



AGENDA

WEDNESDAY, FEBRUARY 8, 2023

REGULAR MEETING PLANNING COMMISSION CITY OF YUBA CITY

6:00 P.M. – REGULAR MEETING

CHAIRPERSON	• Michele Blake
VICE CHAIRPERSON	• John Shaffer
COMMISSIONER	• Jackie Sillman
COMMISSIONER	• Lorie Adams
COMMISSIONER	• Stacy Brookman
COMMISSIONER	• Bhavin Singh Dale
COMMISSIONER	• Karri Campbell (Sutter Co. Rep)

1201 Civic Center Blvd
Yuba City, CA 95993

Wheelchair Accessible

The City has adopted a Reasonable Accommodations Policy that provides a procedure for receiving and resolving requests for accommodation to participate in this meeting. Please visit [yubacity.net ADA & Accessibility Resources page](http://yubacity.net/ADA%20&%20Accessibility%20Resources%20page). If you need assistance in order to attend the Planning Commission meeting, or if you require auxiliary aids or services, e.g., hearing aids or signing services to make a presentation to the Planning Commission, the City is happy to help. Accommodations should be requested as early as possible as additional time may be required in order to provide the requested accommodation; 72 hours in advance is suggested. Please contact City offices at (530) 822-4817 or (TTY: 530-822-4732), so such aids or services can be arranged. Requests may also be made by email at cityclerk@yubacity.net or citymanager@yubacity.net or mail City Clerk, 1201 Civic Center Blvd, Yuba City, CA 95993.

**AGENDA
PLANNING COMMISSION
CITY OF YUBA CITY
FEBRUARY 8, 2023
6:00 P.M. - REGULAR MEETING**

Materials related to an item on this Agenda, submitted to the Commission after distribution of the agenda packet, are available for public inspection at City Hall at 1201 Civic Center Blvd., Yuba City, during normal business hours. Such documents are also available on the City of Yuba City's website at www.yubacity.net, subject to staff's availability to post the documents before the meeting.

The Council Chambers will be open for public attendance and participation. The meeting will also be live streamed for public viewing, but not participation, at the following link:
https://us06web.zoom.us/webinar/register/WN_gJWSpVLKSi2DFi-tl-zlew

Emailed comments sent to developmentservices@yubacity.net at least 24 hours before the meeting will be distributed to the Planning Commission prior to the meeting. Please identify the Agenda item(s) addressed by the comments.

Call to Order

Roll Call:

_____ Chairperson Blake
_____ Vice Chairperson Shaffer
_____ Commissioner Sillman
_____ Commissioner Adams
_____ Commissioner Brookman
_____ Commissioner Dale
_____ Commissioner Campbell (Sutter County Representative)

Pledge of Allegiance to the Flag

Public Comment on Items not on the Agenda

You are welcome and encouraged to participate in this meeting. Public comment on items not listed on the agenda will be heard at this time. Comments on controversial items may be limited and large groups are encouraged to select representatives to express the opinions of the group.

1. Written Requests

Members of the public submitting written requests, at least 24 hours prior to the meeting, will be normally allotted five minutes to speak.

2. Appearance of Interested Citizens

Members of the public may address the Planning Commission on items of interest that are within the City's jurisdiction. Individuals addressing general comments are encouraged to limit their statements to three minutes.

Planning Commission Business

3. **Election of 2023 Planning Commission Chairperson and Vice Chairperson (per Section E-1 of the Planning Commission Bylaws).**
4. **Agenda Modifications**

Approval of Minutes

5. **Minutes from December 14, 2022**

Business Items

6. **Consideration of an 18-month time extension for Tentative Subdivision Map 19-03, located on the north side of Bridge Street approximately 235 feet west of Walton Avenue.**

Recommendation: Adopt a Resolution to approve an 18-month extension of time for Tentative Subdivision Map 19-03 pursuant to City Municipal Code Section 8-2.610, resulting in a new expiration date of June 26, 2024.

7. **Consideration of a five-year time extension for Tentative Subdivision Map 19-01, Harter Estates North, located in the northwest corner of the Harter Specific site, and the southside of Butte House Road.**

Recommendation: Adopt a Resolution to approve a five-year extension of time for Tentative Subdivision Map 19-01, pursuant to Government Code Section 66452.6(a)(1), resulting in a new expiration date of June 15, 2028.

8. **Consideration of a five-year time extension for Tentative Parcel Map 19-03, Harter Marketplace, located along the west side of Harter Parkway and north of State Route 20.**

Recommendation: Adopt a Resolution to approve a five-year extension of time for Tentative Parcel Map 19-03, pursuant to Government Code Section 66452.6(a)(1), resulting in a new expiration date of June 15, 2028.

