Meeting Date: January 11, 2017

To: Chairperson and Members of the Planning Commission

From: Development Services Department

Presentation By: Ed Palmeri, Senior Planner

Public Hearing: Tentative Parcel Map (TM) TM-16-01 Thiara Brothers. A request to consider the creation of two lots and make a determination that the project is categorically exempt pursuant to the California Environmental Quality Act (CEQA).

Applicant: Thiara Brothers, LLC, P.O. Box 3686, Yuba City, CA 95992

Project Location: The project is located at the southeast corner of Lassen Blvd. and Carson Dr. (Assessor’s Parcel Number 58-050-055).

Project Proposal:
Proposal to create two lots (16,857 square feet and 15,950 square feet) from an undeveloped 0.75 acre parcel. The proposed parcel map will allow future development of the two sites; no new development is proposed as part of this application.

Property Description:
The nondescript 0.75 acre site is located at the southeast corner of Lassen Boulevard (Blvd.) and Carson Drive (see Attachment 1). There are no trees on the site. The applicant has not submitted construction drawings, however it is anticipated that the site will be developed with office type uses similar to existing buildings in the vicinity.

Surrounding properties include developed and undeveloped parcels. There are two parcels to the east which are being developed with a bank and an office, however the property immediately to the east is vacant, as is the parcel to the west, across the street from Carson Drive. Property immediately opposite the site on the north side of Lassen Blvd. is developed with Feather River Academy, an alternative school (grades 9 – 12) operated by Sutter County Superintendent of Schools.

Several other parcels fronting Lassen Blvd. on the same block are under construction with additional professional offices and a bank. Adjacent properties to the south are developed with single family residences fronting onto Redhaven Avenue which are separated from the project site by a six foot wooden fence. A single family home is located on the west side of Carson Drive directly across the site.

Lassen Blvd. is an improved 76 foot wide Collector Street improved with two lanes in each direction with a continuous left turn pocket. There is an existing five foot wide sidewalk on both sides of the street.
Carson Drive is an improved local street, with four foot wide sidewalks on both sides of the street. The sidewalk is separated from the curb and gutter with a parkway. Overall, both Lassen Blvd. and Carson Drive are in good condition.

**General Plan and Zoning:**

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**General Plan Land Use Classification**

Business, Technology and Light Industry: This land use classification provides for campus/complex development accommodating flexible uses of space including light industrial, office, high-tech, and small-scale distribution. The land use classification is consistent with the following General Plan Guiding and Implementing Policies relating to commercial and employment areas (*in italics*):

1. **3.8-I-4** Ensure that neighborhood retail centers and commercial service buildings are compatible with the surrounding neighborhood and with adjacent travel corridors.
2. **3.8-I-7** Encourage of development of community commercial facilities that are accessible to both vehicles and pedestrians, and include amenities for both.
3. **3.9-G-7** Achieve compatibility between employment center development and surrounding neighborhoods through buffering requirements and performance standards intended to minimize harmful effects of excessive noise, light, glare, and adverse environmental impact.
4. **Establish setback, landscaping, and screening requirements for employment center development.**

**Zoning district classification**

Zoning for the site is Heavy Commercial/Light Industrial District Combining District (C-M X_{17}). The purpose of the C-M district is to provide a transition between commercial and industrial areas. The district provides for commercial and industrial uses not found in typical retail or industrial areas. It is consistent with the Business, Technology and Light Industry General Plan Land Use classification.

The property development standards as outlined in the Municipal Code Section set forth the property development standards, including minimum lot sizes, yards, setbacks, exterior lighting, fences, walls and hedges, landscaping, parking, and refuse collection all of which will be addressed at the time of development. Worth noting is that the Municipal Code establishes that new lots shall have a depth to width ratio not to exceed three times deeper than it is wide. The proposed parcels comply with the latter.

