



City of Yuba City  
Planning Division Agenda Report  
Planning Commission Meeting

July 8, 2009

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DATE: July 1, 2009  
TO: Yuba City Planning Commission  
FROM: Community Development Department  
SUBJECT: Agenda Report – Meeting of July 8, 2009

- 1. COMMISSION CONSIDERATION: REQUEST FOR EXTENSION OF PREVIOUSLY-APPROVED DEVELOPMENT PLAN #DP 07-07 FOR A 39,000 SQUARE FOOT FLEX OFFICE/INDUSTRIAL DEVELOPMENT LOCATED AT THE SOUTHEAST CORNER OF SUTTER STREET AND LAMON WAY; ASSESSOR'S PARCEL NUMBER: 51-550-046; APPLICANT: MICHAEL TOMLINSON**

**Background:**

On August 22, 2007, the Planning Commission approved the Development Plan for the above-referenced project. Section 8-5.7105 of the Yuba City Municipal Code states that approved Development Plans shall expire if construction has not substantially commenced within two years of the date of the approval. Section 8-5.7106 of the Yuba City Municipal Code states that the body that originally considered the application may grant a two-year extension of time if the applicant has made a written request for an extension prior to the expiration date of the permit and if it is determined that conditions have not changed to the extent that would warrant denial of the extension. No public hearing is required to grant an extension of time.

**Staff Analysis:**

On June 2, 2009, the applicant, Michael Tomlinson, submitted a request for an extension of DP 07-07. Because market conditions are not correct for the completion of the project at this time, the applicant is requesting the two-year extension. Conditions placed on the project have not changed.

**Recommended Action:**

Staff recommends that the Planning Commission extend its approval of Development Plan DP 07-07 for two years.

**2. COMMISSION CONSIDERATION: 2009 ENGINEERING STANDARD DETAILS**

**Project Description:**

Planning Commission consideration of the 2009 Engineering Standard Details.

**Background:**

The Engineering Standard Details (Details) that govern the construction of streets, water facilities, storm drains, sanitary sewers, irrigation, landscaping, and off-street parking within the City were last adopted in 1992, with minor revisions to the Details over the years since then. Details for the construction of street lights were created in 1998 and incorporated into the 1992 Details. The Details are provided to engineers, contractors, and the public whenever they are going to perform work within the public right-of-way, and they provide the standard to which public improvements are constructed.

**Staff Comments:**

Over the past few months, City staff has reviewed, updated, and added new Details to reflect current construction practices and materials. The proposed Details cover the construction of streets, water facilities, storm drains, sanitary sewers, irrigation, landscaping, street lights, and off-street parking. New details have been added for items such as storm drain inlet markers, bus turnouts, and driveway connections on unimproved streets.

In an effort to obtain public input, a letter was mailed in April to eight local engineering companies, sixteen contractors, and the Yuba Sutter Builders and Developers Association notifying them of the proposed changes to the Details and requesting comments. In addition, the draft Details were posted on the City's website with a link for the public to submit comments. Only one comment was received from a local contractor.

**Recommended Action:**

Recommend to the City Council adoption of the 2009 Engineering Standard Details.

**Attachment:**

2009 Engineering Standard Details

2009 ENGINEERING STANDARD DETAILS  
INDEX

<u>Detail Number</u>	<u>Description</u>
DR1	Storm Drain Manhole (Pipes < 30"Ø)
DR2	Storm Drain Manhole Frame & Cover
DR 3	Drop Inlet
DR 4	Junction Drop Inlet
DR 5	Drop Inlet Drainage Grate Assembly
DR 6	Catch Basin
DR 7	Storm Drain Manhole (Pipes ] 30"Ø)
DR 8	Storm Drain Junction Box for Pipes
DR 9	Under Sidewalk Drain
DR 10	Storm Drain Inlet Marker
E1	Street Light General Notes
E2	Street Light Pole and Mast Arm
E3	Street Light Pole Foundation
E4	Street Light Base and Pull Box Detail
E5	Street Light Luminaire Detail
E6	Street Light Pole Identification Number
IR1	Roto Pop-Up Sprinkler
IR2	Rainbird 1800 Spray Head
IR3	Quick Coupling Valve
IR4	Electric Control Irrigation Valve
IR5	Valve Box Placement
IR6	Irrigation Trenching
L1	Tree Planting 15 Gallon
L2	Shrub Planting
MISC1	Retaining Wall
MISC2	Off Street Parking Layout
SS1	Sanitary Sewer Manhole (Pipes < 30"Ø)
SS2	Sanitary Sewer Manhole Frame & Cover
SS3	Sanitary Sewer Service & Connection
SS4	Sanitary Sewer Cleanout
SS5	Sanitary Sewer Cleanout at Property Line
SS6	Sanitary Sewer Special Manhole (Pipes ] 30"Ø)
ST1	Residential Street Typical Section
ST2	Cul-de-sac
ST3	Curb Ramp
ST4	Curb & Gutter
ST5	6" Curb & 6" Dike
ST6	Barrier Curb & Gutter to Roll Curb & Gutter Transition
ST7	Valley Gutter