9. **Consideration of a five-year time extension for Tentative Subdivision Map 19-04, Harter Estates South, located on the west side of the Harter Specific Plan area, and east of Ruth Avenue.**

Recommendation: Adopt a Resolution to approve a five-year extension of time for Tentative Subdivision Map 19-04, pursuant to Government Code Section 66452.6(a)(1), resulting in a new expiration date of June 15, 2028.

Future Agenda Items

Development Services Director Report

Report of Actions of the Yuba City Planning Commission/Sutter County Update

Adjournment

Persons dissatisfied with any decision of the Planning Commission may appeal such action to the City Council. Appeals, accompanied by a fee of \$851.26, must be filed with the City Clerk, 1201 Civic Center Boulevard, Yuba City, CA 95993 within 10 days of such action. If no appeal is filed within this time limit, the Planning Commission action becomes final. The exception to this is rezone requests. Please check with the Planning Division, 1201 Civic Center Boulevard, Yuba City, CA 95993 for the procedure. Mailed notices of the Council hearings will be accomplished in the same manner as the Planning Commission hearings unless additional notice is deemed necessary.

PLANNING COMMISSION

CITY OF YUBA CITY

DECEMBER 14, 2022

6:00 P.M. – REGULAR MEETING

Video link to full Planning Commission meeting:

https://www.youtube.com/watch?v=4j2Yhj_3rU4

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Call to Order

Meeting called to order by Chairperson Blake at 6:00 pm.

Roll Call

Commissioners in Attendance:

Chairperson Michele Blake
Vice Chairperson John Shaffer
Commissioner Lorie Adams
Commissioner Jackie Sillman
Commissioner Stacy Brookman
Commissioner Karri Campbell (Sutter County Representative)

Commissioners Absent:

Commissioner Bhavin Singh Dale

The Pledge of Allegiance was led by Chairperson Blake.

Public Communication

You are welcomed and encouraged to participate in this meeting. Public comment is taken on items listed on the agenda when they are called. Public comments on items not listed on the agenda will be heard at this time. Comments on controversial items may be limited and large groups are encouraged to select representatives to express the opinions of the group.

1. Written Requests

Members of the public submitting written requests, at least 24 hours prior to the meeting, will be normally allotted five minutes to speak.

There were no written requests received.

2. Appearances of Interested Citizens

Members of the public may address the Planning Commission on items of interest that are within the City's jurisdiction. Individuals addressing general comments are encouraged to limit their statements to three minutes.

There were no comments made by interested citizens.

Planning Commission Business

3. Agenda Modifications/Approval of Agenda

Chairperson Blake noted a typo on Agenda Item 9 which reads State Route 30, but should be State Route 20.

Chairperson Blake requested approval of the updated agenda.

Motion by: Vice Chairperson Shaffer

Second by: Commissioner Adams

Vote: The vote passed 6-0, with Commissioners Dale absent.

Approval of Minutes

4. Minutes from September 28, 2022.

Chairperson Blake requested approval of the minutes.

Motion by: Commissioner Sillman

Second by: Commissioner Campbell

Vote: The vote passed 6-0, with Commissioners Dale absent.

5. Minutes from October 26, 2022.

Chairperson Blake requested approval of the minutes.

Motion by: Vice Chairperson Shaffer

Second by: Commissioner Sillman

Vote: The vote passed 5-0, with Commissioner Campbell abstaining and Commissioner Dale absent.

Business Item

6. Consideration of Planned Development 15 and Tentative Subdivision Map 22-07, Chima Ranch, located in the southwest portion of the City along the west side of Sanborn Road, immediately west of the intersection of Pebble Beach Drive and Sanborn Road.

Item was called Doug Libby gave a presentation.

Sean Minard, MHM Engineering, representing the applicant (Interwest Homes) spoke regarding the project goals, the desire for a Development Agreement and answered Commissioner's questions regarding the Development Agreement, driveway depths, and Accessory Dwelling Units (ADU).

Doug Libby responded to Planning Commissioner's questions.

Motion by: Vice Chairperson Shaffer

Second by: Commissioner Sillman

Vote: The vote passed 6-0, with Commissioner Dale absent.

7. Consideration of General Plan Amendment (GPA) 22-02 & Rezone (RZ) 22-03, YC Hooper Ventures Multi-Family, to re-designate the General Plan and rezone 7.84 acres from Office to Multiple-Family Residential located on the north side of Colusa Frontage Road between Hooper Road and El Margarita Road.

