



**CITY OF YUBA CITY
PLANNING COMMISSION
STAFF REPORT**

Meeting Date: September 28, 2022
To: Chair and Members of the Planning Commission
From: Development Services Department
Presentation By: Doug Libby, Deputy Director of Development Services

Subject: **Tentative Parcel Map (TPM) 22-02 to create two parcels at 1245 Colusa Avenue (Yuba Sutter Marketplace), Accessors Parcel Number 51-010-040.**

Recommendation: A. Conduct a Public Hearing and make the necessary findings to;
B. Adopt a Resolution to determine the project is Categorically Exempt from CEQA pursuant to CEQA Guidelines Section 15315, Minor Land Divisions, and approve TPM 22-02, subject to the Conditions of Approval.

Applicant/Owner: ECP/TPB, LLC
Project Location: 1245 Colusa Avenue, APN 51-010-040
Project Number: Tentative Parcel Map 22-02
General Plan and Specific Plans: Regional Commercial
Zoning: C-3

Purpose:

To approve Tentative Parcel Map 22-02 to divide 5.8 acres into two parcels located at the Yuba Sutter Marketplace.

Project Proposal:

The proposal is to subdivide the 5.8-acre parcel into two parcels. Parcel A will be 5.416 acres, and Parcel B is 0.437 acres.

Background

The applicant, Ethan Conrad Properties, is proposing to divide the existing 5.8-acre parcel into two lots sized 5.416 and 0.437 acres each to allow for future development of the site. The parcel currently consists of one business, one vacant building, and a parking lot at the Yuba Sutter Marketplace.

Property Description:

The site is relatively flat with no unique topographic features such as rock outcroppings or heritage-type trees. The site is currently developed with City services available, located along Colusa Avenue. The new parcel is between the existing Panera Bread and Jack in the Box.

Analysis:

The applicant is proposing to divide 5.8-acres into two lots sized 5.416 and 0.437 acres each for future development at proposed Parcel B (0.437 acre). Currently, proposed Parcel B is parking lot for the mall. Future development will require a building permit, and/or entitlement depending on the use of the site. At that time, the department will analyze the site to determine if it still meets parking requirements for the overall site and what additional improvements may be required. The entrance to the site is from Colusa Avenue, and easements will allow internal circulation between the existing development at the mall.

The new parcels meet the C-3/Regional Commercial designation requirements, and will allow for future development of the site.

Environmental Determination:

City staff have performed a preliminary Environmental Assessment of this project and have determined it falls within the Categorical Exemption set forth in CEQA Guidelines Section 15315, Minor Land Divisions because the proposed project is consistent with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels are available. Additionally, the proposed project was not involved in a division of a larger parcel within the previous two years and the onsite slope is less than 20-percent. Furthermore, Staff has determined that none of the exception to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project.

Recommended Action:

Conduct a public hearing and make the necessary findings to:

Environmental:

- A. Determine the project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15315, Minor Land Divisions.

Tentative Parcel Map 22-02 Findings:

Based upon analysis of the Use Permit application, and subject to the applicant's compliance with the Conditions of Approval, staff concludes that the following required

findings of Section 8-2.609 and the California Subdivision Map Act Section 66474 (*the required findings are in italics*):

1. *The proposed tentative parcel map is not consistent with the applicable General Plan and specific plans:*

Staff analysis: The General Plan designates the area for various types of commercial uses. The proposed parcel sizes are large enough to accommodate commercial type uses and the location is suited for such uses. The tentative map provides a sample of a potential future building and associated parking that could be constructed on the new parcel. Further, any use that goes into this area is required to be consistent with the General Plan. There is no specific plan applicable to this property.

2. *The design and improvement of the proposed subdivision is not consistent with applicable General and specific plans or adopted City standards:*

Staff analysis: This proposed regional commercial land division meet all General Plan and City development standards and the commercial uses that will locate on these parcels must be consistent with the Regional Commercial designation applied to this property.

3. *That the site is not physically suited for the density of development:*

Staff analysis: This site is physically suitable for the proposed type and density of development, because conditions of approval will ensure adequate access and drainage on and off the site. Moreover, compliance with the conditions applied to this division of the property will meet all City standards. All property parking and landscaping standards apply, so the remaining building area will meet intensity of development standards.

4. *That the site is not physically suited for the type of development.*

Staff analysis: The applicant has provided adequate evidence depicting a potential building. Thus, the proposed subdivision will not limit future development opportunities.