ST8	Attached Sidewalks Curb & Gutter
ST9	Detached Sidewalks Curb & Gutter
ST10	Standard Driveway
ST11	Heavy Duty Driveway
ST12	Bus Turnout
ST13	Benchmark Location
ST14	Monument Well
ST15	Street Signs
ST16	Break Away for Street Signs
ST17	Stop Signs
ST18	Stop Bar Placement
ST19	Bike Lane Symbol
ST20	Traffic Markings
ST21	Barricade
ST22	Sight Distance Triangle
ST23	Driveway Connection to Unimproved Roadway
TR1	Bedding & Initial Backfill
TR2	CDF – Final Backfill & Trench Restoration
TR3	Class 2 AB – Final Backfill & Trench Restoration
TR4	Sand – Final Backfill & Trench Restoration
TR5	Manhole Backfill
TR6	Utility Crossing
W1	Fire Hydrant
W2	Special Fire Hydrant
W3	Thrust Blocks
W4	Water Valve Box
W5	Locating Wire for Water Mains and Services
W6	1” Water Service Main Connection
W7	1 ½” & 2” Water Service Main Connection
W8	Dead-End Water Main
W9	Blowoff Hydrant
W10	Reduced Pressure Backflow Preventer for 1”-2” Water Services
W11	Backflow Preventer Detail
W12	Testing Block & Bypass
W13	Thrust Block for Flange Cross
W14	Double Combination Air Valve
W15	Single Combination Air Valve
W16	Below Ground Installation Combination Air Valve
W17	Fire Service Connection
W18	Side Mounted Resilient Wedge Gate Valve
W19	Backflow Preventer Schematic

- 1. PUBLIC HEARING: TENTATIVE MAP SM 09-01 TO SUBDIVIDE 7.86 ACRES INTO 17 PARCELS LOCATED ON THE EAST SIDE OF SANBORN ROAD, SOUTH OF CHERRY STREET; PROPERTY OWNERS: EAG INVESTMENTS, LLC AND DIMITRI J. AND ELENI A. KARGENIS; APPLICANT: PACIFIC CREEK DEVELOPMENT, INC.**

**Project Description:**

The applicant proposes to subdivide 7.86-acres into seventeen parcels ranging in size from 14,472 square feet to 31,053 square feet. This map was previously approved on December 10, 2003, but is once again before the Planning Commission because the map has expired, due to the applicant's failure to record the final map within the time limits established by the Subdivision Map Act.

**Property Description:**

The 7.86-acre site is vacant and unimproved, with the exception of the property owner's residence, which is located on the future "Lot 8". (See Attachment 1, "Aerial Photo".)

**General Plan Designation:**

Low Density Residential

**Zoning Classification:**

R-1, One-Family Residence District

**Surrounding Land Use:**

Sanborn Road and the Lincoln East Specific Plan are located to the west; Cherry Street and the Lincoln East Specific Plan are located to the north; Karnegis Estates, Unit 1, which now contains single-family homes, is located to the east; large-lot single-family homes are located to the south.

**Previous Actions and/or Policies:**

RZ 03-10: On January 16, 2004, the City Council approved pre-annexation zoning of R-1 on the subject property.

LAFCO Reorganization #320: On April 28, 2004, the subject property was annexed into the City.

SM 03-16: On December 10, 2003, the Planning Commission approved the same map as the one currently before the Planning Commission.

