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YUBA CITY PLANNING COMMISSION  
AGENDA

Regular Meeting  
July 12, 2006 - 7 p.m.  
City Hall Council Chambers  
1201 Civic Center Boulevard

Roll Call

Pledge of Allegiance

Approval of the minutes of the meeting held May 24, 2006

Appearance of Interested Citizens\*

Correspondence

Public Hearings:

1. Sutter Heritage Master Plan, Development Agreement and Subdivision Map #SM 05-05 to allow the creation of 162 lots for a single-family residential development on approximately 28.8 acres of a 33-acre parcel; PD<sub>4</sub> (Planned Development District) zone located in the northeast corner of Smith Road and Walton Avenue; A.P. No. 22-060-049; applicant, Braddock & Logan Group.
2. Cresleigh Homes, Subdivision Map #SM 06-06 to allow the creation of two lots; R1 (Single Family Residential) zone located in Tres Picos Estates, Lot 75, on Rich Drive; A.P. No. 59-600-075; applicant, Cresleigh Homes Corporation.

Commission Consideration: - None

Commission Discussion: - None

Other Business - None

Report on Actions of the City Council

Adjournment

Over

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Persons dissatisfied with any decision of the Planning Commission may appeal such action to the City Council. Appeals, accompanied by a fee of \$753 (\$363 if the project concerns a single-family residence), must be filed with the City Clerk, 1201 Civic Center Boulevard, Yuba City, CA 95993 within 10 days of such action. If no appeal is filed within this time limit, the Commission action becomes final. The exception to this is rezonings--please check with the Planning Department, 1201 Civic Center Boulevard, Yuba City for the procedure. Mailed notices of the Council hearings will be accomplished in the same manner as the Planning Commission hearings unless additional notice is deemed necessary.

If you require auxiliary aids or services (e.g., signing services) to make a presentation to the Planning Commission, the City will be glad to assist you. Please contact the City offices (530/822-4601) at least 72 hours in advance so such aids or services can be arranged. City Hall TDD: 530/822-4732.

\*Members of the public may address the Planning Commission on items of interest that are within the City's jurisdiction whether or not such items of interest are on the agenda for this meeting. Members of the Commission will respond as best as they can to public comments but cannot take action or enter into a discussion on items not contained on the agenda. Public comment on public hearing agenda items will be permitted during the hearing.

DATE: July 10, 2006  
TO: Yuba City Planning Commission  
FROM: Brian Trudgeon, Principle Planner  
SUBJECT: Agenda Report – Meeting of July 12, 2006

**1. PUBLIC HEARING:**

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- A) **TENTATIVE SUBDIVISION MAP 05-05 TO DIVIDE 28.8 ACRES OF A 32.72-ACRE SITE INTO 162 LOTS. SUBDIVIDERS: BRADDOCK & LOGAN SERVICES. PROPERTY OWNER: SILLER BROTHERS CORPORATION**
  - B) **MASTER PLAN (SUTTER HERITAGE)**
  - C) **DEVELOPMENT AGREEMENT BETWEEN CITY OF YUBA CITY AND BRADDOCK & LOGAN SERVICES**
  - D) **CEQA DOCUMENTATION (PROPOSED MITIGATED NEGATIVE DECLARATION – EA 05-26)**
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**Project Description:**

The proposed **SM 05-05** is a Tentative Map that proposes creation of 162 lots for single-family residential development, a 0.8-acre park parcel and an open space parcel on approximately 28.8 acres of a 33-acre parcel, located at the northeast corner of Smith Road and Walton Avenue. Approximately 4.2 acres of lands designated High Density Residential adjoin the single-family subdivision site; the applicant is not proposing development of these lands at this time, but identifies development of multi-family residential units may occur at a later date. A separate development application and environmental review would be required when a high-density residential use is proposed.

The proposed **Sutter Heritage Master Plan** addresses site development, residential architecture, infrastructure plans for the area, and financial issues related to on- and off-site improvements. The Sutter Heritage Master Plan, particularly for infrastructure, responds to a City-identified need to prepare an all-inclusive master plan document for the project site and for lands extending south to Bogue Road. As such, the Sutter Heritage Master Plan identifies necessary infra-structure improvements to support the proposed project (which occupies a portion of the City-identified master plan area) as well as phased infrastructure improvements that will be necessary for future development in the remainder of the master plan area.

The proposed **Development Agreement** addresses a wide range of development issues, including impact fee payments and affordable housing development, as well as certain responsibilities of the developer and the City.

**Property Description:**

The subject property is identified as Assessor’s Parcel No. 20-060-049 and is 32.72 acres in size. Development of SM 05-05 focuses on 28.8 acres of land, with 4.2 acres of land planned for high-density residential use not included in this proposal. The project site is generally flat and is currently used for agriculture. There are no structures on the project site. An existing well on the site will be abandoned; the application proposes water service connections to the City. The eastern boundary of the project site consists of a 60-foot wide easement as part of the Gilsizer Slough that is proposed as open space for dedication to the Gilsizer County Drainage District. In addition to interior streets, the project proposes construction of Pebble Beach Drive running east-west through the project site; the roadway may ultimately be extended across the Gilsizer Slough to lands to the east, planned for commercial and office development.

**General Plan Designation:**

Low Density Residential (LDR) – approximately 1.5 acres at northeast end of project site  
Medium/Low Density Residential (MDR) – approximately 25.8 acres of project site  
Parks, Recreation & Open Space (PR&OS) – approximately 1 acre at south-center of project site  
Greenway/Bikeway/Pedestrian Link (GBPL) – along Gilsizer Slough at east edge of project site

**Zoning Classification:**

Planned Development (PD-11) District

**Surrounding Land Use:**

North of the property is single-family residential development on small lots in the Sutter Cottages project and single-family homes along Hazel Avenue. Along the eastern border is the Gilsizer Slough drainage facility and, further to the east, agricultural operations. A small out-parcel (APN 20-060-028, Hayes) fronts along Smith Road; the residential parcel is surrounded by the project site on three sides. To the south of Smith Road are ranchette-sized single-family residences and agricultural operations. To the west is Walton Avenue and single-family residential development.

**Previous Commission Action and/or Policies:**

The Planning Commission recommended approval of pre-annexation zoning to the PD-11 District for the property on May 11, 2005, with related General Plan Amendment actions (GPA 05-01) relating to shifting of various Land Use Designation boundaries in the full Master Plan area. The Planning Commission also participated in a joint workshop with the City Council to discuss processing of this and other Master Plan projects on April 11, 2006. The workshop included discussion of the City’s 12 adopted Growth Policies, processing/status of each Master Plan development proposal, and status of the City’s draft *Residential Development Handbook*.

## **Environmental:**

A Mitigated Negative Declaration has been prepared and is attached for Commission review. Potential impacts (aesthetics, air quality, archaeological/cultural resources, hydrology/water quality, public services – fire and police, and traffic/circulation) were identified and have been reduced to less than significant with the inclusion of mitigating measures.

## **Discussion:**

Staff comments on the proposal focus on the Master Plan, Tentative Map (which includes discussion on infrastructure, design of the proposed residential units, General Plan consistency, compliance with City Growth Policies), and the Development Agreement.

### *Master Plan*

On March 15, 2005, the City Council approved a resolution adopting 12 growth policies for the City's Sphere of Influence, including the development of specific plans and master plans prior to annexing into the City. The Council directed that development applications that had already been filed could move forward and that all other pre-annexation zoning application requests within the "Master Plan" areas be delayed until the already-submitted projects are completed. This proposal by Braddock & Logan is one of the applications already in progress. In order to proceed with the pre-annexation zoning application and to be able to apply the 12 growth policies, the Planned Development (PD-11) District was applied as the base zone. The Sutter Heritage Master Plan is part of a larger master plan area which includes residential, commercial, and office lands to the west on SR 99. Prior to the City Council action in early 2005, the applicant had already submitted their general plan amendment and pre-annexation zoning request for the subject property. As such, it was decided that the applicant could move forward with the master plan process for these 33 acres as long as the entire area west of Gilsizer Slough was also examined for future infrastructure needs. The remaining lands would be required to file amendments to the Master Plan at the time development is proposed. The submitted Master Plan shows detailed site infrastructure improvements, along with conceptual infrastructure plans for the remainder of lands in the Master Plan boundary.