Worth noting is that the zoning for the site has an overlay, in the form of a combining district. The overlay has been applied to the site to minimize potential conflicts with the adjacent residential properties and
to ensure an attractive appearance on Lassen Blvd. The following provides a synopsis of the Combining District X\textsubscript{17} development criteria:

1. Uses shall not create offensive conditions such as light, or odor smoke at the property line.
2. City Design Guidelines shall apply.
3. Cross easements are to be put into place as properties develop.
4. Business and professional offices shall be a permitted use.
5. For properties fronting Lassen Blvd. no outdoor storage higher than the wall height adjacent to residential areas. Provide a uniform wall design and five foot buffer next to residential to be completed when first property developed.
6. No outdoor storage or sales on front half of lot (applies to properties on Tharp Road).

No modifications to the combining district are proposed.

**Previous Actions and/or Policies:**

The site has not been a part of any subdivision within the past two years.

**Environmental Determination:**

The project consists of subdividing a vacant 0.75 parcel into two smaller parcels. Pursuant to California Environmental Act (CEQA) Article 19, Categorical Exemption (Section 15315 Minor Land Divisions) the project is exempt from the provisions of CEQA. Section 15315, Minor Land Divisions, provides for an exemption when the project consists of the division of property in an urbanized area zoned for commercial/light industrial uses into two parcels; the project consistent with the General Plan and zoning and all public services are available; and the land has not been divided within the last two years. The proposed project meets the aforementioned criteria.

**Staff Comments:**

Given its location, proposed lot sizes, and access, the project will provide two additional lots suitable for future development with a variety of uses encouraged by the General Plan and allowed or permitted by the Municipal Code.

As discussed above, there is contiguous undeveloped land east of the project site that is also zoned C-M X\textsubscript{17}. Currently there are no development plans for either this site or the adjacent property. Staff recommends that a single access driveway with cross access easements be provided on Lassen Blvd. and Carson Drive for the proposed two lots. The easement would allow for a free flow of on-site vehicle movements and limit the number of driveways along both Lassen Blvd. and Carson Drive. In addition, staff recommends that the cross easements allow future movement of on-site traffic between this project and property to the east.

Moreover, in an attempt to minimize potential impacts to the residences to the south, the developer is required, per the Combining District X\textsubscript{17}, to install masonry wall along the common property line when the property is developed. Staff recommends that a condition of approval be adopted that would require that the wall be installed at the time the first parcel is developed.

**Findings:**

California Environmental Quality Act, Yuba City Municipal Code Section 8-2.609, and the California
Subdivision Map Act require that findings be made in order to approve a tentative map. Provided below is an evaluation of the findings required to approve the tentative map. The required findings are in italics.

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 proposed parcels comply with all zoning and development standards for the future building to be constructed on the two lots.

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

**Staff Analysis:** The project site accommodates the proposed development and all required improvements, such as parking, drive aisles, and landscaping.

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

**Staff Analysis:** Division of the property into two parcels will not result in environmental damage or public health problems.

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:** The proposed tentative map is designed in such a way as to preserve the existing access points for all proposed buildings on the site. As such, the subdivision will not conflict with easements or public access. Additionally, the project is designed to provide shared parking, access, maintenance, etc. between all owners, and cross access easements shall be reserved in deeds to ensure continued shared use.

The appropriateness of the proposed project has been examined with respect to its consistency with the General Plan and its compatibility with surrounding uses. These factors have been evaluated as described above and staff's environmental assessment. Staff has determined that the proposed lots are consistent with General Plan policies, Municipal Code requirements, and compatibility with surrounding uses.

**Recommended Action:**

Staff recommends that Planning Commission take the following actions:

A. Adopt the following findings for Tentative Parcel Map TM-16-01:

1. **TM-16-01,** in accordance with Section 15315 of the California Environmental Quality Act, is exempt from further environmental review since it consists of the division of property in an urbanized area and is in conformance with local General Plan and Zoning requirements.

2. The design or improvement associated with the proposed TM-16-01 is consistent with the Yuba City General Plan and the Yuba City Zoning Regulations.
3. The site of the proposed TM-16-01 is physically suited for the type and proposed density of development.

4. The design of TM-16-01 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 TM-16-01 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 TM-16-01 subject to the Conditions of Approval as outlined in Attachment 2.