**Environmental:**

Categorically Exempt per Section 15061 pertaining to the "general rule" that only projects which

have the potential for causing a significant effect on the environment are subject to CEQA. A mitigated negative declaration was completed for this project, and the project has complied with all the original mitigation measures. Therefore, staff has determined the project to be exempt from CEQA.

**Staff Comments:**

Staff supports the applicant's request for approval of the previously-approved, but expired, subdivision map. The original conditions of approval have been retained; however, the conditions that have already been satisfied by the applicant have been removed. An optional condition (Condition Number 3) has been added to limit construction on all lots except for Lot 10 to single-story construction. The originally-approved map had no such restriction, and the City's Zoning Regulations contain no such restriction. However, it has been the policy of the City for several years to limit new development to a single story when said development will be located adjacent to existing single-story single-family homes. Staff requests that the Planning Commission carefully consider this condition before applying it. There are no other new Conditions of Approval proposed for the map.

Section 8-2.609 of the Yuba City Municipal Code and the Subdivision Map Act require that findings be made in order to approve a tentative map. The required findings are listed below in bold italics and are followed by an evaluation of the tentative map in relation to each finding.

- 1. The proposed tentative map is consistent with the General Plan and the design or improvement of the proposed subdivision is consistent with the General Plan.***

Staff Analysis: The proposed tentative map conforms to the General Plan and the Yuba City Zoning Regulations in all respects. Specifically, the project density will be 2.13 units per acre, which is between the density range of 2 to 8 units per acre prescribed by the General Plan. Additionally, the proposed parcels exceed the 5,000 and 6,000 square foot minimum lot sizes.

- 2. The site is physically suited for the type and proposed density of development.***

Staff Analysis: The site remains physically suited for the creation of seventeen lots and the development of sixteen new homes.

- 3. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage and the type of improvements are not likely to cause serious public health problems.***

Staff Analysis: As noted above, a mitigated negative declaration was adopted by the Planning Commission when the subdivision was originally approved in 2003. Public improvements have been completed in accordance with the mitigation measures, and the subdivision is not expected to cause environmental damage beyond what was anticipated and mitigated in the previous mitigated negative declaration.

4. *The design of the subdivision or type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.*

Staff Analysis: There are no easements through the property with which the proposed (and previously-approved) subdivision will conflict.

**Recommended Action:**

The Planning Division recommends that the Planning Commission take the following actions:

A. Adopt the following findings:

1. SM 09-01, in accordance with Section 15061 of the California Environmental Quality Act, is exempt from further environmental review.
2. The design or improvement associated with the proposed SM 09-01 is consistent with the Yuba City General Plan and the Yuba City Zoning Regulations.
3. The site of the proposed SM 09-01 is physically suited for the type and proposed density of development.
4. The design of SM 09-01 and the proposed improvements are not likely to cause substantial environmental damage and the types of improvements are not likely to cause serious public health problems.
5. The design of SM 09-01 and the proposed improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

B. Approve Tentative Map SM 09-01 subject to the following 28 conditions of approval:

**General**

1. Tentative Map SM 09-01 is approved as shown in Exhibit A and as conditioned herein.
2. Approval of Tentative Map SM 09-01 shall expire two years from the date of the project approval.
3. Lots 1-9 and 11-17 shall be limited to single-story construction.

**Prior to Final Map Recordation**

## **Engineering Division**

4. A Subdivision Agreement outlining any remaining costs associated with the development per the approved Improvement Plans and the punchlist provided August 16, 2007, shall be accepted by the City prior to recordation of map.
5. All improvements shown on the Improvement Plans and identified in the punchlist provided on August 16, 2007, shall be completed, with the exception of the installation of the street light on the west side of Sanborn Road. Improvements shall be completed prior to acceptance of subdivision.
6. The property shall be graded to ensure that no drainage runoff resulting from the development of the property flow onto the adjacent residential lands or impede the drainage from those properties. If retaining walls are required they shall be constructed of concrete or masonry block.
7. Prior to any grading activity, 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.
8. 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.
9. 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 or when winds carry dust beyond the property line despite implementation of all feasible dust control measures. An operational water truck shall be onsite at all times to assist in dust control.
10. Onsite dirt piles or other stockpiled particulate matter shall be covered, wind breaks installed, and water and/or soil stabilizer employed to reduce wind blown dust emissions. Incorporate the use of approved non-toxic soil stabilizer according to manufacturers' specifications to all inactive construction areas. Contractor to provide the specifications to the City Inspector.
11. To help contain fugitive dust, construction sites shall be watered down during the construction phase of the project as directed by the Public Works Department.
12. To prevent track-out, wheel washers shall be installed where project vehicles and/or equipment exit onto paved streets. Vehicles and/or equipment shall be washed prior to each trip. Alternatively, a gravel bed may be installed as appropriate at vehicle/equipment site exit points to effectively remove soil buildup on tires and tracks to prevent/diminish track-out.
13. Paved streets shall be swept frequently (water sweeper with reclaimed water recommended; wet broom) if soil material has been carried onto adjacent streets.