5. *That the design of the parcel map or likely improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat:*

Staff analysis: The proposed subdivision design and improvements are not likely to cause substantial and considerable damage to the natural environment, including fish, wildlife or their habitat, because the area is not known to contain any unique or endangered species.

6. *That the design of the parcel map or the type of improvements is likely to cause serious public health problems:*

Staff analysis: The proposed subdivision design and improvements are not likely to cause serious public health and safety problems, because the conditions of approval have shown and will require that it conform with City health and safety standards. In addition, each new parcel will be connected to City water, sewer and storm drainage systems in order to avoid public health problems.

7. *None of the findings in Section 6-.601 of the Municipal Code is satisfied:*

Staff analysis: This project complies with this finding as the Sutter Butte Flood Control Agency (SBFCA) is the “Local Flood Management Agency” for the Sutter-Butte Basin and as such, has completed improvements to provide an urban level of flood protection in urban and urbanizing areas as required by Municipal Code Section 6-9.602 (a).

8. *That the design of the parcel map or the type of improvements will conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision:*

Staff analysis: The proposed subdivision design will not conflict with public easements within or through the site, because conditions of approval will assure noninterference with any existing or proposed public easements. In addition, the property is served by Colusa Avenue, a public road.

As provided above, none of the required findings that would require denial of the parcel map can be made. Therefore, the tentative map may be approved.

- B.** Adopt a Resolution to determine the project is Categorical Exempt from CEQA pursuant to CEQA Guidelines Section 15315, Minor Land Divisions, and approve TPM 22-02, subject to the Conditions of Approval.

Attachments:

1. Resolution approving Tentative Parcel Map 22-02
Exhibit A: Conditions of Approval
2. Tentative Parcel Map 22-02
3. Location Map

ATTACHMENT 1

PLANNING COMMISSION RESOLUTION NO. PC22-09

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YUBA CITY APPROVING TENTATIVE PARCEL MAP (TPM) 22-02, YUBA SUTTER MARKETPLACE, SUBJECT TO THE CONDITIONS OF APPROVAL AND DETERMINE THE PROJECT IS CATEGORICALLY EXEMPT FROM CEQA PURSUANT TO CEQA GUIDELINES SECTION 15315, MINOR LAND DIVISIONS. TPM 22-02 WILL CREATE TWO COMMERCIAL LOTS ON 5.814 ACRES, LOCATED AT 1245 COLUSA AVENUE.

WHEREAS, the City received a Tentative Parcel Map application for this property in March 2022 to subdivide the approximately 5.814 acres. TPM 22-02 would create two commercial lots and will be provided full City services; and

WHEREAS, this property is within Yuba City's city limits; and

WHEREAS, a review of the General Plan and Zoning Regulations determined that the proposed subdivision was consistent with the General Plan and Zoning Regulations; and

WHEREAS,

WHEREAS, the City on September 17, 2022, published a legal notice and a Public Hearing notice was mailed to each property owner within at least 300 feet of the project site in compliance with State law concerning the Planning Commission's consideration on September 28, 2022; and

WHEREAS, the Planning Commission held a duly noticed public hearing on September 28, 2022 and considered all of the project and environmental information presented by staff, public testimony and all of the background information.

NOW, THEREFORE, BE IT RESOLVED the Planning Commission of the City of Yuba City resolves and orders as follows:

Environmental finding: City staff have performed a preliminary Environmental Assessment of this project and have determined it falls within the Categorical Exemption set forth in CEQA Guidelines Section 15315, Minor Land Divisions because the proposed project is consistent with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels are available. Additionally, the proposed project was not involved in a division of a larger parcel within the previous two years and the onsite slope is less than 20-percent. Furthermore, Staff has determined that none of the exception to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project.

Subdivision Findings: None of the findings required by Yuba City Municipal Code Section 8-2.609, and the California Subdivision Map Act Section 66474 that require the City to deny approval of a tentative map apply to this project:

1. The proposed tentative subdivision map is not consistent with the applicable general plan and specific plan.
2. The design and improvement of the tentative subdivision map is not consistent with applicable general and specific plans or adopted City standards.
3. That the site is not physically suited for the density of development.