The City clarified its intent for Master Plans in preparing a "Master Plan Concept" that identifies various submittal requirements for developers. The submitted Sutter Heritage Master Plan conforms to these requirements, and contains the following key information:

- Project background and introduction.
- Land use data for the project.
- Architectural, landscaping and design criteria, including architectural renderings of proposed housing models.
- Public facilities, including proposed infrastructure improvements for water, sewer, storm drainage, and roadway improvements.
- Project financing details.
- Appendices, containing backup details on the project proposal, PD-11 development standards, agency correspondence, etc.

Additional details regarding the majority of these items are provided in the Tentative Map discussion. The Commission is requested to consider the Master Plan and provide recommendations to the City Council for action.

*Proposed Tentative Map*

The project utilizes development standards adopted by the City as part of the pre-annexation rezoning action that created the PD-11 District. The submitted Tentative Map (Figure 2 in the Master Plan; a full-size map is also included in the back flap of the Plan) proposes to develop 162 lots for single-family residential development that would be constructed in two phases, along with a 0.8-acre neighborhood park parcel. Additionally, the project proposes a 0.8-acre parcel as open space along the west edge of the Gilsizer Slough.

The residential lots have a proposed minimum lot size of 3,650 square feet, and typically are 45-feet wide and 85-feet deep (interior lots). Key standards of the City’s PD-11 zoning designation for the site are summarized below, and shown in full in Table 1 and Appendix D of the Master Plan.

<b>Minimum Lot Size</b>	4,000 sf – corner lots; 3,650 sf – interior lots
<b>Minimum Lot Width</b>	44 feet (with knuckle lots at 30 feet where width at residence is 44 feet)
<b>Maximum Percentage of Lot Coverage</b>	50% for 2-stories; 55% for 1 story
<b>Maximum Building Height</b>	2 stories, not to exceed 35 feet
<b>Yards (Minimum Setbacks)</b>	<i>Front</i> – 10 feet to back of sidewalk <i>Street Side</i> – 10 feet to back of sidewalk <i>Interior Side</i> – 4 feet (3 feet for fireplaces) <i>Rear</i> – 20 feet or 15% of lot depth, whichever is less

The project site plan (Tentative Map) complies with the above-noted standards. All other development standards of the project (parking, fencing, etc.) are per City standards. Proposed Lots 33 and 61 would be initially used for model home construction and parking.

*Proposed Infrastructure*

- Roadways – The project proposes to construct interior streets, including Pebble Beach Drive (a major collector) that ultimately would be extended to planned commercial and office development to the east along SR 99. Improvements will also be required to Smith Road and Walton Avenue. Pursuant to the project’s mitigation measures and Caltrans’ requirements, roadway improvements will be constructed by the project applicant at the intersection of SR 99/Smith Road and SR 99/Lincoln Road. Specific road plans include:
  - Pebble Beach Drive is proposed as a major collector, with a 115-foot wide right-of-way that includes two travel lanes in each direction and a landscaped public utility easement at the road edge by the sound walls.

- Walton Avenue would be constructed consistent with General Plan Circulation Element’s designation as a major collector, with a 112.5-foot right-of-way and two travel lanes in each direction.
- Smith Road would be constructed as a collector street, with a 25-foot roadway width provided from existing street centerline.
- Typical interior street sections are 57 feet (consisting of 37 feet curb-to-curb, a 6-foot parkway, 4-foot sidewalks on each side), plus 10-foot public utility easements on each side.
- Bicycle lanes will be provided along Walton Avenue and Pebble Beach Drive.
- Water – The project will be required to construct significant water line improvements, including construction of a 12-16 inch water distribution trunk line down Smith Road, across SR 99 to the east, north along Phillips Road, and then west along Teesdale Road to its intersection with Railroad Avenue. The City will provide water service to the project.
- Sewer – The project will utilize existing City sewer capacities and facilities where available, including lines in Walton Avenue (extending north of the project site), and will also include construction of eight-inch lines down Smith Road and Pebble Beach Drive. Minor upgrades may be necessary to utilize the existing sewer lift station near Smith Road/Walton Avenue. Future development in the southern portion of the Master Plan area and land to the west would require additional upgrades to the City’s sewer infrastructure, which includes plans for installation of a 60-inch main along Bogue Road that would extend east to the City’s treatment plant. The developer would make fair-share payments (though impact fees) for these future improvements.
- Storm Drainage – The applicant’s Master Plan application includes construction of 24-48 inch storm drain lines along Smith Road and Van Middlesworth Way, tying into the Gilsizer Slough. The Gilsizer County Drainage District has provided a letter, indicating requirements for final drainage plan review and payment of appropriate fees to the District. Six-foot tall steel tubular fencing is proposed along the west edge of the Slough to ensure public safety (see Figure 5 of the Master Plan).
- Neighborhood Park – Preliminary details for the proposed 0.8-acre neighborhood park are shown on Figure 12 of the Master Plan and include 15-gallon trees, lawn areas, seating/picnic areas, walkways, and two small tot lots/play structures.

*Residential Design*

The **General Plan** addresses residential design through adoption of Guiding Principles (Section 4.1, Community Design):

- *Maintain the identity of Yuba City as a small town...residential community...and convey, through land uses and design amenities, Yuba City's character and place in the Sacramento Valley.*
- *Recognizing the livability and beauty of peer communities with highly designed visual landscapes, commit to a focus on the visual landscape of Yuba City.*
- *Maintain, develop and enhance connections between existing and planned neighborhoods.*
- *Create and build upon a structured open space and parks network...*
- *Strive for lush, landscaped public areas marked by extensive tree plantings.*

In addition to the above, the City adopted a set of **Design Guidelines** in 1994 that address single-family housing. The Guidelines include the following provisions:

- Connections to neighborhood commercial and public use areas, including use of pedestrian connections.
- Use of sound walls with a design that is in character with the surrounding neighborhood.
- Provision of a variety in housing styles and lot sizes, affordability.
- Designs that protect privacy of residents.
- Use of architectural detailing and use of quality construction materials.
- Use of functional and decorative building articulations, including porches, bays and overhangs.
- Use of diversity in design; projects of 21+ units should have a minimum of four unique elevations.
- To reduce the prominence of garages, they should be set back from the front of the house a minimum of five feet.
- Garage frontages should not occupy more than 50 percent of the linear distance of the total frontage of the house.
- Landscaping and one 15-gallon tree should be provided for each 30 feet of frontage on each lot.
- Variation in character of fencing is strongly encouraged.
- Mechanical equipment should be screened, incorporated into the building design or placed on the ground (within the fenced area).

Most recently (April 2006), the City issued the **Draft Residential Design Handbook**, intended to implement General Plan design policies and to further clarify City design guidelines with respect to residential development. The *Handbook* was briefly discussed by the Planning Commission and City Council at a joint workshop on April 11, 2006. The Council further clarified its intent with respect to the applicability of the *Handbook* to Master Plan projects that were in process (including this Sutter Heritage Master Plan proposal). The Council indicated that since the projects were already submitted for processing, as the respective developers have already incurred significant time and expense in preparing development applications, and as the *Handbook* was only in initial draft stage, developers would not need be held to compliance with *Handbook* provisions per se; instead, Council directed staff and the developers to work together to identify issue areas of the *Handbook* that could be met.

The *Handbook* addresses a wide range of design issues, including:

- Street connectivity
- Street design
- Pedestrian connections
- Street trees and street lighting
- Neighborhood identity features
- Variety in lot sizes and building entries
- Building setbacks
- Building style and craftsmanship
- Parking

The applicant provided a lengthy overview of how their proposed project met or did not meet *Handbook* provisions (attached to the staff report), finding that adherence to many of the provisions may necessitate minor to significant modifications to project plans. Staff concurs with this finding. In particular, the project plans would conflict with *Handbook* direction in the areas of street widths, mix of housing types and lot sizes, use of varied street setbacks, and garage placement.