14. Provide temporary traffic control as needed to improve traffic flow, as deemed appropriate by the Public Works Department, and to reduce vehicle dust emissions.
15. Reduce traffic speed on all unpaved surfaces to 15 mph or less and reduce unnecessary vehicle traffic by restricting access. Provide appropriate training, onsite enforcement, and signage.
16. 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.
17. 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.
18. Sidewalks, within and adjacent to the construction area, shall be kept clean and remain accessible for American Disability Act compliance.
19. Storage of construction material is not allowed in the travel way.
20. 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.
21. 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.
  - iii. 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.
  - iv. Designate a concrete washout area, as 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.
  - v. Establish a vehicle storage, maintenance, and refueling area, as needed, to minimize the spread of oil, gas, and engine fluids. Use of oil pans under stationary vehicles is strongly recommended.
  - vi. Protect drain inlets from receiving polluted storm water through the use of filters such as fabrics, gravel bags or straw wattles.
  - vii. Be prepared for rain and have the necessary materials onsite before the rainy season.

viii. 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.

22. 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.*

23. Central mail units shall be installed at the locations shown on the approved Improvement plans dated October 25, 2004.

24. A public utility easement shall be provided along Sanborn Road and Cherry Street as shown on the approved Improvement plans dated October 25, 2004.

25. The Developer shall be required to pay any applicable Sutter County Water Agency drainage fees. The Developer shall provide the City with a copy, prior to the recordation of the final map, of the receipt indicating that the fees have been paid.

26. A building pad certificate, if available, from a licensed engineer, or a lot grading certificate from a licensed surveyor shall be provided to the City.

27. Each lot shall be landscaped between the residence and the curb prior to occupancy between October 15<sup>th</sup> and April 15<sup>th</sup>. If it is deemed impractical, by the Public Works 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 Public Works Department.

28. Prior to the issuance of any certificate of occupancy of any building, 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.

29. The City reserves the right to direct the Developer to hydroflush the storm drain and sewer lines if any construction debris is found in the lines.

30. If development of lots shall slow down or cease to exist, the Developer shall maintain the undeveloped lots in accordance with the City's Municipal Code requirements.

31. The Developer shall demonstrate to the satisfaction of the Public Works Department, how notice will be provided informing individuals acquiring lots in this subdivision of the proximity of:

*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 operations.*

28. Residential structures shall be equipped with electrical outlets in the front and the rear of the structures to facilitate use of electrical lawn and garden equipment (this was a condition in the previous CofA's).

**2. PUBLIC HEARING: GENERAL PLAN AMENDMENT GP 09-01 FOR A MINOR SPHERE OF INFLUENCE AMENDMENT AND TO ASSIGN THE PUBLIC & SEMI PUBLIC LAND USE DESIGNATION, REZONE RZ 09-01 TO ASSIGN PRE-ANNEXATION ZONING OF PUBLIC FACILITIES DISTRICT; ASSESSOR'S PARCEL NUMBER: 010-260-035; APPLICANT/PROPERTY OWNER: SARB BASRAI.**

**Project Description:**

The applicant, Sarb Basrai, has submitted the following applications:

1. General Plan Amendment GP 09-01 to change the Sphere of Influence and to assign a land use designation of "Public & Semi-Public" on 20 acres. (See Exhibit B)
2. Rezone RZ 09-01 to assign a pre-annexation Zoning classification of "Public Facilities – PF" on 20 acres. (See Exhibit C)

The purpose of the above-referenced applications is to accommodate the proposed Yuba Community College District (YCCD) Sutter Facility on the subject property. The YCCD Sutter Facility will contain approximately 80,000 square feet of classrooms and district offices on twenty acres.