4. That the site is not physically suited for the type of development.
5. That the design of the subdivision map or likely improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision maps or the type of improvements is likely to cause serious public health problems.
7. None of the findings in Section 6-9.603 of the Municipal Code is satisfied.
8. That the design of the subdivision or the type of improvements will conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

Evidence:

1. The General Plan designates the area for various types of commercial uses. The proposed parcel sizes are large enough to accommodate commercial type uses and the location is suited for such uses. The tentative map provides a sample of a potential future building and associated parking that could be constructed on the new parcel. Further, any use that goes into this area is required to be consistent with the General Plan. There is no specific plan applicable to this property.
2. This proposed regional commercial land division meet all General Plan and City development standards and the commercial uses that will locate on these parcels must be consistent with the Regional Commercial designation applied to this property.
3. This site is physically suitable for the proposed type and density of development, because conditions of approval will ensure adequate access and drainage on and off the site. Moreover, compliance with the conditions applied to this division of the property will meet all City standards. All property parking and landscaping standards apply, so the remaining building area will meet intensity of development standards.
4. The applicant has provided adequate evidence depicting a potential building. Thus, the proposed subdivision will not limit future development opportunities.
5. The proposed subdivision design and improvements are not likely to cause substantial and considerable damage to the natural environment, including fish, wildlife or their habitat, because the area is not known to contain any unique or endangered species.
6. The proposed subdivision design and improvements are not likely to cause serious public health and safety problems, because the conditions of approval have shown and will require that it conform with City health and safety standards. In addition, each new parcel will be connected to City water, sewer and storm drainage systems in order to avoid public health problems.
7. This project complies with this finding as the Sutter Butte Flood Control Agency (SBFCA) is the "Local Flood Management Agency" for the Sutter-Butte Basin and as such, has completed improvements to provide an urban level of flood protection in urban and urbanizing areas as required by Municipal Code Section 6-9.602 (a).

8. The proposed subdivision design will not conflict with public easements within or through the site, because conditions of approval will assure noninterference with any existing or proposed public easements. In addition, the property is served by Colusa Avenue, a public road.

AND, BE IT FURTHER RESOLVED, that the Planning Commission, determines the project falls within the Categorical Exemption set forth in CEQA Guidelines Section 15315, Minor Land Divisions, and approves Tentative Parcel Map 22-01, Yuba Sutter Marketplace, subject to the Conditions of Approval as provided in **Exhibit A**.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on September 28, 2022, by Commissioner _____ who moved its adoption, which motion was seconded by Commissioner _____ and carried by the following vote:

Ayes:

Noes:

Absent:

Recused:

By order of the Planning Commission of the City of Yuba City.

Michele Blake, Planning Commission Chair

ATTEST:

Benjamin Moody, Secretary to the Planning Commission

Attachments:

Exhibit A: Conditions of Approval

EXHIBIT A

**CITY OF YUBA CITY
CONDITIONS OF APPROVAL
TENTATIVE PARCEL MAP 22-02
SEPTEMBER 28, 2022**

**YUBA SUTTER MARKETPLACE
1215 COLUSA AVENUE
YUBA CITY, CA
APN: 51-010-040**

NOTICE TO PROJECT APPLICANT

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

IMPORTANT: PLEASE READ CAREFULLY

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

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

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

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

CONDITIONS OF APPROVAL

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

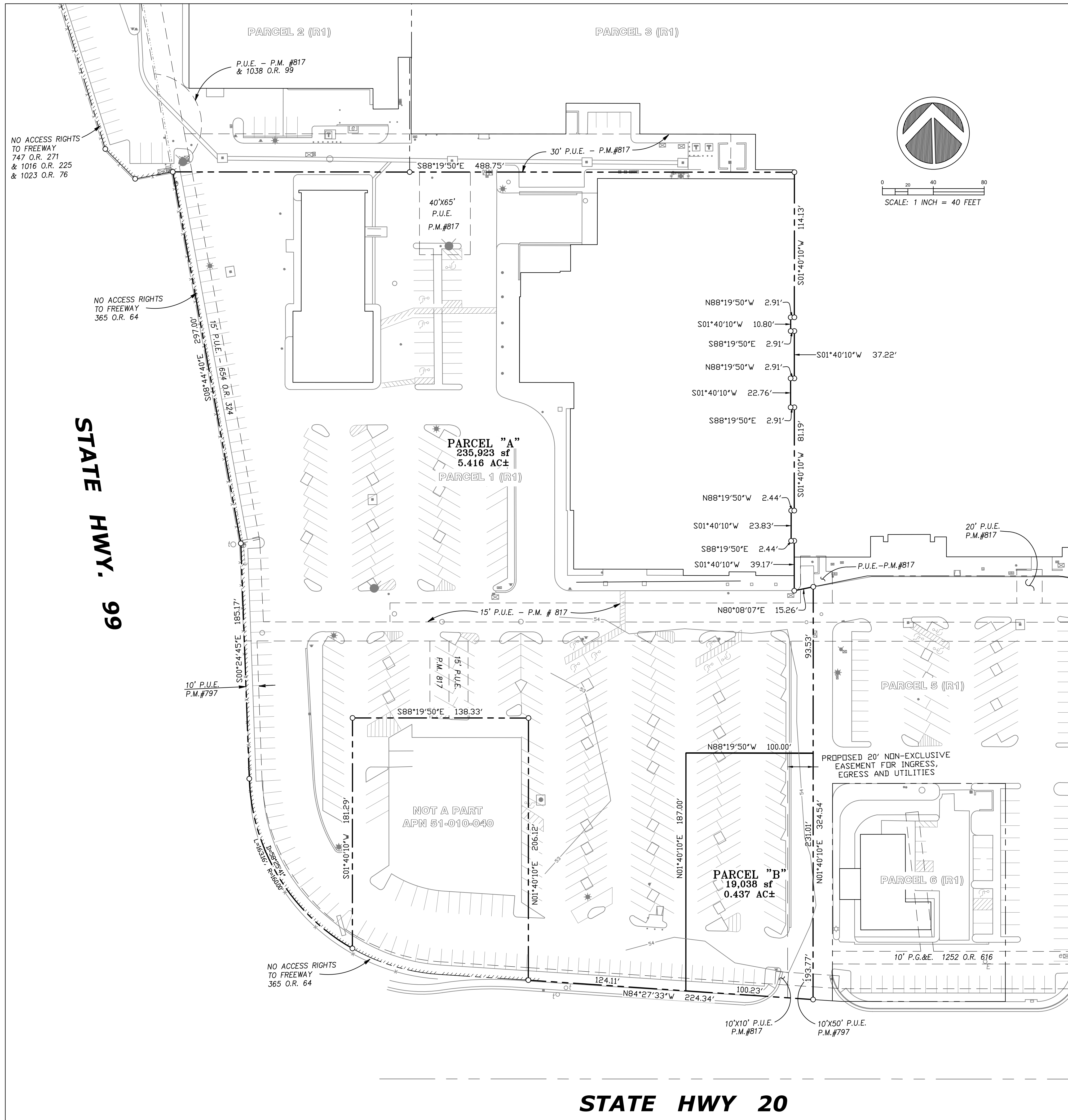
Nothing in this section shall obligate the City to defend any claim and the City shall not be required to pay or perform any settlement arising from any such claim not defended by the City, unless the City approves the settlement in writing. Nor shall the City be prohibited from independently defending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

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

2. The lot design on the parcel maps shall be designed in conformance with the TPM 22-02, as appropriate, and as approved by the Planning Commission on September 28, 2022.

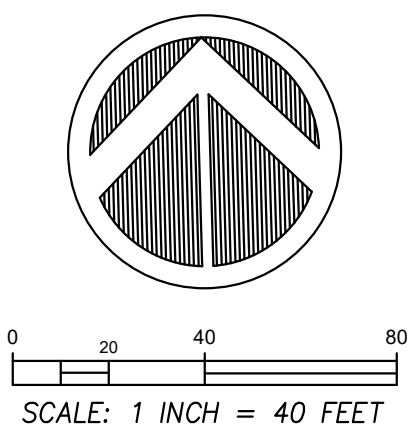
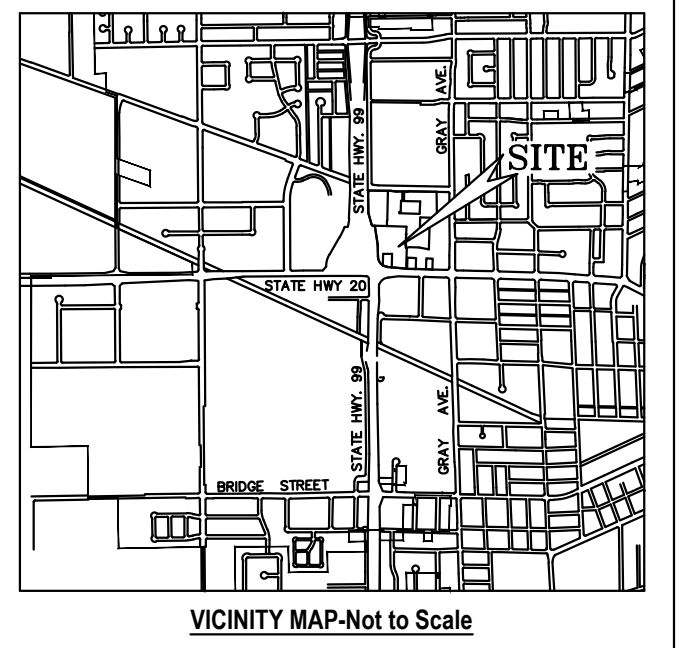
3. Approval of TPM 22-02 shall be null and void without further action if either the project has not been substantially commenced within two years of the approval date of TPM 22-02 or that a request for an extension of time, pursuant to Section 66452.6 and as amended, of the California Subdivision Map Act, has been submitted to the City prior to the map's expiration date.
4. Cross access easements, over the entire parcels not covered by buildings, shall be reserved in deeds or other acceptable format to facilitate all shared underground utilities, ingress and egress, parking, drainage, refuse collection, landscaping, and the maintenance thereof to the benefit of all parcels involved in the division. The document is to be recorded and tied to the divided parcels.

