CITY OF YUBA CITY STAFF REPORT

Date:	November 17, 2020				
То:	Honorable Mayor & Members of the City Council				
From:	Development Services Department				
Presentation By:	Benjamin Moody, Development Services Director				
Summary:					
Subject:	Change Land Use for a Vacant Parcel at 845 Louise Avenue				
Recommendation:	Adopt an Ordinance of the City Council of the City of Yuba City amending the zoning from the General Commercial (C-3), x-5c (Combining District) zone district to the Multiple-Family Residential (R-3) zone district for approximately 0.83 acres; 845 Louise Avenue, assessor parcel number 52-141-036, and waive the second reading.				
Fiscal Impact:	Costs for processing land use entitlements are offset through the payment of established fees.				

Purpose:

Change the allowable land use from commercial to high density residential for a 0.83-acre parcel located at 845 Louise Avenue; (APN 52-141-036).

Background:

At the City Council's November 3rd, 2020 meeting the proposed Rezone, RZ 20-01, was introduced for consideration to change the existing zoning to be consistent with General Plan Amendment, GPA 20-01.

The rezone will change the existing zoning of a 0.83-acre parcel from C-3 / General Commercial District to *R-3 / Multiple-Family Residence District*.

The density/intensity authorized in the General Plan for Medium / High Density allows for the construction of 12 to 36 units per gross acre. This parcel size would limit the number of units allowed on the 0.83-acre parcel to a maximum of 29 units.

The Development Services Department has not received an application for the development of the multi-family units at this time. However, the applicant has provided an illustrative concept plan, Attachment 3, which shows a total of 24 units to be developed at the site.

Future development would include any subsequent approvals or entitlements necessary to allow for the development of multi-family dwellings on the site.

At the August 26, 2020 Planning Commission meeting, Commissioners voted 6-0 to recommend Council adoption of the proposed project Mitigated Negative Declaration, approval of the General Plan Amendment, and Rezone.

Analysis:

Staff prepared an in-depth analysis relative to the proposed land use and zoning change. An environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. Following the preparation of an Initial Study pursuant to the California Environmental Quality Act (CEQA), it was determined that there will not be a significant effect on the environment given adoption of mitigation measures as detailed in the Initial Study dated August 4, 2020.

The assessment included analysis related to impacts to City services and traffic to ensure no significant impacts would occur. To ensure this, future development will be required to pay for operations and/or maintenance for police, fire, parks, drainage, and ongoing street maintenance costs through the participation in an existing Mello-Roos, Community Facilities District (CFD).

With regards to traffic, it was determined that the development of residential units on the site will actually reduce total vehicle trips per day, and vehicle miles traveled, in comparison to the range of commercial development that can occur as currently designated.

The project does not affect the implementation of the General Plan with respect to surrounding properties. The proposed project is consistent with the purpose of the zoning ordinance to promote and protect the public's health, safety, peace, comfort, convenience and general welfare.

Fiscal Impact:

The costs for processing the subject land use entitlements is funded through the payment of required processing fees, flat rate fees that help cover staff costs. Additionally, the ultimate development of the project will be subject to the payment of development impact fees, building permit fees, and added property taxes via increases to the assessed value of the property.

Alternatives:

- 1. Deny the recommendation. Zoning would remain Regional Commercial in conflict with the recently approved General Plan Amendment.
- 2. Provide staff with further direction.

Recommendation:

Adopt an Ordinance of the City Council of the City of Yuba City amending the zoning from the General Commercial (C-3), x-5c (Combining District) zone district to the Multiple-Family Residential (R-3) zone district for approximately 0.83 acres; 845 Louise Avenue, assessor parcel number 52-141-036, and waive the second reading.

Attachments:

- A. Ordinance (Rezone)
- B. Aerial Location Map
- C. Concept Plan
- D. Planning Commission August 26, 2020 Staff Report

Prepared By:

Submitted By:

/s/ Benjamín K. Moody

Benjamin K. Moody Development Services Director

Reviewed by:

Finance

City Attorney

<u>/s/ Díana Langley</u>

Diana Langley Interim City Manager

<u>SM</u> SLC by email

ATTACHMENT A

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY AMENDING THE ZONING FROM THE GENERAL COMMERCIAL (C-3), X-5c (COMBINING DISTRICT) ZONE DISTRICT TO THE MULTIPLE-FAMILY RESIDENTIAL (R-3) ZONE DISTRICT FOR APPROXIMATELY 0.83 ACRES; 845 LOUISE AVENUE, ASSESSOR PARCEL NUMBER 52-141-036