**Property Description:**

The project site is located north of the City's existing Sphere of Influence boundary and east of State Route 99. The project site is surrounded by agricultural land owned by the project applicant, Mr. Basrai. Access to the site will be provided via driveways on East Onstott Frontage Road. The project site is currently a producing orchard. Street frontage improvements do not exist. (See Attachment 1, "Aerial Photo")

**General Plan Designation:**

Existing: Agricultural/Rural, outside the City's Sphere of Influence  
Proposed: Public & Semi-Public

**Zoning Classification:**

Existing: N/A  
Proposed: Public Facilities District (PF)

**Surrounding Land Use:**

The property is surrounded on the north, east, and south by orchards in active production. Further to the south are industrial development and a mobile home park. East Onstott Frontage Road and State Route 99 are located to the west.

**Previous Actions and/or Policies:**

There have been no actions on the subject property.

**Environmental:**

YCCD is considered the “Lead Agency” under the California Environmental Quality Act, and as such, it prepared and adopted its own Mitigated Negative Declaration (MND) for the proposed project. (Exhibit A) The City is considered a “Responsible Agency” under the California Environmental Quality Act. Although the City is not responsible for preparation and adoption of the document, as a Responsible Agency, the City should consider the document adopted by the Lead Agency prior to the issuance of any approvals or permits. The applicant and YCCD worked closely with the City to ensure that the Mitigated Negative Declaration addressed and adequately mitigated all potentially significant impacts associated with all aspects of the project, including the proposed General Plan amendment and annexation, below a level of significance.

As an example of some of the specific mitigation measures to be applied to the project to ensure compliance with City standards, YCCD or the property owner will be required to pay fair share contributions to improvements at the following intersections: Live Oak Boulevard/Pease Road, Queens Avenue/East Onstott Frontage Road, and the Pease Road interchange. Additionally, the MND requires payment of fire impact fees to offset any potential impact to fire staffing levels. By adopting the MND, the YCCD agreed to payment of the aforementioned fees and fair share contributions. Payment will take place prior to the City’s issuance of a building permit for the extension of the water, sewer, or storm drainage lines. Staff requests that the Planning Commission review the Mitigated Negative Declaration that was previously adopted by the YCCD. Staff also requests that the Planning Commission recommend that the City Council review and accept the attached Mitigated Negative Declaration for the Rezone and General Plan amendment.

**Staff Comments:**

Provided below is an evaluation of the findings required to approve both applications. The required findings are italicized in bold font.

General Plan Amendment GP 09-01:

GP 09-01 proposes to amend the City's Sphere of Influence to include the subject property and to assign a land use designation of "Public and Semi Public" to the subject property.

Section 8-8 of the Yuba City Municipal Code specifies that a member of the public may initiate a General Plan amendment. The Municipal Code requires the Planning Commission to forward its recommendation and findings to the City Council for action. The Municipal Code does not contain any required findings for a General Plan amendment. However, Section 65358 of the California Government Code states that a City may amend its General Plan if it deems the amendment to be in the public interest. In the case of General Plan amendment GP 09-01, staff reasons that the proposal is in the public interest because the land use change will accommodate a high-quality project that will provide higher education opportunities and additional services to residents living in Yuba City and other surrounding areas. The proposed amendment to the land use element of the General Plan does not conflict with any other elements of the General Plan. Therefore, staff recommends that the Planning Commission make the following finding:

***General Plan Amendment GP 09-01 to amend the Sphere of Influence and change the General Plan land use designation from Agricultural/Rural to Public & Semi Public is in the public interest.***

Rezone RZ 09-01:

RZ 09-01 is to assign a pre-annexation zoning of Public Facilities District (PF) to the subject property. The applicant is requesting the change to accommodate the planned Yuba Community College Sutter Facility, which will consist of approximately 80,000 square feet of classroom space and district offices.

Section 8-5.7202 of the Yuba City Municipal Code states that amendments to the Zoning Code may be initiated by one or more owners of the property affected by the amendment and requires the Planning Commission to make a finding that the Zoning Code amendment is consistent with the General Plan prior to forwarding the proposal to the City Council for action. Rezone RZ 09-01 was initiated by the current property owner, with the cooperation of the Yuba Community College District, which, as the CEQA lead agency, prepared and adopted its own Mitigated Negative Declaration. Listed below in bold, italicized font are the three required findings to change the Zoning classification followed by staff's analysis of each finding.