ATTACHMENT 2



LEGEND

- PARCEL MAP BOUNDARY
- - - EXISTING PROPERTY LINE
- NEW PARCEL LINE
- - - CENTERLINE
- - - EASEMENT LINE AS NOTED
- * EXISTING SITE/STREET LIGHT
- EXISTING STORM WATER CATCH BASIN
- 55 — CONTOUR INTERVAL (NAVD 88 DATUM)



RECORD REFERENCES:

(R1) – PARCEL MAP NO. 817, BOOK 5 OF MAPS, PAGE 27

OWNER/SUBDIVIDER:

ETHAN CONRAD
 1300 NATIONAL DRIVE, SUITE 100
 SACRAMENTO, CA 95834
 (916) 779-1200

ENGINEER:

W. GILBERT ENGINEERING
 WESLEY E. GILBERT, R.C.E. 31689 140
 YELLOWSTONE DRIVE, SUITE 110
 CHICO, CALIFORNIA 95973
 (530) 809-1315

ASSESSOR'S PARCEL NUMBER:

51-010-040

LAND USE:

PRESENT: REGIONAL COMMERCIAL
 FUTURE: REGIONAL COMMERCIAL

ZONING:

PRESENT: C-3

UTILITIES

SANITARY SEWER: YUBA CITY UTILITIES
 WATER: YUBA CITY UTILITIES
 POWER: PACIFIC GAS & ELECTRIC
 COMMUNICATIONS: TO BE DETERMINED
 CABLE TV: TO BE DETERMINED
 STORM DRAIN: YUBA CITY UTILITIES
 SCHOOL DISTRICT:
 PARK DISTRICT:

1) THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES ONLY. W. GILBERT ENGINEERING WAS NOT PROVIDED WITH UNDERGROUND PLANS OR SURFACE MARKINGS TO DETERMINE UNDERGROUND UTILITIES.

EASEMENT NOTES:

ALL EASEMENTS SHOWN IN PLAN VIEW

SUBDIVISION NOTES:

- 1) TOTAL ACREAGE: 5.853 ACRES±
 TOTAL NUMBER OF PARCELS: 2
 AVERAGE PARCEL SIZE: 2.927 ACRES±
- 2) THE PARCELS LIE IN FLOOD ZONE "C" AS SHOWN ON FEMA COMMUNITY PANEL # 060396 005B.
- 3) FULL PARCEL BEFORE PARCEL MAP = 5.854 ACRES±
 PARCEL A AFTER PARCEL MAP = 5.331 ACRES±
 PARCEL B AFTER PARCEL MAP = 0.523 ACRES±
- 4) NO SITE IMPROVEMENTS ARE PROPOSED.
- 5) ALL EXISTING STRUCTURES ARE TO REMAIN.

THIS LOT LINE ADJUSTMENT MAP WAS PREPARED BY ME OR UNDER MY DIRECTION.