WHEREAS, Rezone (RZ) 20-01 has been filed by High Mark Land, LLC, to rezone approximately 0.83 acres located at 845 Louise Avenue; Assessor's Parcel Number 52-141-036; from the General Commercial (C-3). X-5c (Combining District) zone to Multiple-Family Residential (R-3) zone; and

WHEREAS, pursuant to the provisions of Article 72, Section 8-5.7202, of the City of Yuba City Municipal Code, the Planning Commission (Commission) held a public hearing on August 26, 2020, to consider RZ 20-01 and related Environmental Assessment (EA) 20-04), and after the conclusion of the public hearing, recommended approval of the application to the City Council; and

WHEREAS, at that same hearing the Planning Commission considered related General Plan Amendment (GPA) 20-01 to amend the subject site from the Regional Commercial designation to the Medium/High Density Residential designation; and

WHEREAS, RZ 20-01 will facilitate affordable, multi-residential unit opportunities in this vicinity; and

WHEREAS, EA 20-04 considering a Mitigated Negative Declaration (MND) prepared for the project, was adopted for the project by the City Council at its November 3, 2020 meeting, which provides mitigation measures to reduce potentially significant impacts to less than significant for the project, and as such all environmental assessments have been completed for the project; and

WHEREAS, the City of Yuba City on October 24 2020, published a legal notice in compliance with State law concerning City Council consideration of this project on November 3, 2020; and on October 23, 2020, a public hearing notice was mailed to each property owner within at least 300 feet of the project; and

WHEREAS, on November 3, 2020, the City Council conducted a duly noticed public hearing on the project, at which time it received input from City Staff, the City Attorney's office, and the developer; public comment portion was opened, and public testimony and evidence, both written and oral, was considered by the City Council, after which public testimony was closed and this ordinance introduced; and

WHEREAS, in conjunction with the public hearing the City Council has reviewed and considered EA 20-04 and GPA 20-01; and

WHEREAS, the City Council now desires to approve the zoning for the project by approving RZ 20-01.

NOW, THEREFORE, the City Council of the City of Yuba City does ordain as follows:

- 1. <u>Recitals</u>. The City Council hereby finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.
- 2. <u>Findings</u>: The City Council further finds as follows:
 - a. California Environmental Quality Act (CEQA). The City Council previously prepared and certified an MND for the project. The MND identified rezoning of the project site. The rezoning does not change the environmental assessment of the MND. Further, the MND was adopted on November 3, 2020. The City Council further finds that no subsequent review is required under CEQA Guidelines section 15162 as since that time no substantial changes have been proposed in the project which will require major revisions of the previously adopted MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Likewise, no substantial changes have occurred since that time with respect to the circumstances under which the project is undertaken which will require major revisions of the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is also no new information, which was not known and could not have been known at the time of the adoption of the MND that the project will have significant effect not discussed in the MND. As such, the City Council finds the RZ 20-01 has already been fully assessed in accordance with CEQA, no subsequent review is required under CEQA Guidelines section 15162, and no further action or review is required under CEQA.
 - b. General Plan. The City Council finds that the project would facilitate and guide growth in accordance with the General Plan, as amended, and is consistent with the General Plan goals and policies, any operative plan, or adopted policy. This includes General Plan Policy 3.4-G3, which states: Promote development patterns that maximize residents' accessibility to parks, open space, and shopping areas. Implementing Policy 3.4-I-5 states: Provide a variety of housing in all neighborhoods and reserve sites, where appropriate, for housing types that ensures that Yuba City remains an inclusive, affordable community. As such the project will have a less than significant impact. The project does not affect the implementation of the General Plan with respect to surrounding properties.

Approval of the RZ 20-01 would assist with the implementation of the Housing Element goals and policies in providing opportunity site for higher density development that would provide necessary housing. The proposed rezone would support the City's efforts to meet the Regional Housing Need Allocation (RHNA) as directed by the State of California Department of Housing and Community Development and as required by the City's Housing Element of the General Plan. The RHNA is an effort to meet the affordable housing needs of the State California, including the City of Yuba City. This is considered to be in the public's interest.

- c. *Zoning Ordinance*. The proposed project is consistent with the purpose of the zoning ordinance to promote and protect the public's health, safety, peace, comfort, convenience and general welfare. The project would provide housing, convenience of access, aesthetic values, protection of environmental values, and protection of public and private improvements.
- d. *Public Health, Safety, and Welfare*. Approval of RZ 20-01 is in the best interest of the City, and is not detrimental to public health, safety, or welfare.