**Attachment:**

1. Aerial Photo/Location Map
2. Conditions of Approval
3. Proposed Tentative Parcel Map
Attachment 2

Conditions of Approval
Tentative Map 16-01

Planning

1. Tentative Map TM-16-01 shall comply with the Conditions of Approval.
2. Tentative Map TM-16-01 is approved as shown in Exhibit A.
3. Approval of Tentative Map TM-16-01 shall expire two years from the date of the project approval. The map shall expire on January 11, 2019.
4. A solid decorative masonry wall shall be installed along the southerly property line at the time of issuance of building permits for either Parcel 1 or Parcel 2. The wall shall match materials and design of existing wall located on the southerly property line of property located at 1870 Lassen Avenue.
5. Cross easements over all property not occupied by buildings shall be reserved in deeds for all underground utilities, ingress and egress, parking, drainage, landscaping, and the maintenance thereof to the benefit of both parcels involved in the division and future development to the east.
6. Each parcel shall have separate sewer and water services per the City’s Municipal Code. Applicant will be required to pay for a new water service and connection.
7. All domestic, landscape, and fire service lines shall have reduced pressure backflow preventers. The preventers shall be tested and a backflow preventer certification performed by an AWWA licensed tester shall be submitted to the Public Works Department.
8. 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. Avoidance measures or appropriate mitigation shall be completed according to CEQA guidelines. The State Office of Historic Preservation has issued recommendations for the preparation of Archeological Resource Management Reports which shall be used for guidelines. If the bone appears to be human, California law mandates that the Sutter County Coroner and the Native American Heritage Commission be contacted.

Engineering

9. Traffic control construction signs shall be installed/erected per City of Yuba City Standards and Details, CalTrans Standards and Details, and the Manual of Uniform Traffic Control Devices. The signs shall be maintained throughout the project duration.
10. All grading operations on the project shall be suspended as directed by the Feather River Air Quality Management District when sustained 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. *(Engineering & FRAQMD)*
11. 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. *(Engineering & FRAQMD)*

12. All transfer processes involving a free fall of soil or other particulate matter shall be operated in such a manner as to minimize the free fall distance and fugitive dust emissions. *(Engineering & FRAQMD)*

13. To help contain fugitive dust, construction sites shall be watered down during the construction phase of the project or as directed by the Public Works Department. *(Engineering & FRAQMD)*

14. 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. *(Engineering & FRAQMD)*

15. Open burning is a source of fugitive gas and particulate emissions, which shall be prohibited at the project site. No open burning of vegetative waste (natural plant growth wastes) or other legal or illegal burn materials (trash, demolition debris, et. al.) shall be conducted at the project site. Vegetative wastes should be chipped or delivered to waste facilities (permitted biomass facilities), mulched, composted, or used for firewood. It is unlawful to haul waste materials offsite for disposal by open burning. *(Engineering & FRAQMD)*

16. To prevent track-out, wheel washers shall be installed where project vehicles and/or equipment exit onto paved street from unpaved roads. 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.

17. Paved streets shall be swept frequently (water sweeper with reclaimed water recommended; wet broom) if soil material has been carried onto paved, public streets adjacent to the project site.

18. Provide temporary traffic control as needed, and/or as deemed appropriate by the Public Works Department during all phases of construction to improve traffic flow and to reduce vehicle dust emissions. Effective measures are to enforce vehicle traffic speeds at or below 15 mph and to reduce unnecessary vehicle traffic by restricting access. Provide appropriate training, onsite enforcement, and signage. *(Engineering & FRAQMD)*

19. The Developer, at his expense, shall be solely responsible for all quality control associated with the project. The quality control shall include, but is not limited to, the following: survey work, potholing existing utilities, all geotechnical testing, soil reports, concrete testing, asphalt testing, and any other required special testing/inspections. The City will only perform necessary testing to insure compliance.

20. The Developer’s Superintendent/Representative shall be onsite when contractor is working and be available to the City’s Inspector(s) 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.
21. 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.

22. Sidewalks, within and adjacent to the construction area, shall be kept clean and remain accessible for American Disability Act compliance.

23. Storage of construction material is not allowed in the travel way.

24. On proposed developments that are larger than one acre, 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 Protection Plan shall be provided to the City.