Proposed **project design features** of the Sutter Heritage Master Plan include the following:

- The plan emphasizes use of English Cottage, French Country and Traditional design styles.
- Use of five different building elevations, with variations in finish themes, allowing for 15 different design approaches. Plans include use of horizontal wood siding and stucco exteriors, and composition shingle roofing. A combination of hip and gable roof designs are proposed. (See Figure 4 and Appendix F of Master Plan.)
- Combination of one- and two-story designs are proposed.
- Proposed use of single-story (loft) designs along the north edge of the project site (Lots 1-11, or about 7 percent of the project total) using the single-story design. These homes would back to existing single-story homes to the north.
- Some plans include use of front porches.
- Buildings facing a street or siding to a street include enhanced elevation details such as window trim, garage trim, and stone trim or accents.
- Garage doors are set back from the front of the residences, and garages do not exceed 50 percent of the total width of the residences.
- Heights of the one-story (loft) residences is approximately 27 feet (utilizing sloping roofs that face the backyards), while heights of the two-story residences vary from 25 to 27 feet, 6 inches.
- Sizes of the residences: the single-story (loft) design measures approximately 2,140 square feet (plus a 435 square foot garage); two-story designs measure 2,247 to 2,824 square feet (plus garages of approximately 430 square feet).
- Solid wood board fencing is proposed along side and rear yards of the lots, 6' in height (with an additional 1'4" lattice atop fences on corner side yard lots). Note: this proposal creates an inconsistency with Municipal Code Section 8-5.5904, which only permits 6-foot fences in conjunction with single-family residences. Provisions of the PD-11 zoning indicate that fencing would comply with City standards for fencing.

- Sound walls are proposed along street frontages of Walton Avenue and Pebble Beach Drive. The walls would be approximately six-feet tall, using pre-cast concrete sections with a decorative cap, a stucco finish – tan in color, and use of stone veneer pilasters. Similar entryway pilasters are also proposed through the project. (See Figure 5 of Master Plan.)
- Landscaping plans propose use of decorative street trees, accent shrubs, vines along sound walls, and groundcover along Walton Avenue and Pebble Beach Drive frontages, with street trees proposed on each residential lot. All street trees are proposed to be 15-gallon size, consisting of a mix of London plane, evergreen ash, flowering plum, Chinese pistache, and holly oak (with like-species planted on each particular street segment). (See Figures 6 and 7 of the Master Plan.)

Consistent with Council direction, staff focused on the overall intent or themes of the *Handbook* and project compliance with applicable General Plan design policies and the 1994 Design Guidelines. Staff incorporated suggested design modifications as part of the draft DA, and shown below:

- Connectivity of the planned residential neighborhood to existing and planned City streets in the area and to other existing and planned residential and commercial uses in the area, pursuant to the General Plan Land Use Diagram. Developer shall provide connecting pathway to adjoining High Density Residential site, between Lots 9 and 10 and through cul-de-sac bulb on Thompson Drive to Walton Avenue. (This provision is included in the full-size Tentative Map exhibit, but not shown on Figure 2 of the Master Plan.)
- Inclusion of Class II bicycle lanes along Walton Avenue and Pebble Beach Drive.
- Provision of architectural detailing on all building elevations.
- Attempt to provide variation in building setbacks along any one street segment.
- Garages set back at least two feet from front of residence.
- Use of single-story (loft) residences on Unit 2 Lots 13 and 25 (north of neighborhood park site), 11 and 12 (adjoining single-family residence out-parcel to the east), and 26 and 44 (on Smith Road entry roadways to the project).
- Variation in building design, colors and construction materials throughout the project.

### *General Plan Consistency*

The proposed project is generally consistent with the City’s General Plan. Key policies are listed below, followed by a staff consistency statement:

- *Low Density and Low-Medium Density Residential land use designations: provides for single-family residential (in LDR) and single- and multi-family residential (in L/MDR) land uses. LDR provides for densities of 2-8 units per gross acres, while L/MDR provides for 6-14 units per gross acre. The latter “provides for a mix of single-family housing on lots ranging in size from 2,500 square feet to 6,000 square feet...”*

The project would be developed with single-family detached residences at a density of 5.6 units/gross acre, consistent with the General Plan residential land use designations applicable to the site. Minimum lot sizes within the project would be just over 3,500 square feet, consistent with L/MDR objectives.

- *Parks, Recreation and Open Space land use designation: provides for improved and unimproved park facilities, including neighborhood parks.*

A small (0.8-acre) neighborhood park would be developed as part of the project, located along the Smith Road frontage.

- *3.4-G.1: Maintain a well-defined compact urban form...*

The project's 5.6 dwelling unit/gross acre density provides for compact urban form, with minimum lot sizes of just over 3,500 square feet. A combination of one- and two-story residential models would be developed, providing an urban development that is also respectful of existing single-story residential uses to the north.

- *3.4-G.3: Promote development patterns that maximize residents' accessibility to parks, open space and shopping areas.*

The site plan utilizes a series of interconnected interior streets that allows for convenient resident access through the project site, including access to the interior neighborhood park. Additionally, use of cul-de-sacs is minimized. A pedestrian pathway connection has been provided between the proposed single-family residential development and planned future development of multi-family residential units to the east. As the commercial and office lands to the east are developed, Pebble Beach Drive would be extended over the Gilsizer Slough, providing convenient pedestrian, biking, and vehicle access to neighborhood shopping.

- *3.4-I.3: Require preparation of City initiated Specific Plans or developer master plans for strategic new growth areas with complex land use programs.*

Consistent with this policy and Council direction, the applicant has submitted this Sutter Heritage Master Plan application.

- *3.4-I.7: Promote infill development that maintains the scale and character of established neighborhoods.*

The project site may be considered as an infill project, being surrounded to the north, west and south by developed City lands, and with planned commercial and office development planned to the east. The scale and character of development is consistent with that of surrounding lands, and includes use of a buffer of single-story (loft) residences along the north boundary to reduce conflict with the existing single-story residences to the north.

- *3.4-I.8: Provide for concentrations of activity and mixed-use and pedestrian-oriented development in selected areas.*

The project includes residential and park uses, and adjoins lands planned for high-density residential, commercial, and office development. The development includes multiple pedestrian-scale improvements, including limiting use of cul-de-sacs and provision of connecting pedestrian pathways.

- *3.5-G.3: Allow and encourage low-medium density small-lot single-family housing development in new and existing neighborhoods that enable compact development and efficient infill.*

The project utilizes minimum lot sizes of just over 3,500 square feet for single-family residential development that will ensure a compact urban form and efficient use of public services and infrastructure.

- *3.5-I.4: Require residential development that employs creative site design and architectural quality that blends with the characteristics of each location and its surroundings – see Residential Design, above.*
- *Community Design – see Residential Design, above.*
- *4.7-I.7: Ensure that the Subdivision Regulations encourage a fine-grained and integrated pattern of streets that provide continuity between neighborhoods, have a human scale, and enhance the character of neighborhoods.*
  - *Promote closer spacing between intersections of local streets and limit the maximum block length to...500 feet in medium- and high-density residential areas.*
  - *Limit use of cul-de-sacs to no more than ten percent of the length of all streets in a subdivision map.*
  - *Where cul-de-sacs are used, require pedestrian and bicycle connections through the end to adjacent streets, if a connection is needed to a school, park, retail or connector street.*

Karperos Way and Summy Way have the longest street segments in the project, approaching 500 feet in length; all street lengths are in compliance with this General Plan policy.

The project utilizes two proposed cul-de-sacs: at the west edge of Thompson Drive (servicing 12 lots) and at the west edge of Siller Drive (servicing 6 lots). Collectively, these represent less than ten percent of all project roadways. The cul-de-sac of Thompson Drive includes a pedestrian connection to Walton Avenue.

- *5.2-I-22: Provide for greater street connectivity by...incorporating...at least two access points for every 10 acres of development.*

The proposed project, at 28.8 acres, would require six points of access under the above policy. Five vehicular access points are proposed, with a sixth (stubbed access at the east end of Pebble Beach Drive) to be constructed once lands to the east are developed.

- *6.I-I.16: Place neighborhood and community parks at the core of new neighborhoods.*

A 0.8-acre neighborhood park is proposed for construction as part of the project, along the north side of Smith Road.

- *9.1-1-5: Discourage the use of sound walls. As a last resort, construct sound walls along highways and arterials when compatible with aesthetic concerns and neighborhood character. This would be a developer responsibility.*

The General Plan discourages the use of sound walls to reduce noise impacts. However, the project included plans for use of sound walls when the rezoning and pre-annexation projects were before the City in 2005. Use of sound walls would be consistent with other residential development projects along Walton Avenue. Project design plans would have the walls located at the edges of the street rights-of-way, with landscaping placed between the walls and streets to help reduce any potential visual impacts. Use of the walls reduces any potentially significant noise impacts.

