural section of all road improvements shall be designed using the Caltrans empirical R-value method. A geotechnical investigation shall determine the R-value of the existing soil in accordance with the Caltrans Highway Design Manual. The structural section shall be designed to the following standards:
  - a. Use 3" minimum for residential, 4" minimum for collectors and 5" minimum for arterials, of 'Type A' asphaltic concrete over Class 2 aggregate base (the thickness of the base shall be designed to the R-value of the soil)
  - b. Use a traffic index of 6 for residential streets
  - c. Use a traffic index of 7 for collector streets
  - d. Use a traffic index of 10 for arterial streetsA copy of the geotechnical investigation, including R-value determination, test locations and structural section calculations, shall be submitted with the first improvement plan check.
- 25. Striping, pavement markings and traffic signage shall be provided on all streets as necessary and as required by the Public Works Department. Signage restricting parking and red painted curbing shall be installed where appropriate. Speed limit signs shall be installed at locations determined by the Public Works Department. All required speed limit signs shall be shown on the Improvement Plans.
- 26. The street trees and street lighting are public improvements which shall meet the Parks Division Planting Standards and 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.
- 27. The Improvement Plans shall show provisions for the placement of centralized mail delivery units in the PUE. Developer shall 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

City Public Works Department, with due consideration for street light location, traffic safety, security and consumer convenience.

**28. 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 for all construction equipment to be 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 "California Manual of Uniform Traffic Control Devices, latest edition." 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."
- f. "Where an excavation for a trench and/or structure is five (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, prior to beginning construction."
- g. "Should any field conditions, conflicts, errors, and/or omissions be overlooked during the design review process, or during construction of the development, then any additional work identified during construction shall be implemented by the Developer at the Developer's expense."

**PRIOR TO ACCEPTANCE OF THE PUBLIC IMPROVEMENTS**

- 29. All existing well(s), septic tank(s), and service lines shall be destroyed in accordance with the requirements of the Sutter County Environmental Health and Yuba City Building Departments, respectively. Connections shall be made to public sewer and water. The Developer shall pay all applicable fees.
- 30. In addition to the street lights provided on the interior streets, street lights shall be installed along the west side of West Onstott Frontage Road with one street light located on east side at Danna Drive intersection, or as determined by the Public Works Director.
- 31. Prior to backfilling, the Developer shall vacuum test all manholes to ensure no leakage will occur.

32. Prior to final paving, and/or as directed by the Public Works Director, the Developer shall hydroflush, and televise, all storm drain mains and all sewer mains. In addition, prior to the City's acceptance of the subdivision improvements, and at the Public Works Department's discretion, the storm sewer and sewer mains shall be re-hydroflushed.
33. 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 (Civil 3D version 2017 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.
34. The existing power poles along the property on West Onstott Frontage Road shall be placed underground, or addressed in accordance with the City's Overhead Utility Policy adopted March 17, 2020. The total lineal foot length of overhead lines along West Onstott Frontage Road is determined to be 667 lineal feet or as otherwise determined by the Public Works Director.
35. All public street lighting shall be dedicated to the City of Yuba City.

#### **PRIOR TO FINAL MAP RECORDATION**

36. The development shall pay its fair share of future drainage improvements identified in the North Yuba City Drainage Master Plan, including expansion of the West Onstott Detention Pond and installation of a 30-inch storm drain in Stabler Lane between Michael Way and Valley View Drive. The fair share has been determined to be \$16,965.52 per acre x 15.41 acres = \$261,438.66 based on the May 2023 ENR cost index. This fair share amount shall be escalated using the latest monthly ENR cost index at the time of approval of subdivision improvement agreement, or at the time the drainage improvements have been completed, whichever is earlier. If project is phased the fee will be based on acres in each phase.
37. The proposed development shall pay its fair share contribution for future traffic signal improvements at the intersection of Queens Avenue and Peach Tree Lane. The fair share has been determined to be 1.4% of \$300,000 = \$4,200 based on the May 2023 ENR cost index. This fair share amount shall be escalated using the latest monthly ENR cost index at the time of approval of subdivision improvement agreement, or at the time the traffic signal improvements have been completed, whichever is earlier.
38. 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 CFD, 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, or annexation to, the district. The property shall annex in to an existing CFD.
39. The property shall petition for formation of a Zone of Benefit of the Yuba City Lighting and Landscaping Maintenance District (LLMD) for the purpose of maintaining; street trees planted in the landscape planters, street lights, fencing and/or barricades, block

walls, and any detention / water quality basin(s) or devices. All parcels that are created by the subdivision of land, including Parcel A, as said parcels are shown on SM 22-09, Johnson Ranch Estates, Revised May 9, 2023, shall be included in the LLMD. The Engineering Division shall be reimbursed actual costs associated with the formation of the district.