- <u>Approval of RZ 20-01</u>: The City Council hereby approves RZ 20-01, rezoning approximately 0.83 acres located at 845 Louise Avenue from the General Commercial (C-3).X-5c (Combining District) zone to Multiple-Family Residential (R-3) zone, as set forth in Exhibit A.
- 4. <u>Severability</u>: If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.
- 5. <u>Certification</u>: The City Clerk shall certify to the adoption of this ordinance, and shall cause the same to be posted and codified in the manner required by law.
- 6. <u>Effective Date of Ordinance</u>: This ordinance shall be in full force and effect thirty (30) days after its passage.

IT IS HEREBY ORDERED, RESOLVED AND DECREED, that the property as depicted in attached Exhibit A made a part hereof by this reference, be rezoned to the Multiple-Family Residential (R-3) zone district.

This ordinance shall be effective after it is adopted, shall be published as provided by law.

Introduced and read at a regular meeting of the City Council of the City of Yuba City on November 3, 2020, and passed and adopted at a regular meeting held on the 17th day of November, 2020.

AYES:

NOES:

ABSENT:

Shon Harris, Mayor

ATTEST:

Ciara Wakefield, Deputy City Clerk

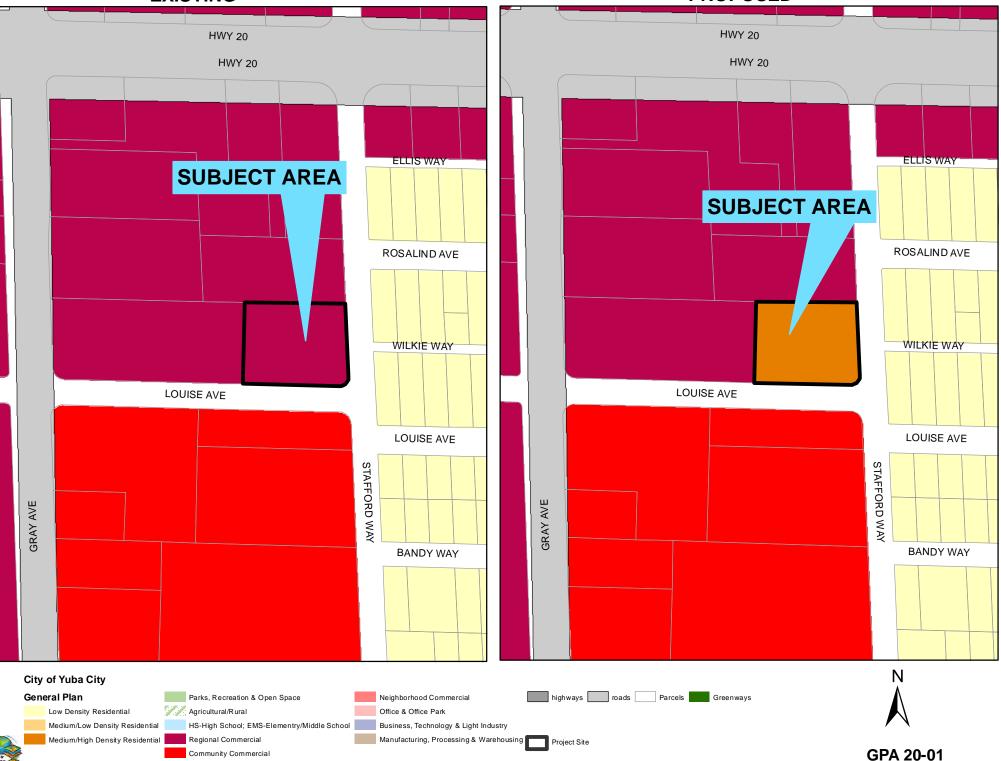
APPROVED AS TO FORM COUNSEL FOR YUBA CITY

Shannon Chaffin, City Attorney Aleshire & Wynder, LLP

Exhibit A

EXISTING

PROPOSED



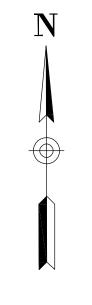
ATTACHMENT B



General Plan Amendment 20-01, Rezone 20-01 845 Louise Avenue



ATTACHMENT C



1"=40'



SITE INFORMATION

ASSESSOR PARCEL NUMBER: 52-141-038 GROSS AREA 36,346.04 SF (0.83 ACRES) EXISTING ZONING: C-3 EXISTING GP DESIGNATION: REGIONAL COMMERCIAL PROPOSED ZONING: R-3 PROPOSED GP DESIGNATION: MEDIUM/HIGH DENSITY RESIDENTIAL