BY: _____ DATE: _____
 WESLEY E. GILBERT
 R.C.E. 31689
 EXPIRES: 12/31/22



TENTATIVE PARCEL MAP NO. 22-__

for
 ETHAN CONRAD

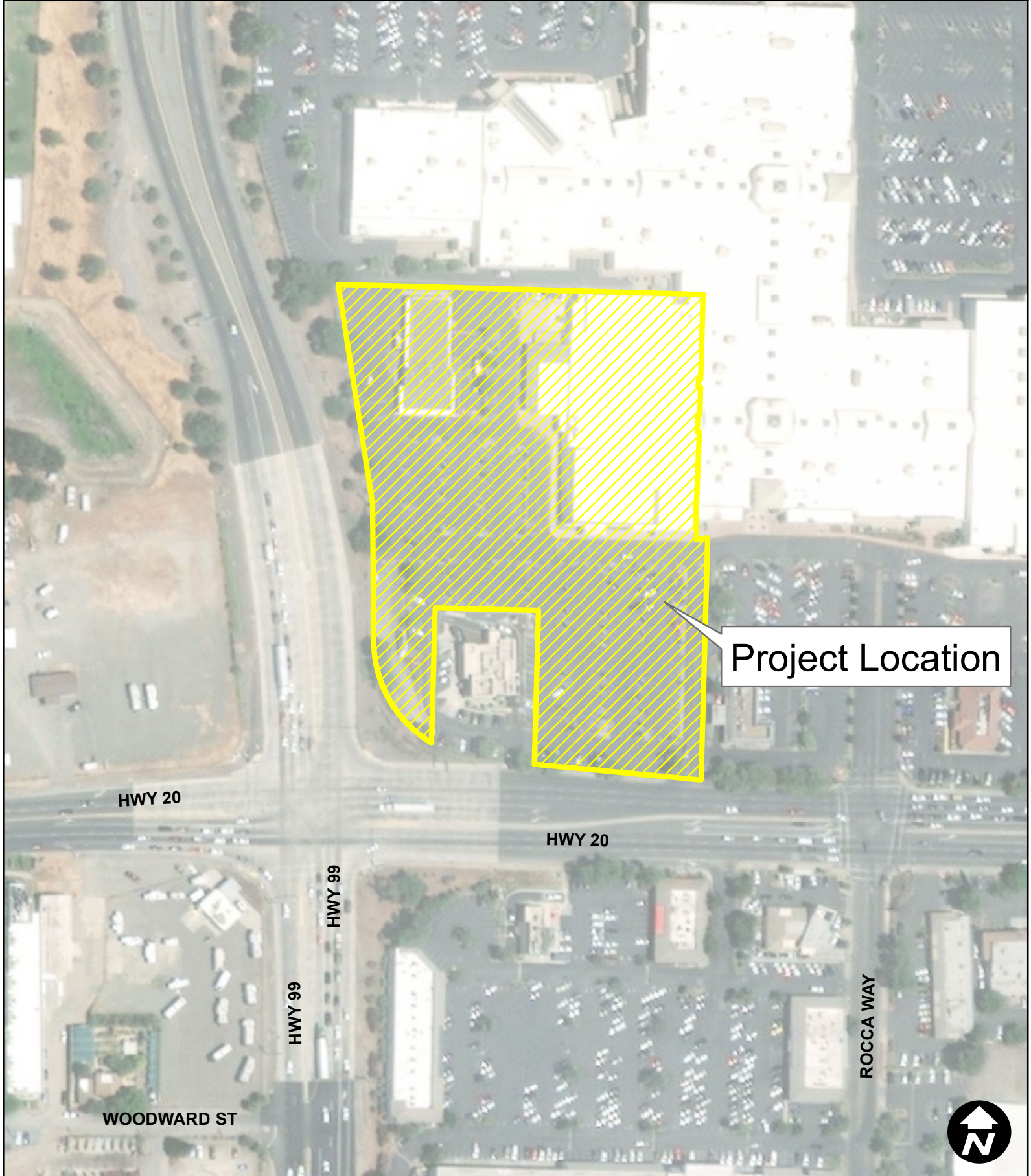
PARCELS 1 OF PARCEL MAP NO. 817, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SUTTER COUNTY, CALIFORNIA, ON SEPTEMBER 1, 1989, IN BOOK 5 OF PARCEL MAPS, PAGE 27. CITY OF YUBA CITY, COUNTY OF SUTTER, STATE OF CALIFORNIA

W. GILBERT ENGINEERING
 140 YELLOWSTONE DRIVE, SUITE 110
 CHICO, CALIFORNIA 95973
 (530) 809-1315

ATTACHMENT 3

Yuba Sutter Marketplace

Tentative Parcel Map 22-02 | Location Map



HWY 20

HWY 20

HWY 99

HWY 99

ROCCA WAY

WOODWARD ST

Project Location