### *City Growth Policies*

On March 15, 2005, the City Council adopted a set of 12 growth policies in order to ensure future growth in the City is developed in a manner consistent with the adopted General Plan and implementation measures. The growth policies are applicable to those areas that require preparation of Specific Plans and developer master plans. The Sutter Heritage project site is included in one of the six master plan areas identified by Council for priority status regarding pre-annexation and preparation of Development Agreements.

The growth policies, and staff discussion of project consistency with the policies, follow:

1. *Prior to the City finalizing a development agreement, the developer will have a letter from the affected school district stating that the developer has satisfied their requirements for school infrastructure...at a minimum, all residential developments enter into a Mello Roos District...*

The applicant has obtained a letter from the Yuba City Unified School District indicating that the project would be required to annex to CFD No. 1 in order to mitigate project impacts upon schools.

2. *All residential subdivisions will include an affordable housing component that meets the minimum production standard of affordable housing outlined in the regional compact with SACOG adopted by the City of Yuba City in November 2004. There are a variety of options of how best to meet the affordable housing requirement. These options would be subject to negotiations between the City and developer.*

The project DA includes provisions for developer compliance with City affordable housing policies, through either construction of affordable units on site (per the SACOG compact with the City) or payment of an in-lieu affordable housing fee of \$3,500 per residential unit. The developer has indicated that they will pay the in-lieu fee.

3. *Drainage plans shall be provided for all subdivisions...and shall comply with the City and County's master drainage plans.*

The applicant's Master Plan application includes detailed drainage plans, which includes construction of storm drain lines along Smith Road and Van Middlesworth Way, tying into the Gilsizer Slough. The Gilsizer County Drainage District has provided a letter, indicating requirements for final drainage plan review and payment of appropriate fees to the District.

- 4. All developments proposing pre-annexation into the City will enter into a development agreement with the City. At a minimum, the Development Agreement will address the financing of roads, parks, public facilities, sewer, water, drainage and surrounding infrastructure as established in the General Plan.*

The draft DA is included within the Commission's packet for review, with final action to be taken by the City Council. The draft DA addresses all infrastructure and service issues.

- 5. All residential subdivisions shall meet the minimum standards for residential design as established by the City Council.*

With some minor changes to design plans (addressed above in Residential Design discussion), the project complies with overall City design objectives.

- 6. Sewer and water fees, including connection fees and installation of major trunk lines...shall be incorporated into the cost of development and shall be part of the Development Agreement.*

The draft DA includes provision for applicant payment of impact fees to the City, including for water and sewer services. The submitted Sutter Heritage Master Plan also includes an engineer's estimate of the costs for installing sewer and water improvements. Certain water and sewer improvements will be constructed by the applicant, while other improvements may be addressed by fair-share payment of impact fees to the City.

- 7. Development will be required to pay their fair share of major roadwork as part of their development.*

The draft DA includes provision for applicant payment of impact fees to the City, including for roadway improvements. The submitted Sutter Heritage Master Plan also includes an engineer's estimate of the costs for installing roadway improvements. Certain roadway improvements will be constructed by the applicant, while other improvements may be addressed by fair-share payment of impact fees to the City.

- 8. Payment of impact fees, which incorporate the public improvements necessary to implement the General Plan, will be required and will be part of the Development Agreement. These fees will be estimates and final payment will be based on a formally adopted impact fee study approved by the City Council. In addition to the park impact fee, the Quimby Act will also apply.*

The draft DA addresses payment of development impact fees (see discussion above under "Development Agreement"). The DA also acknowledges application of appropriate Quimby Act provisions.

9. *Payment of a fee to address levee improvements and potential flood issues will be required as part of the Development Agreement.*

The draft DA includes provisions for payment of development impact fees, which shall include levee improvements.

10. *All developments will enter into a Community Facilities District to assist in funding police, fire and park maintenance.*

The draft DA identifies that the applicant will participate in a CFD, once formed by the City, to assist in police, fire, and park maintenance activities.

11. *All developments will address the community design policies in the General Plan, including walkable, livable concepts and address the village concept as provided for in the General Plan.*

The project, as conditioned and as per changes incorporated in the draft DA, complies with City objectives relative to community design. See discussion below under Residential Design.

12. *It will continue to remain the policy of the City that services will not be extended to unincorporated areas of the Sphere of Influence without first annexing to the City...*

The project site is located within the City of Yuba City. No extension of services will be required beyond the City limits for this project.

### *Development Agreement*

A Development Agreement (DA) is proposed as part of the project approval entitlements. A DA may be entered into between the City and the developer consistent with provisions of Section 65864 *et seq.*, of the Government Code. The DA serves as a tool that addresses a wide range of issues and responsibilities of the developer and City as the project is built, above and beyond the project conditions of approval.

Key provisions of the DA include:

- Provides a 10-year term for the life of the DA.
- Acknowledges vested rights (entitlements) of the developer associated with the project.
- Recognizes developer obligation to pay development impact fees. As directed by City Council (per a discussion item on June 6, 2006), the fee would be \$60,000 per residential unit, paid at time of building permit issuance. These fees would remain in place until June 20, 2008 or 18 months from the recordation of the first final map, whichever occurs earlier. At that point, the development impact fees would those as adopted by the City under its impact fee program (fee updates are now underway). Any “overpayment” of development impact fees by the developer to the City prior to imposition of the updated fees would be refunded within 30 days of

adoption of the new fees. (However, the developer would not be required to pay for any “underpayment” of fees, should the City’s adopted fees prove to be more than the \$60,000 per residential unit). The development impact fees will be used for multiple City programs and improvements, including:

- Parks and Recreation
  - Community Civic Center
  - Fire Protection
  - Library Services
  - Police Protection
  - Roadways
  - Capital Projects
  - Connection Fees (Water and Sewer)
  - Levee Improvements
  - City Corporation Yard
  - Administration Component
- 
- Developer obligations to install necessary public improvements for water, sewer, storm drainage, parks, and roadways. Per the DA, the on-site park will be required to be constructed by the issuance of the 40<sup>th</sup> building permit.
  - The developer will meet City affordable housing objectives by either constructing 10 percent of the project units as affordable (4% very low income, 4% low income and 2% moderate income) or by payment of an in-lieu fee to the City of \$3,500 per residential unit. The developer has indicated they will pay the in-lieu fee.
  - The developer will participate in a community facilities district (CFD) or similar funding mechanism once formed by City. The developer would be required to join the CFD prior to recordation of any project final maps. The City will make every reasonable effort to form the CFD or similar funding mechanism in a timely manner. The CFD would be used to provide funding for ongoing operational costs for fire and police facilities, ongoing maintenance of parks, and other governmental services.
  - Requires the developer to make good-faith efforts to meet the intent of the draft *Residential Design Handbook*. Various provisions of site plan and design changes are incorporated in the DA.
  - Establishes provisions for reimbursements to the developer for oversizing of infrastructure.
  - Includes provisions for considering default, transference, enforcement, and similar actions related to the DA.

The Commission is requested to consider the DA and provide recommendations to the City Council for action.

## **Recommended Actions:**

### *Environmental Assessment EA 05-26*

- A) Adopt the Mitigated Negative Declaration (EA 05-26), including provisions for mitigation monitoring and enforcement, that addresses Tentative Map SM 05-05, the Sutter Heritage Master Plan, and the project Development Agreement.

### *Tentative Map SM 05-05*

- A) Adopt the following recommended findings for approval of the proposed Tentative Map (05-05):
  - 1. Following review and consideration of the attached Mitigated Negative Declaration along with the recommended mitigation measures and any comments received, find that with the mitigation measures, there is no substantial evidence that the project will have a significant impact on the environment;
  - 2. The approval of the Tentative Map for single-family residential development and neighborhood park use is consistent with the goals, policies and objectives of the Yuba City General Plan (as discussed in the staff report);
  - 3. The approval of the Tentative Map for single-family residential development and neighborhood park use is consistent with the Low Density Residential; Medium/Low Density Residential; Parks, Recreation and Open Space; and Greenway, Bikeway and Pedestrian Link designations of the Yuba City General Plan (as discussed in the staff report); and
  - 4. The approval of the tentative map is consistent with and meets the minimum standards established under the PD-11 District (as discussed in the staff report).
- B) Approve Tentative Subdivision Map SM 05-05, subject to the following conditions of approval and mitigation measures (noted with an “MM”) and attached to this staff report as “Exhibit A.”