***1. Rezone RZ 09-01 is consistent with the Public & Semi-Public land use designation as described in the Yuba City General Plan.***

Staff analysis: The Yuba City Zoning Regulations states that the Public Facilities zoning classification is consistent with all General Plan designations. Therefore, RZ 09-01 is consistent with the Public and Semi-Public land use designation.

***2. Rezone RZ 09-01 is consistent with the planned surrounding land uses.***

Staff analysis: The proposed development is outside the City's Sphere of Influence. Sutter County is currently updating its General Plan, and a northward expansion of the City's Sphere of Influence is under consideration. Although no official policies have been made, it is likely that the future development along the State Route 99 corridor will consist of uses similar in nature to the YCCD Sutter Facility. To ensure that the surrounding orchards remain in production until they are developed, the YCCD Sutter Facility will be designed to contain a 168-foot buffer between occupied buildings and active agricultural operations. The size of the buffer is consistent with the buffer required along the entirety of the City's Sphere of Influence.

***3. There are or will be adequate public facilities available to properly serve the development, including streets to adequately handle the anticipated traffic.***

Staff analysis: As part of the Mitigated Negative Declaration prepared by the YCCD, KD Andersen completed a traffic impact study (TIS) for the proposed Sutter Facility. (A copy of the TIS is available for review at the Community Development Department in City Hall.) The TIS found that the proposed development warrants the payment of a fair share contribution to the following intersections, all of which are included in the City's impact fee program: Live Oak Boulevard/Pease Road, Queens Avenue/East Onstott Frontage Road, and the Pease Road interchange.

The applicant and the YCCD worked with the Yuba City Utilities Department and the Yuba City Public Works Department to analyze whether there is adequate water and wastewater capacity to serve the proposed development. The Utilities Department determined that there is adequate water and wastewater capacity to serve the project, as it is currently proposed. Significant extensions of water, sewer, and storm drainage lines will be required to reach the City's collection and distribution systems.

The applicant and the YCCD also worked with the Yuba City Fire Department to ensure that adequate levels of service for response time are achieved. The project is located outside the Fire Department's service area, and the applicant and the YCCD agreed to pay the City's fire impact fees in order to offset potential erosion of service levels as a result of the project.

By adopting the environmental document, the YCCD agreed to the aforementioned mitigation measures requiring the payment of fees and fair share contributions. Payment shall be required prior to the City's issuance of a permit for construction of the water, sewer, or storm drainage lines.

*Initial Study/Mitigated Negative Declaration:*

Section 21080.1 of the California Environmental Quality Act states the following:

*The lead agency shall be responsible for determining whether an environmental impact report, a negative declaration, or a mitigated negative declaration shall be required for any project which is subject to this division. That determination shall be final and conclusive on all persons, including responsible agencies, unless challenged as provided in Section 21167.*

The project applicant and the Lead Agency (YCCD) worked closely with City staff to ensure that the MND is adequate to address all potentially significant impacts related to the proposed Sutter Facility. The document was revised and recirculated to address staff's concerns regarding traffic. Staff concludes that the document, as revised, addresses and adequately mitigates all potentially significant environmental impacts below a level of significance.

**Recommended Actions:**

The Planning Division recommends that the Planning Commission take the following actions:

- A. Accept the Mitigated Negative Declaration, which was previously adopted by the Yuba Community College District.
- B. Recommend that the City Council adopt the finding that GP 09-01 to amend the Sphere of Influence and assign a land use designation of Public & Semi-Public is in the public interest.
- C. Recommend that the City Council approve GP 09-01 to amend the Sphere of Influence and assign a land use designation of Public & Semi-Public, as shown on Exhibit B.
- D. Recommend that the City Council adopt the following three findings for RZ 09-01
  - 1. RZ 09-01 is consistent with the Public & Semi-Public land use designation as described in the Yuba City General Plan.
  - 2. RZ 09-01 is consistent with the planned surrounding land uses.
  - 3. There are or will be adequate public facilities available to properly serve the development, including streets to adequately handle the anticipated traffic.
- E. Recommend that the City Council approve Rezoning RZ 09-01 to assign pre-annexation Zoning of Public Facilities District (PF), as shown on Exhibit C.