BUILDING INFORMATION

BUILDING D-3 STORY- 24 UNITS: FOOTPRINT AREA: 11,310 SF UNITS AREAS:

UNIT	1	2	BRM		-1,228 S	5
UNIT	2	2	BRM		-1,122 S	SF
UNIT	3	3	BRM	ALT	-1,360 5	51
UNIT	3	1	BRM	ALT	-912 SF	

<u>REQUIRED</u>

<u>PROVIDED</u>

OPEN SPACE CALCULATIONS

24 UNITS X 200 SF/UNIT=4,800 SF

AREA OF PATIOS: [(110 SF+78 SF)X2]X3 STORIES=1,128.00 SF 1,128.00X 2 BUILDINGS= 2,256.00 SF GENERAL OPEN SPACE = 3,560 SF

TOTAL OPEN SPACE PROVIDED (EXCLUDING LANDSCAPED AREA OF FRONT AND STREET SET BACK AREAS) = 5,816 SF

<u>COVERAGE & DENSITY CALCULATIONS</u>

<u>DENSITY</u> 36,346.04 SF (LOT AREA)/24 UNITS= 1,514.42 SF PER UNIT

<u>provided</u> Apartment footprint area= 11,310 sf COVERED PARKING =4,211 SF TOTAL COVERAGE = 11,310+4,211=15,521 SF (15,521/36,346.04)X 100%= 42.70% OF LOT AREA

PARKING CALCULATIONS:

<u>REQUIRED</u> 20X1.5(2BRM)+2X1(1BRM)+2X2(3BRM)+3 GUESTS= 39 STALLS <u>PROVIDED</u>

TOTAL NUMBER OF ON-SITE STALLS PROVIDED=36 TOTAL NUMBER OF OFF-SITE SPACES AVAILABLE= 9 TOTAL PROVIDED 36+9=45

Sł	DATE DRAWN JOB NO. SHEET	# DATE	CONSTRUCTION DOCUMENTS FOR: CONSTRUCTION DOCUMENTS FOR: STAFFORD WAY APARTMENTS REVISION T	PRO 12/14	NORTH VALLEY ENGINEERING & SURVEYING
1†	RC 19-	DESCR	<u> </u>	FESSIONA L. MURA D. 19400	1547 STARR DRIVE, SUITE "J" Yuba City, ca 95993 (530) 713-0417
	1203	 IPTION	SITE PLAN	THGINEER *	

ATTACHMENT D



CITY OF YUBA CITY PLANNING COMMISSION STAFF REPORT

Meeting Date:	August 26, 2020		
То:	Chair and Members of the Planning Commission		
From:	Development Services Department		
Presentation By:	Benjamin Moody, Development Services Director		
Subject:	General Plan Amendment, Rezone, and a Mitigated Negative Declaration for a 0.83-acre parcel located at 845 Louise Avenue; (APN 52-141-036)		
Recommendation:	Conduct a public hearing and make the necessary findings to recommend that the City Council:		
	 Approve GPA 20-01, amending the General Plan Land Use Designation of the subject property from Regional Commercial to Medium / High Density Residential. 		
	 Approve RZ 20-01, rezoning the subject property from General Commercial (C3), X - 5c (Combining District) to Multiple-Family Residential (R3). 		
	 Adopt the Mitigated Negative Declaration prepared for GPA 20- 01 and RZ 20-01 as detailed in the Environmental Assessment (EA) 20-04, dated August 4, 2020, pursuant to the California Environmental Quality Act (CEQA), Section 15070 (b)(1) 		
Applicant/Owner:	High Mark Land, LLC		
Project Location:	0.83-acre parcel located at 845 Louise Avenue, north west corner of Stafford way and Louise Avenue; (APN 52-141-036)		
Project Number:	General Plan Amendment 20-01; Rezone 20-01; Environmental Assessment 20-04		

General Plan/Zoning:	General Plan: Regional Comme	ercial			
	Zoning: General Commercial (C	C-3) X	(Overlay	y Zone)	

Project Proposal:

The project proposes a General Plan Amendment (GPA) 20-01 and a Rezone (RZ) 20-01. The proposed General Plan Amendment would convert 0.83 acres from a Regional Commercial land use designation to a Medium / High-Density Residential land use designation. The proposed Rezone would change the zoning for the same 0.83-acre parcel from a General Commercial (C-3), X - 5c (Combining District) to Multiple-Family Residence (R-3) zoning district. The density/intensity authorized in the General Plan allows for the construction of 12 to 36 units per gross acre. This parcel size would limit the number of units allowed on the 0.83-acre parcel to a maximum of 29.