### *Sutter Heritage Master Plan*

- A) Recommend to the City Council adoption of the Sutter Heritage Master Plan for the Braddock & Logan development of 28.8 acres, finding that the Master Plan is consistent with applicable General Plan Goals and Policies calling for preparation of developer master plans, the City’s Master Plan processing criteria, and the City’s 12 Growth Policies (as outlined in the staff report).

- B) The Master Plan includes all required elements of the City's Planned Development District, and is consistent with findings of Municipal Code Section 8-5.2706:
1. The proposal is consistent with the General Plan, as outlined in the staff report.
  2. The proposal is consistent with the planned surrounding land uses of the area, which include single-family residential, high-density residential and commercial uses.
  3. There are or will be adequate public facilities available to properly serve the development, as outlined under the Infrastructure discussion in the staff report.
  4. The quality of the development is as good or better than would be accomplished through traditional zoning and design standards. See above discussion on Residential Design.

*Development Agreement*

- A) Recommend to the City Council adoption of the Development Agreement for the Braddock & Logan development of 28.8 acres, finding that:
1. The Agreement is consistent with applicable General Plan Goals and Policies and the City's 12 Growth Policies (as outlined in the staff report), adopted by Resolution 05-049.
  2. The proposal is consistent with provisions of Article 2.5 of the California Government Code (Section 65864 *et seq.*), allowing the City to enter into a Development Agreement.
  3. The Agreement is consistent with the objectives, policies, general land uses, and programs in the City's General Plan.
  4. The Agreement is compatible with the uses authorized within, and the regulations prescribed for, the land use districts in which the project is located.
  5. The Agreement is in conformity with the public convenience, general welfare and good land use practices.
  6. The Agreement will not be detrimental to the health, safety, and general welfare of persons residing in the general neighborhood of the project or the City as a whole.
  7. The Agreement will not adversely affect the orderly development of property or the preservation of property values.

**Exhibit A**  
**Conditions of Approval**  
**Tentative Subdivision Map SM 05-05**  
**Sutter Heritage Master Plan**  
(Mitigation measures are noted with an “MM” following the condition)

**Engineering:**

*General Requirements*

1. The Developer shall prepare and submit improvement plans for the construction of all public improvements including water, sanitary sewer, storm drain facilities, roadway improvements, curbs, gutters, sidewalks, parkway strips, signing, striping, and streetlights.
2. All design and construction shall conform to the latest edition of the City of Yuba Standard Specifications and Details, State of California Standard Specifications for Construction of Local Streets and Roads (July 2002), AASHTO Policy on Geometric Design of Streets and Highways for local roads, and FHWA Manual on Uniform Traffic Control Devices for Streets and Highways (2003 edition).
3. Obtain all necessary approvals from City, State, and Federal agencies, utilities and other affected 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 Development Services Department, that all such obligations have been met.
4. Improvement plans shall be approved by the Yuba City Fire Department.
5. In the event that the City is forced to condemn or acquire off-site property interest in connection with required off-site improvements, the developer shall fund the cost of condemnation or acquisition, including, but not to be limited to, the amounts necessary to purchase the easement or fee simple interest, document preparation, and severance or other damages payable to the owners of the land upon which the improvements are to be located, the actual cost and acquisition, and all fees, including attorney’s fee and/or other expenses necessary to prosecute the condemnation action, including expert witness and appraisal fees. In the event that the City elects to proceed with acquisition or condemnation pursuant to Government Code Section 66462.5, the developer shall, within 60 days of written notice by the City, deposit with the City, as an advance, the full estimated cost of such acquisition or condemnation. The developer shall prepare any easements or deeds necessary for off-site improvements.
6. Required Improvement Plan Notes:

- a. “Any excess materials shall be considered the property of the contractor and/or 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’s 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. “Prior to the issuance of building permits, all applicable development impact fees shall be paid to the satisfaction of the Development Services Department and in accordance with City and local district ordinances.”
- f. “Soil shall not be treated with lime or other cementitious material without prior express permission by the Development Services Department.”

*Permits Required*

7. 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 Prevention Plan shall be provided to the City.
8. An encroachment permit from the State of California Department of Transportation will be required for all work to be done within any State Highway right-of-way. Encroachment Permit staff can be reached at (530) 741-4403. A copy of this permit must be supplied to the City prior to approval of the improvement plans.
9. The contractor shall obtain an Encroachment Permit from the City and/or County prior to performing any work within public rights-of-way.
10. A tunnel permit from the State Division of Occupational Safety and Health, Mining and Tunneling Unit may be required, depending upon the diameter of the pipe to be bored across SR 99. A copy of this permit must be supplied to the City prior to approval of the improvement plans.

## Roadway Improvements

11. Walton Avenue shall be widened to a half-width of 36.5 feet from centerline to back of curb, 6' landscape parkway strip, 6' detached sidewalk, and 12' PUE, 6' high masonry wall, street trees, and street lights except as otherwise shown on the Tentative Map and approved by the Development Services Department.
12. Smith Road shall be constructed to a half width on the north side of 24.5' from centerline to back of curb, 6' landscape parkway strip, 5' detached sidewalk, and 10' PUE, street trees, and street lights except as otherwise shown on the Tentative Map and approved by the Development Services Department. Smith Road shall be constructed on the south side to provide for a 12' asphalt travel lane and a 2' aggregate base shoulder.
13. Pebble Beach Drive shall be constructed to a width of 65.0 feet (back of curb to back of curb) *with parking permitted on both sides*. Right-of-way shall be dedicated to a width of 115.0 feet including an 11.0 foot PUE behind the detached sidewalk. Construction shall include on *each side* of the center line a 30.0 road, 2.5 foot curb and gutters, 8.0 foot landscape parkway strips, 6.0 foot detached sidewalks, 11.0 PUE, 6.0' foot high masonry walls, street trees, and street lights except as otherwise shown on the tentative map and approved by the Development Services Department.
14. All interior streets shall be constructed to a width of 37.0 feet (back of curb to back of curb) *with parking permitted on both sides*. Right-of-way shall be dedicated to a width of 38.0 feet together with a 19.5 foot easement behind the right-of-way. Construction shall include on *each side* of the center line a 16.0 foot road, 2.5 foot curb and gutters, 6.0 foot landscape parkway strips, 4.0 foot detached sidewalks, 10.0 PUE, street trees, and street lights except as otherwise shown on the tentative map and approved by the Development Services Department.
15. The structural section of all road improvements shall be designed using a geotechnical investigation which provides the basement soils R-value and expansion pressure test results. The structural section shall be designed to the following standards:
  - a. Use 3" minimum for residential, and 4" minimum for collectors and arterials, of Type A asphalt 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 6.5 for residential streets;
  - c. Use a traffic index of 9 for collector streets;
  - d. Use a traffic index of 10 for arterial streets.

A copy of the geotechnical report, including R-value, test locations and structural section calculations, shall also be submitted with the first improvement plan check.

16. Striping, pavement markings, and traffic signage shall be provided on all streets as necessary and as required by the Development Services Department. Signage restricting parking and red-painted curbing shall be installed where appropriate. Speed limit signs shall be installed at locations determined by the Development Services Department. Twenty-five mile per hour speed limit signs

shall be installed within the subdivision at locations determined by the Development Services Department.

17. Pebble Beach Drive shall be constructed, in its entirety on the project site, with the first phase of development. This includes curb, gutter, sidewalk (with handicap ramps), 6' high masonry or precast wall, street trees, and street lights. The height of the 6' masonry or precast wall may be flexible as determined by the Development Services Department. Also, phasing of the construction of the block wall may be considered with the phasing of the units.
18. The Developer shall slurry seal all streets after issuance of the Certificate of Occupancy of the last unit in each phase of the subdivision.
19. ADA approved ramps shall be provided at all intersections and crosswalks where sidewalks are proposed.