25. Project shall comply with the Model Water Efficient Landscape Ordinance.

26. Project shall comply with the City’s Stormwater Management and Discharge Control Ordinance (Title 4, Chapter 21 of the Yuba City Municipal Code).

27. Project shall comply with the City’s Grading Ordinance (Title 7, Chapter 16 of the Yuba City Municipal Code).

28. 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 land or impede the drainage from those properties. If retaining walls are required they shall be constructed of concrete or masonry block.

29. Existing and proposed grade elevations at perimeter of the proposed land development shall be shown on the grading plan. The Engineer of Record shall designate on the plans as to where any retaining walls are required and provide details of all proposed retaining walls. 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.

30. The applicant shall submit, with the first improvement plan check, to the City for review and approval, a detailed geotechnical investigation 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 investigation.

31. The Developer shall be responsible for implementing the Storm Water Pollution and Prevention Plan (SWPPP) through the use of Best Management Practices (BMP). The Developer shall be responsible for maintaining the SWPPP. The SWPPP shall conform to the provisions in Section 13, "Water Pollution Control," of the Caltrans Standard Specifications for construction of streets and local roads dated 2010, 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.dot.ca.gov/hq/construc/stormwater/. 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. Should the Developer fail to ensure satisfactorily compliance with the SWPPP, the City Inspector may issue a stop work order until compliance is achieved.

32. The following minimum Best Management Practices (BMPs) shall be required during construction:
   a. Construction crews shall be instructed in preventing and minimizing pollution on the job.
   b. 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.
   c. 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.
   d. 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.
   e. 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.
   f. Protect drain inlets from receiving polluted storm water through the use of filters such as fabrics, gravel bags or straw wattles.
   g. Be prepared for rain and have the necessary materials onsite before the rainy season.
   h. 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.

33. 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.

34. The contractor shall obtain an Encroachment Permit from the City and/or County prior to performing any work within public rights of way.

35. Where an excavation for a trench and/or structure is 5 feet deep or more, the contractor shall conform to O.S.H.A. requirements. The contractor shall provide a copy of the approved O.S.H.A. permit, and shoring details and calculations prepared by California licensed structural engineer to the Public Works Department.

36. 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, 4” minimum for collectors and 5” minimum for arterials, of ‘Type A’ asphaltic concrete over Class 2 aggregate base (the thickness of the base shall be designed to the R-value of the soil)
b. Use a traffic index of 6 for residential streets

c. Use a traffic index of 7 for collector streets

d. Use a traffic index of 10 for arterial streets

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

37. All service laterals (water, sewer, irrigation, fire suppression), along with required meters, are to be shown on the civil improvement plans.

38. All domestic, landscape, and fire service lines shall have reduced pressure backflow preventers.

39. All reduced pressure backflow preventers shall be tested and a back flow preventer certification performed by an AWWA licensed tester shall be submitted to the Public Works Department.

40. The fire suppression system that will be servicing the property shall tie-in directly to the City water main. Hot tap fees shall apply.

41. Required Improvement Plan Notes:

a. "Any excess materials shall be considered the property of the contractor/owner and shall be disposed of away from the job site in accordance with applicable local, state and federal regulations."

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

c. "If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Sutter County Environmental Health Department, the Fire Department, the Police Department, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies."

d. "The Contractor(s) shall be required to maintain traffic flow on affected roadways during non-working hours, and to minimize traffic restriction during construction. The Contractor shall be required to follow traffic safety measures in accordance with the 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. "Soil shall not be treated with lime or other cementitious material without prior express permission by the Public Works Department."

42. All sidewalks along the City right-of-way shall be free of any non-control joint cracking. In addition, any concrete with cracks, chips, blemishes, and spalling greater than an inch in diameter shall be replaced from control joint to control joint.
43. The City reserves the right to direct the Developer to hydroflush all storm drain mains and all sewer mains. This would be requested to be performed prior to the issuance of a certificate of occupancy.

44. The Developer shall be required to pay any applicable Sutter County Water Agency drainage fees. The drainage fees are paid at the time of a permit being issued for a building to be constructed on that parcel.

**Fire Department**

45. Improvement plans shall be approved by the Yuba City Fire Department.