The Development Services Department has not received an application for development of the multi-family units at this time. However, the applicant has provided an illustrative concept plan (Attachment D) which shows a total of 24 units to be developed at the site. Future development would include any subsequent approvals or entitlements necessary to allow for development of multi-family dwellings on the site.

Property Description:

The 0.83-acre site is currently vacant, relatively flat and with no unique topographic features such as rock outcroppings or heritage-type trees.

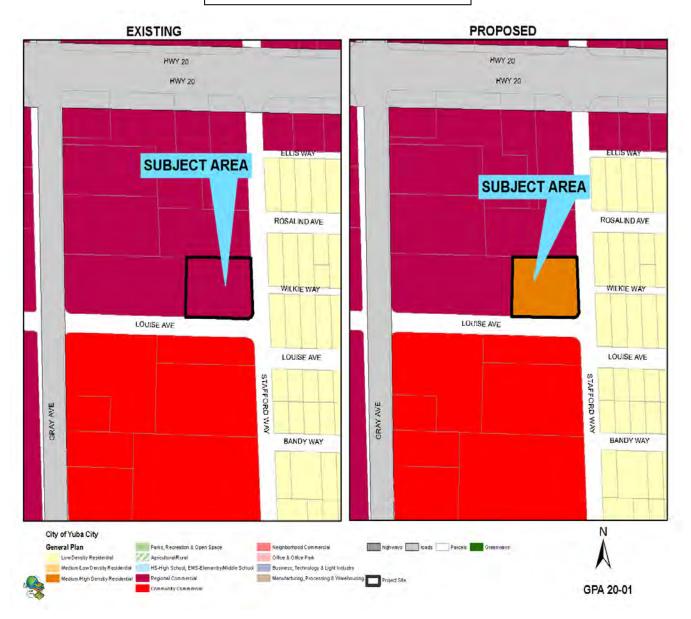


HIGHMARK LAND LLC General Plan Amendment20-01, Rezone 20-01



1 inch = 200 feet

GENERAL PLAN LAND USE EXISTING/PROPOSED



ZONING EXISTING/PROPOSED



Adjacent Property Information:

Table 1: Project and Bordering Site Information					
	General Plan Land Use Classification	Zoning	Existing Land Use		
Project Site	Regional Commercial	C-3, X5c General Commercial	Vacant		
North	Regional Commercial	C-3, General Commercial	Parking/99 Cent Store		
East	Median/Low Density Residential	R-2 (Two-Family Residence)	Single Family Residential		
West	Regional Commercial	C-3, X5c General Commercial	Travel Lodge Motel		
South	Community Commercial	C-3 General Commercial C-M Heavy Commercial/Light Industrial	Vacant Land Self-Storage facility		

The following table provides the General Plan Land Use and Zoning for adjacent properties:

General Plan Land Use Classification:

EXISTING: Regional Commercial; Shopping centers typically anchored by retail outlets with a regional draw, including "big box" retail establishments, department stores, and regional shopping malls. Commercial development along Route 20, including Sam's Club, Home Depot, and the Yuba City Mall are examples of this type of development. Sites are typically 25 to 50 acres (although this size is not a minimum requirement). This category also includes auto-and visitor- oriented commercial uses such as hotels, motels, service stations, restaurants, housing, etc. and sites for automotive sales and services and other commercial uses not described in other categories.

PROPOSED: Medium – High Density Residential; Residential development at densities ranging from 12 to 36 units per gross acre. This density range will accommodate attached homes, two- to four-plexes, apartment buildings, parks, civic and institutional uses appropriate for a residential environment. Developments with apartment buildings - such as those in small, highly landscaped apartment complexes - are at the higher end of the density range. An average density of 24 units per acre is used for buildout projections.

Zoning District Classification:

EXISTING: General Commercial (C3) X-5c (Combining District); This district is intended to provide for the entire range of commercial uses. It is consistent with the Community Commercial and Regional Commercial General Plan designations. The Combining district relates to an expired Development Agreement from the 90's.

PROPOSED: Multiple Family Residence (R3); To provide for the highest density residential uses in appropriate locations, with a level of standards conducive to establishment of a suitable living environment to those living in multiple-family residences. The R-3 District is consistent with the Medium Density Residential and High Density Residential General Plan designations.