#### *Utilities*

20. Prior to issuance of any building permit, all existing overhead utilities (of 26,000 volts or less) and proposed utilities, both onsite and along all Walton Avenue, shall be placed underground. The undergrounding shall go from the next pole beyond the project frontage, across the frontage, and then to the next pole beyond the project boundary. This does not include surface-mounted transformers, pedestal-mounted terminal boxes, and meter cabinets. Appropriate easements shall be obtained by the Developer to facilitate these installations.
21. The existing overhead lines on the property shall be abandoned and removed prior to acceptance of improvement plans.
22. All existing well(s) and septic tank(s) 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.
23. There shall be a minimum of 48" of cover from finished grade to top of pipe for all water mains and a minimum of 60" of cover from finished grade to top of pipe for all storm drain and sewer mains, or as approved by the Development Services Department.
24. All sewer, water, and storm drain improvements shall be constructed as stated and shown in the Sutter Heritage Master Plan dated May 2006.
25. All service laterals (water, sewer, irrigation) along with required meters to be shown on the civil improvement plans.
26. Prior to paving, the Developer shall vacuum test all manholes to ensure no leakage will occur.
27. Prior to paving, the Developer shall hydroflush and inspect by closed circuit television all storm drain mains and all sewer mains. In addition, prior to the City's acceptance of the subdivision

improvements, the storm drain and sewer mains shall be re-hydroflushed and inspected using closed circuit television.

28. The Design Engineer shall provide technical reports to substantiate the sizing of pipes. The reports shall include:
  - a. hydrology/hydraulic calculations;
  - b. sewer calculations;
  - c. calculations using the City's water module.
29. The Design Engineer shall provide calculations analyzing available sewer and storm drain line capacity and certify additional demands of the subdivision can be satisfied. If the demands cannot be satisfied, the Design Engineer shall provide offsite improvement plans to do so.
30. The Developer's Superintendent/Representative shall submit three sets of Pacific Gas & Electric approved utility plans showing joint trench locations and distribution lines prior to issuance of first building permit for each phase of construction.

#### *Lighting and Landscaping*

31. The property shall petition for formation of a Zone of Benefit of the Yuba City Landscaping and Lighting District for the purpose of maintaining street trees which are to be planted along all streets, maintaining the street lights, and maintaining the masonry walls.
32. The Developer shall be responsible for preparation of a street tree and irrigation plan that is deemed acceptable by the Director of Parks and Recreation prior to entering into a Subdivision Agreement with the City.
33. All street lighting shall be dedicated to the City of Yuba City.
34. All street lighting shall be energized prior to the issuance of any building permits.
35. 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.
36. All landscape parkway strips must be irrigated. A separate meter shall be installed on the landscape service. More than one meter may be required. The Developer shall pay all applicable fees.
37. The final improvement plans shall reflect street tree placement so that no interference with streets, streetlights, and driveways will occur to the satisfaction of the Development Services Department.

38. The street trees proposed by the Developer shall be a minimum of 15 gallon in size with a one-inch dbh (diameter at breast height). The tree specie(s) shall be a shade type approved by the City Arborist and the Development Services Department. Only one tree specie shall be planted on any street.
39. Each lot shall be landscaped between the residence and the curb prior to occupancy. If it is deemed impractical by the Development Services Department to have the landscaping completed prior to occupancy, the Builder/Developer shall provide security for the value of the landscaping and commit to a water quality control plan to prevent the input of pollutants from the lot to the urban drainage system as approved by the Development Services Department.

### *Drainage*

40. 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 flow onto the adjacent residential or agricultural lands or impede the drainage from those properties. If retaining walls are required, they shall be constructed of concrete or masonry block.
41. The Engineer of Record shall designate on the plans as to where any retaining walls are required around the proposed development. 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.
42. Prior to the filing of any final map, the Developer shall submit to Gilsizer Drainage District a drainage plan for any drainage improvements that utilize Gilsizer facilities for approval by Gilsizer.
43. The Developer shall be required to pay any applicable Sutter County Water Agency drainage fees. The Developer shall provide the City with a copy of the receipt indicating that the fees have been paid.
44. Prior to filing any final map, the Developer shall enter into an agreement with Sutter County providing the following:

Participation in a zone of benefit, drainage district, agency, service area or any other public entity for the financing of construction and maintenance of a drainage system. In addition to the special assessment district or public entity referred to immediately above, the agreement shall contemplate the imposition by the district or public entity of any legally available fee, assessment, or other financing mechanism to facilitate the construction and maintenance of a drainage system.
45. Special drop inlet frames and grates shall be installed at all drop inlets and junction drop inlets throughout the development area. Cast into the curb back shall be a message “Dump No Waste – Drains to River”. If casting cannot be found that fits the City’s standard drop inlet, then designated markers, approved by the City, shall be installed to the manufacturer’s specifications on the top of curb, or at an appropriate alternative nearby location when no curb is available, at all storm drain inlets in the development area.

## *Grading*

46. A master grading plan for all phases of the subdivision shall be submitted to the Development Services Department as part of the improvement plans with the first subdivision phase.
47. The applicant shall submit, with the first improvement plan check, to the City for review and approval, a detailed geotechnical report 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 report.
48. Where soil or geologic conditions encountered during grading operations are different from those anticipated in the geotechnical report, or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic report shall be submitted for approval by the Development Services Department. It shall be accompanied by an engineering and geological opinion as to the safety of the site from hazards of settlement and seismic activity.
49. 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 Development Services Department.
50. The project Developer shall comply with all provisions of the FRAQMD letter of February 24, 2006, based on mitigations identified in the MHM Engineering list attached to the Air District letter. These mitigations include provisions for:
  - Limiting number of structures painted at any given time.
  - Preparation of a Fugitive Dust Control Plan for review and approval by the District prior to site disturbance.
  - Limiting use of idling construction equipment.
  - Use of bicycle and pedestrian improvements as part of the project.
  - Limiting use of fireplaces in the residential units. (MM)
51. All grading operations on the project shall be suspended as directed by the Feather River Air Quality Management District when winds exceed 20 miles per hour.
52. Two grading certificates for each lot shall be provided to the City. The first certificate shall be prior to the issuance of a building permit, and the second certificate shall be after placement of landscaping (unless landscape bond is in place) and prior to issuance of the Certificate of Occupancy. The Developer shall provide the certification by a licensed surveyor as to lot elevation, grading, and lot drainage conformance with the approved improvement plans. The City Engineer shall sign off on the certifications.
53. To help contain fugitive dust, construction sites shall be watered down during the construction phase of the project as directed by the Development Services Department.

54. If grading is to take place between October 15 and April 15, both temporary and permanent erosion control measures, conforming to the project erosion control plans shall be in place before October 1st. Erosion control measures shall be monitored and maintained continuously throughout the storm season.

#### *Driveways*

55. All driveway locations shall be shown on the improvement plans. The pan width shall not exceed 24 feet in length for 3-car garages, and 16 feet in length for 2-car garages.
56. 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. The Developer shall notice individuals acquiring lots in this subdivision by posting a notice in the garage prior to final inspection.

#### *Storm Water Pollution and Prevention Plan*

57. A Construction Period and Post Construction Period Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and presented to the Regional Water Quality Control Board and presented to and approved by the City. The objective of the plan shall be no net loss of soil (above an undisturbed natural, stable background state) from the site due to erosion. All requirements of the SWPPP shall be completed as part of the required improvement plans and shall be maintained in the same manner. Should the Developer fail to ensure satisfactorily compliance with the SWPPP, the City Inspector may issue a stop work order until compliance is achieved. (MM)
58. As part of the water pollution control work, a Storm Water Pollution Prevention Plan (SWPPP) is required. The SWPPP shall conform to the provisions in Section 7-1.01G, “Water Pollution,” of the Caltrans Standard Specifications for construction of streets and local roads dated July 2002, the requirements in the Manuals, and the requirements of the Permits. The Developer shall be responsible to include provisions for SWPPP requirements on the contract documents for the work under the proposed development. These provisions shall direct the successful contractor to develop a SWPPP document per the directions on the Caltrans website at <http://www.caltrans.ca.gov/hq/construc/stormwater/stormwater1.htm>. The Contractor shall submit the SWPPP document within the time lines set forth on the development’s special provisions and allow 15 days for the City of Yuba City to review and approve or return the document for revisions. *The Developer/Contractor shall not start any work until the SWPPP document has been approved by the City of Yuba City.*
59. Temporary silt fencing shall be erected during construction and permanent fencing shall be completed prior to occupancy so that transport of construction debris can be retained on-site.
60. The Developer shall be required to adhere to Best Management Practices contained in General Plan Policy 8.5.I.7, which require:

- Use of low berms or other temporary facility built between the construction site and drainage areas to prevent sheet-flooding storm water from entering storm drainage facilities and waterways.
  - Use of storm drains or other City-approved facilities to collect storm water runoff during construction.
  - Use of onsite retention where appropriate. (MM)
61. In addition to those items required in condition 62, above, the following minimum Best Management Practices (BMPs) shall be required during construction:
- i. Construction crews shall be instructed in preventing and minimizing pollution on the job.
  - ii. Stabilize construction entrance/exit to prevent tracking onto roadway. Only one stabilized construction entrance/exit will be allowed per site. Vehicles entering and leaving construction sites spread pollutants such as sediment, gravel, and other loose particles onto adjacent roads. Pollutants are washed into roadside ditches and are a nuisance to drivers and may cause damage to vehicles.
  - iii. Protect exposed slopes from erosion through preventative measures. Cover slopes to avoid contact with storm water by hydro-seeding, mulch, use of plastic sheeting or other approved means.
  - iv. Use brooms and shovels when possible to maintain a clean site. Use of a hose is not recommended. Introducing water as a cleanup method adds to water pollution.
  - v. Designate a concrete washout area, if needed, to avoid wash water from concrete tools or trucks from entering storm drain systems. Maintain washout area and dispose of concrete waste on a regular basis.
  - vi. Establish a vehicle storage, maintenance, and refueling area, if needed, to minimize the spread of oil, gas, and engine fluids. Use of oil pans under stationary vehicles is strongly recommended.
  - vii. Protect drain inlets from receiving polluted storm water through the use of filters such as fabrics, gravel bags or straw wattles.
  - viii. Be prepared for rain and have the necessary materials onsite before the rainy season.
  - ix. Inspect all BMPs before and after each storm event. Maintain BMPs on a regular basis and replace as necessary, through the entire course of construction.

*Traffic Impact*

62. The State Route 99 and Smith Road intersection shall be modified to restrict eastbound left turn and eastbound through movements. The Developer shall provide appropriate turn restriction signage prior to issuance of the first building permit. Any improvements or related signage at the intersection shall also be approved by Sutter County and CalTrans. (MM)
63. The Developer shall prepare improvement plans for the construction of an 80' extension of the left-turn pocket from Lincoln Road onto northbound State Route 99. The Developer shall construct the

improvements as part of the Unit 1 improvements. No building permits shall be issued for Units 2 or 3 until the improvements have been constructed.

64. The Developer shall pay \$50,000 for the installation of a traffic signal at the intersection of Walton Avenue and Pebble Beach Drive. Developer's share is due prior to recordation of the final map.

*Easements*

65. The Final Map 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 Development Services Department, with due consideration for street light location, traffic safety, security and consumer convenience. The Developer shall provide a letter and exhibit showing mailbox locations from the Postmaster approving mailbox locations.

*Miscellaneous - Construction*

66. Prior to issuance of any building permit, all underground utilities, public improvements, and site improvements, including rough grading, shall be completed.
67. Prior to acceptance of the improvements, 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 expansion joint to expansion joint.
68. Prior to the occupancy of any building, the curb, gutter, sidewalk, lot drainage, and lot fence 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.
69. Construction signs shall be installed/erected per CalTrans Standards and Details. The signs shall be maintained throughout the project duration.
70. The Developer shall demonstrate to the satisfaction of the Development Services Department, how notice will be provided informing individuals acquiring lots in this subdivision of the proximity of:
  - a. *Ongoing agricultural operations such as: burning; pesticide spraying; machinery operation; and other impacts associated with said activities are in the vicinity of the subdivision and have the right to continue such operation;*
  - b. *The wastewater lift station located on the west side of Walton Avenue at Smith Road; and*
  - c. *The future extension of Pebble Beach Road to State Route 99.*
71. 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. If the bone appears to be human, California law mandates that the Sutter County Coroner and the Native American Heritage Commission be contacted. Should

archaeological or cultural resources be unearthed during excavation, all work in the immediate vicinity shall cease and the City shall be notified. (MM)

72. A solid 6' high masonry block or precast wall shall be constructed along Walton Avenue and Pebble Beach Drive. A detail of the wall shall be shown on the improvement plans with the first phase of development. Design of the wall shall be reviewed and approved by the Development Services Department prior to its construction.
73. The Developer shall, prior to the occupancy of the first residence in the first phase, install dead-end barricades across Van Middlesworth Way and Karperos Way. The barricade shall be maintained by the City via the landscape and lighting district.
74. 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 2000 or newer) and hard copy (on mylar) to the City. The City will not accept the completion of the improvements until the electronic copy and hard copy have been submitted.
75. The Developer 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 ensure compliance.
76. The Developer's Superintendent/Representative shall be onsite when contractor is working and be available to the City's Construction Inspector assigned to the project. The Developer shall be responsible for making sure that the contractor is working from signed improvement plans, signed special provisions, signed storm water pollution prevention plan, and the approved project agreement conditions.
77. The Developer's Superintendent/Representative shall ensure that all private vehicles be either parked off-site or outside of construction areas. All vehicles, construction equipment, and construction material related to the project shall be organized in such a manner to provide emergency vehicle access to the entire project. Sidewalks, within and adjacent to the construction area, shall be kept clean and remain accessible for American Disability Act compliance.
78. The Developer and/or the Developer's Superintendent/Representative shall have a pre-construction meeting with the City prior to commencing construction of public improvements. The Developer shall notify the City of the meeting no less than two working days in advance of such meeting. Those in attendance at the meeting shall include: the City, the Developer and/or the Developer's Superintendent/Representative, the Contractor, the Design Engineer, the Developer's safety representative, the Developer's SWPPP representative.

79. All Developer fees shall be paid to Sutter County prior to the City's acceptance of the improvement plans. The Developer shall provide the City with a copy of the receipt indicating that the fees have been paid.

*During Construction Operations*

80. Prior to beginning construction, the applicant shall obtain a demolition permit from the City for removal of all existing structures on the site.

81. The Developer shall keep adjoining public streets free and clean of project dirt, mud, materials, and debris during the construction period, as found necessary by the City.

82. 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.

83. During construction, the Contractor shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and roadways. Contractor shall be responsible that all construction equipment is equipped with manufacturers approved muffler's baffles. Failure to do so may result in the issuance of an order to stop work.

84. The Conditions of Approval shall be attached to, and be made an integral part of, the improvement plans.

**Planning Department:**

1. Prior to the submittal of improvement plans or a final map, the applicant shall satisfy the funding requirements to the City for the processing of the Sutter Heritage Master Plan Project.

2. The approval of the Tentative Map for the Sutter Heritage project is subject to the City Council's subsequent approval of the Sutter Heritage Master Plan and associated Development Agreement. Prior to the submittal of Improvement Plans or a Final Map, the Sutter Heritage Master Plan and Development Agreement must be approved by the City Council.

3. Residences constructed on Unit 1 Lots 1-11 (adjoining single-story residences to the north) and Unit 2 Lots 13 and 25 (north of neighborhood park site), 11 and 12 (adjoining single-family residence out-parcel to the east), 26 and 44 (on Smith Road entry roadways to the project) shall be single-story (loft) units that include no rear-yard facing windows and built with continuous rear-yard rooflines.