40. The Post Construction Statement of Responsibility shall be recorded at the Sutter County Recorder's Office.

## **PRIOR TO ISSUANCE OF A BUILDING PERMIT**

41. The Developer's Superintendent/Representative shall submit three (3) 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.

## **PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY**

42. 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.
43. All street lighting shall be constructed per the Improvement Plans and energized prior to the issuance of any certificate of occupancy or as approved by the Development Services Director.
44. Prior to issuance of any certificate of occupancy, all underground utilities, public improvements, and site improvements, including rough grading, shall be completed in accordance with City requirements.

## **MITIGATION MEASURES**

<b>Impact</b>	<b>Mitigation Measure</b>	<b>Responsible Party</b>	<b>Monitoring Party</b>	<b>Timing</b>
3.4 Biological Resources	<b>Biological Resources Mitigation Measure 1:</b> Preconstruction nesting bird surveys will be required during nesting season (February 1 through August 31) prior to demolition of the buildings/structures or onsite trees. The appropriate area to be surveyed and timing of the survey may vary depending on the activity	Developer	Public Works Dept., Development Services Dept	Prior to the construction phase

	<p>and species that could be affected. If no active nests are found during the focused surveys, no further action under this measure will be required. If an active nest is located during the preconstruction surveys, the biologist will notify CDFW. If necessary, modifications to the project design to avoid removal of occupied habitat while still achieving project objectives will be evaluated and implemented to the extent feasible. If avoidance is not feasible, construction will be prohibited within 100 feet of the nest to avoid disturbance until the nest is no longer active. These recommended buffer areas may be reduced or expanded through consultation with CDFW. Monitoring all occupied nests shall be conducted by a qualified biologist during construction activities to adjust the 100-foot buffer if agitated behavior of the nesting bird is observed.</p>			
3.7 Geology and Soils	<p><b>Paleontological Mitigation 1:</b> Mitigation Measure # 1 shall be placed as a note on the Demolition and Grading Plans. If paleontological resources are found, the construction manager shall halt all activity and immediately contact the Development Services Department at 530-822-5145.</p> <p>Mitigation shall be conducted as follows:</p>	Developer	Public Works Dept., Development Services Dept.	During construction phase

	<ol style="list-style-type: none"> <li>1. Identify and evaluate paleontological resources by intense field survey where impacts are considered high;</li> <li>2. Assess effects on identified sites;</li> <li>3. Consult with the institutional/academic paleontologists conducting research investigations within the geological formations that are slated to be impacted;</li> <li>4. Obtain comments from the researchers;</li> <li>5. Comply with researchers' recommendations to address any significant adverse effects were determined by the City to be feasible.</li> </ol> <p>In considering any suggested mitigation proposed by the consulting paleontologist, the City's Community Development Department Staff shall determine whether avoidance is necessary and feasible considering factors such as the nature of the find, project design, costs, Specific or General Plan policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of</p>			
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	the project site while mitigation for paleontological resources is carried out.			
3.8. Greenhouse Gases	<b>Greenhouse Gas Mitigation 1:</b> The site grading and construction of the retail center shall comply with the GHG Reduction Measures provided in the adopted Yuba City Resource Efficiency Plan.	Developer	Development Services Dept.	Prior to issuance of building permits.
3.17. Transportation and Traffic	<b>Transportation and Traffic Mitigation 1:</b> Prior to recordation of the final map, the proposed development shall pay its fair share contribution for future traffic signal improvements at the intersection of Queens Avenue and Peach Tree lane. The fair share has been determined to be 1.4% of \$300,000.  Prior to Improvement Plans, the project shall install signage and/or striping improvements along Peach Tree Lane to restrict left turn movements during the hours of 4pm and 6pm, or as determined by the Public Works Director.	Developer	Public Works Dept.	Prior to recordation of the map and prior to improvement plans
3.5. Cultural Resources; 3.18. Tribal Cultural Resources	<b>Tribal Cultural Resources Mitigation 1: Unanticipated Discoveries:</b> If any suspected TCRs are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a	Developer	Public Works Dept., Development Services Dept	During construction phase



	<p>California Native American Tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC 21074). The Tribal Representative will make recommendations for further evaluation and treatment as necessary.</p> <p>Preservation in place is the preferred alternative under CEQA and UAIC protocols, and every effort must be made to preserve the resources in place, including through project redesign. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project area where they will not be subject to future impacts. The Tribe does not consider curation of TCR's to be appropriate or respectful and request that materials not be permanently curated, unless approved by the Tribe.</p> <p>The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including but limited to, facilitating the appropriate tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a Tribal Cultural</p>			
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	<p>Resource may include Tribal monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil.</p> <p>Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of CEQA, including AB 52 has been satisfied.</p>			
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