Previous Commission Action:

There have been no recent Planning Commission or City Council actions associated with this parcel.

Staff Comments:

General Plan Amendment and Rezone:

The project will not conflict with any land use plan, policy or regulations established by the City of Yuba City. General Plan Policy 3.4-G3 states: "Promote development patterns that maximize residents' accessibility to parks, open space, and shopping areas." The following Implementing Policies to Policy 2.4-G3 further support the project's amendment request:

3.4-G-2: "Promote a balanced land use program that increases the ability of people to live and work in the city."

3.4-I-5: "Provide a variety of housing in all neighborhoods and reserve sites, where appropriate, for housing types that ensures that Yuba City remains an inclusive, affordable community."

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

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

The proposed GPA and Rezone will further the goals and policies of the City's General Plan with respect to providing housing in an area that provides accessibility to shopping, public services and public transit.

Compatibility with Surrounding Uses:

The surrounding land uses are commercial and single-family residential. Future development of the project site will require review of site development plans, architecture and related improvement plans. All future development must be consistent with General Plan policies, R-3 Zoning, and City standards.

In addition to the City's General Plan, the City provides Design Guidelines which apply to commercial and multi-family housing. The goal of the City's design guidelines is to ensure the highest quality of building design which are thoughtfully designed, compatible with the surroundings in terms of scaling, massing, detailing, and building styles. There are building designs that facilitate the pedestrian, automobile, bicycle, and transit experience. All design standards consider public safety, public interaction, and the preservation of architecturally significant historic resources.

The City has not received an application for development for the project site at this time, however, to ensure all potential impacts were addressed, the project environmental analysis (Mitigated Negative Declaration – MND) assessed the potential impacts of the development of a multi-family complex at the project site at the maximum intensity and density authorized in the R-3 zoning district.

City Services:

The MND analyzed what, if any, impacts to City Services and Traffic would occur with the change to the land use and zoning of the project site. It was determined that there would not be a significant impact due to the change from a commercial to a multi-family designation.

<u>Services:</u> To ensure no significant impacts to City Services, future development will be required to pay for operations and/or maintenance for police, fire, parks, drainage, and ongoing street maintenance costs through the participation in an existing Mello-Roos Community Facilities District (CFD).

<u>Traffic</u>: With regards to traffic, it was determined that the development of residential units on the site will reduce total vehicle trips per day and vehicle miles traveled in comparison to the range of permitted commercial development based on the current General Plan and zoning.

Environmental Determination:

Following the preparation of an Initial Study pursuant to the California Environmental Quality Act (CEQA), it has been determined that there will not be a significant effect on the environment given adoption of mitigation measures as detailed in the Initial Study dated August 4, 2020. A Mitigated Negative Declaration has been prepared in association with this proposal.

Recommended Action:

Conduct a public hearing, then make the following findings and recommendations to City Council:

<u>Findings:</u>

The proposed project has been examined with respect to its consistency with the goals and

policies of the General Plan and Zoning Code, its compatibility with surrounding uses, and the scope of improvements, all of which have been determined not to have a significant impact on the environment.

- A. The Planning Commission finds that, on the basis of the whole record, there will not be a significant effect on the environment given adoption of mitigation measures as detailed in the Initial Study dated August 4, 2020. A Mitigated Negative Declaration has been prepared in association with this proposal.
- B. The Planning Commission finds the proposed General Plan Amendment (GPA 20-01) and Rezone (RZ 20-01) are consistent with the General Plan, the proposed land use designation is compatible with surrounding properties and uses, and are in the best interest of the City facilitating development of affordable multi-family residential units.
- C. The proposed General Plan Amendment and Rezone will not be detrimental to the public health, safety, or general welfare of the City. All project utilities will be provided and public services will be provided by the City.

Council Recommendations

- 1. Approve GPA 20-01, amending the General Plan Land Use Designation of the subject property from Regional Commercial to Medium / High Density Residential.
- 2. Approve RZ 20-01, rezoning the subject property from General Commercial (C3), X 5c (Combining District) to Multiple-Family Residential (R3).
- 3. Adopt the Mitigated Negative Declaration prepared for GPA 20-01 and RZ 20-01 as detailed in the Environmental Assessment (EA) 20-04, dated August 4, 2020, pursuant to the California Environmental Quality Act (CEQA), Section 15070 (b)(1)

Attachments:

- A. Mitigated Negative Declaration
- B. Mitigation Monitoring Program
- C. Resolution
- D. Illustrative Concept Plan