4. Model home construction on Units 1 and 2 shall comply with provisions of Municipal Code Section 8-5.5002.C.

5. Prior to issuance of any building permits, detailed plans shall be submitted to the Community Development Director for review and approval to determine substantial compliance with the approved Tentative Map and corollary Sutter Heritage Master Plan and Planned Development, consistent with provisions of Municipal Code 8-5.2707.
6. Prior to issuance improvement plans, the developer shall provide construction details (including fencing and landscaping) for the pedestrian pathways at the west end of Thompson Drive and between Lots 9 and 10 in Unit 2.
7. The narrow strip of land at the west end of the Siller Drive cul-de-sac bulb shall be included in the project lands to be annexed to the City's landscaping and lighting district. The developer shall include these lands in landscape plans (added to Figure 6 of the Master Plan) prepared for the public streets; additional landscaping improvements shall be included beyond the proposed street trees, such as shrubs and groundcover.
8. Fencing on all residential lots shall comply with City requirements, including a 6' maximum height.
9. Ensure improvement plans include Class II bicycle lanes on Walton Avenue and Pebble Beach Drive, meeting City standards.
10. The Community Development Director shall review all building permits to ensure:
  - o Residential garages are to be set back at least two feet from the front wall of each residence.
  - o Use of varied building designs and architectural detailing on all elevations, colors and construction materials, consistent with design intent in the Sutter Heritage Master Plan.
  - o Where feasible, provide for variation in building footprints along each street segment to achieve greater diversity in front yard building setbacks.

**Fire and Police Departments:**

1. A fire turn-around on Pebble Beach Drive or internal emergency access through Unit 3 is required prior to start of construction of Unit 3 (high density housing).
2. Each residence utilizing a four-foot minimum interior side yard setback shall be equipped with automatic fire sprinkler systems, installed consistent with current Fire Code requirements for single-family dwellings. (MM)
3. In addition to standard City impact fees for Police services, the developer shall be required to pay a fair-share contribution for expansion of necessary Police staffing levels to meet future demands for service. (MM)

**Administrative Services:**

1. The development shall pay for ongoing street maintenance costs through the establishment of either an Assessment District for street maintenance or through participation in a Community Facilities District. The formation of said District shall be completed in accordance with the terms of the Sutter Heritage Master Plan Development Agreement.
2. The development shall pay for operations and/or maintenance for police, fire, parks, drainage, etc., through inclusion into a citywide Community Facilities District or similar funding mechanism.

**Parks & Recreation:**

1. The Parcel “A” pocket park shall be designed to meet the Parks and Recreation Department’s requirements per the Sutter Heritage Master Plan document. A playground for children ages 2-5 and a playground for children ages 5-12 shall be included. Parks and Recreation will determine the number of play activities required for each playground area. The development of the subject park shall be completed in accordance with the terms of the Sutter Heritage Development Agreement.
2. The design of the 0.8-acre pocket park shall ensure use of appropriate shielding of any lighting fixtures to reduce light spillage to area residences. (MM)

**2. PUBLIC HEARING: TENTATIVE SUBDIVISION MAP #06-06 FOR A TWO PARCEL SPLIT OF LOT 75 OF TRES PICOS ESTATES LOCATED AT 1574 AND 1576 RICH DRIVE – SUBDIVIDER/PROPERTY OWNER CRESLEIGH HOMES**

**Project Description:**

Request to subdivide a single parcel with a total area of 15,244 square feet into two single-family residential lots, Lot 1 to be 7,521 square feet and Lot 2 to be 7,723 square feet.

**Property Description:**

The subject property is identified as Assessor’s Parcel No. 59-600-075. The vacant, 15,244 square foot parcel is located on the southeast corner of Rich Drive. The property is located in an area with single-family residential development, some of which is currently under construction.

**General Plan Designation:**

The subject property has a General Plan designation of Medium/Low Density Residential. This General Plan designation provides for a development density of no less than 6 dwelling units per acre and no more than 14 dwelling units per acre. The proposed subdivision will bring the subject parcel into conformance with the prescribed General Plan density.

### **Zoning Classification:**

R-3SP, Multiple-Family Residence, Specific Plan Combining District. A one-family residence is permitted in the R-3 District. The proposed subdivision conforms to the Buttes Vista Neighborhood Plan in that the proposed subdivision will provide for a higher density in an area of the plan that calls for Medium/Low Density Residential development.

### **Surrounding Land Use:**

Land uses to the south and east are single-family residences. Land uses to the north and west are single-family residences currently under construction.

### **Previous Commission Action and/or Policies:**

On March 10, 1999, the Planning Commission approved the Buttes Vista Neighborhood Plan. The Plan was also approved by the City Council on April 20, 1999 and amended on August 6, 1999.

On January 8, 2003, the Planning Commission approved Tres Picos Estates which created 82 residential lots in the Buttes Vista Neighborhood Plan Area. The subject parcel is a part of the Tres Picos Estates project.

### **Environmental:**

Exempt – Section 15182 (a) of the California Environmental Quality Act (CEQA) provides that where a public agency has prepared an EIR on a specific plan after January 1, 1980, no EIR or negative declaration need be prepared for a residential project undertaken pursuant to and in conformity to that specific plan if the project meets the requirements of this section. The scope of this exemption includes residential land divisions, zone changes and planned unit developments. An EIR was prepared for the Buttes Vista Neighborhood Plan (BVNP). The proposed subdivision is consistent with the goals, policies, and objectives of the BVNP in all aspects. The proposed subdivision also is consistent with the BVNP Land Use Map.

### **Staff Comments:**

Staff supports the applicant's request to subdivide. The newly created parcels meet all standards set for lots in the R-3 District.

Guiding Policy 3.5-G-3 states the following: "Allow and encourage low-medium density small-lot single-family housing development in new and existing neighborhoods that enable compact development and efficient infill." This project utilizes existing residential space and provides an opportunity for efficient infill.

Implementing Policy 3.4-I-7 states the following: "Promote infill development that maintains the scale and character of established neighborhoods." All parcels in the vicinity of the project are comparable in size to the proposed lots.

### **Recommended Actions:**

- A) Adopt the following recommended findings:
1. The approval of the tentative map and subdivision of said parcel is consistent with the Guiding and Implementing Policies as well as the Medium/Low Density Residential designation of the Yuba City General Plan.
  2. The approval of the tentative map and subdivision of said parcel is consistent with the goals, policies, and objectives, as well as the Land Use Map of the Buttes Vista Neighborhood Plan.
  3. The tentative map is consistent with and meets the minimum standards for the R-3 District.
  4. There have been no new environmental impacts identified as a result of this project, nor has new information been presented that was not known at the time the environmental impact report for the Buttes Vista Neighborhood Plan was certified as complete. A copy of the Final EIR is available for examination at the Yuba City Development Services Department located in City Hall at 1201 Civic Center Blvd., Yuba City, California.
- B) Approve the tentative map subject to the following conditions of approval:

### **General Requirements**

1. Prior to the issuance of building permits, all applicable development impact fees shall be paid to the satisfaction of the Development Services Department and in accordance with City and local district ordinances.

### **Utilities**

2. All service laterals (water and sewer) and required meters shall be shown on the plans.

### **Lighting and Landscaping**

3. Each lot shall be landscaped between the residence and the curb prior to occupancy. If it is deemed impractical to have the landscaping completed prior to occupancy, the builder/developer shall provide security for the value of the landscaping and commit to a water quality control plan to prevent the input of pollutants from the lot to the urban drainage system as approved by the Development Services Department.

### **Drainage**

4. The 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 lands or agricultural lands or impedes the drainage from those properties. If retaining walls are required, they shall be constructed of concrete or masonry block.

### **Grading**

5. A plan showing the lot grading shall be submitted to the Development Services Department.
6. The rear yards and/or side yards of the lots created by this subdivision that are adjacent to existing residential development shall have the same finish grade elevation as the existing lots within tolerances approved by the Development Services Department.
7. All grading operations on the project shall be suspended as directed by the Feather River Air Quality Management District when winds exceed 20 miles per hour.
8. A grading certificate after placement of landscaping (unless a landscape bond is in place) and prior to issuance of the Certificate of Occupancy. The developer shall provide the certification by a licensed surveyor as to lot elevation, grading, and lot drainage conformance with the approved plans. The City Engineer shall sign off on the certifications.

### **Driveways**

9. The only hard surface (concrete or pavers) that may 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. The developer shall inform individuals acquiring lots in this subdivision by posting a notice in the garage prior to final inspection.

### **Miscellaneous**

10. To help contain fugitive dust, construction sites shall be watered down during the construction phase of the project as directed by the Development Services Department.
11. Prior to issuance of any building permit, all underground utilities, public improvements, and site improvements, including rough grading, shall be completed.
12. Prior to the occupancy of any building, the curb, gutter, sidewalk, lot drainage, and lot fence 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 expansion joint to expansion joint.
13. The Conditions of Approval shall be attached to, and be made an integral part of, the plans.