Item was called and Ashley Potočnik gave a presentation.

Al Perry, 1100 Bryn Mawr Drive, commented on the project and raised concerns regarding traffic from a multifamily development in this location.

Mandeep Pabla, Applicant, commented on the project timing, development/site plans, etc.

Ben Moody, Public Works and Development Services Director, provided additional information on the project and as to why staff is recommending approval of the General Plan Amendment and Rezone.

The Planning Commission recommended denial of the project due to traffic concerns and the lack of a Development (Site) Plan being provided at this point. The item will be heard by City Council for further consideration should an appeal be filed by the applicant.

Motion by: Commissioner Brookman

Second by: Commissioner Campbell

Roll Call Vote: The vote failed 4-2, with Commissioner Dale absent.

Yes Commissioner Campbell (Sutter County Representative)

Yes Commissioner Brookman

No Commissioner Adams

No Commissioner Sillman

No Vice Chairperson Shaffer

No Chairperson Blake

8. Consideration of Planned Development (PD) 17 and Development Plan (DP) 22-04: Nestory Park Self Storage, located along the north side of Winship Road.

Item was called and Ashley Potočnik gave a presentation.

David Flaherty, Applicant, answered Commissioner's questions regarding solar at the proposed development.

Motion by: Commissioner Adams

Second by: Commissioner Sillman

Vote: The vote passed 6-0, with Commissioner Dale absent.

9. Consideration of Tentative Parcel Map (TPM) 22-04, General Plan Amendment (GPA) 22-06, and Rezone (RZ) 22-08: Spirit Drive Parcel Map located at the southeast corner of State Route 20 and El Margarita Road.

Item was called and Ashley Potočnik gave a presentation.

Sean Minard, MHM Engineering, representing the applicant spoke regarding the proposed development.

Motion by: Commissioner Sillman

Second by: Commissioner Brookman

Vote: The vote passed 6-0, with Commissioner Dale absent.

10. Consideration of Development Plan 22-05: Ampla Health Expansion located at 1000 Sutter Street.

Item was called and Jaspreet Kaur gave a presentation.

Motion by: Commissioner Adams

Second by: Commissioner Brookman

Vote: The vote passed 6-0, with Commissioner Dale absent.

Future Agenda Items

Doug Libby provided the following updates:

- December 28th and January 11th Planning Commission meetings will be canceled
- Future Items - Sikh Temple, Home2 Suites Hotel, Housing Element Rezone Project
- Planning Commissioners Academy, March 29-31, 2023 in Garden Grove.

Development Services Director Reports

Ben Moody provided the following updates:

- Planning Commissioner Vacancies/Business
 - Chairperson Blake, Vice Chairperson Shaffer, and Commissioner Adams are all coming to the end of their term (February 2023)
 - New Chair / Vice Chair and Sutter County Representative in January 2023
- December Development Services Update newsletter

- New planner, Aaron Brown, will be starting in early 2023

Report of Actions of the Planning Commission/Sutter County Update

No Sutter County updates from Commissioner Campbell

Adjournment

Chairperson Blake adjourned the meeting at 8:02 pm.



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

Date: February 8, 2023
To: Chairwoman and Members of the Planning Commission
From: Development Services Department
Presentation by: Jaspreet Kaur, Associate Planner

Subject: **Consideration of an 18-month time extension for Tentative Subdivision Map 19-03.**

Recommendation: Adopt a Resolution to approve an 18-month extension of time for Tentative Subdivision Map 19-03 pursuant to City Municipal Code Section 8-2.610, resulting in a new expiration date of June 26, 2024.

Applicant/Owner: George L. Musallam / Parm Bains

Project Location: The project site is located on the north side of Bridge Street approximately 235 feet west of Walton Avenue. Assessor's Parcel Number 58-080-005.

Project Number: Tentative Subdivision Map (TSM) 19-03

General and Specific Plans: **Land Use Designation:** Low Density Residential, Medium Density Residential, High Density Residential, and Office Park.

Zoning: Single Family Residential (R-1), Two-Family Residential (R-2), Multi-Family Residential (R-3), and Commercial Office (C-O).

Purpose:

The applicant has submitted a request for an 18-month extension of time in which to file a Final Map for TSM 19-03 in accordance with City Municipal Codes.

Background:

Tentative Subdivision Map 19-03 was approved with an effective date of June 26, 2019, allowing the subdivision of a 5.73-acre parcel into six single-family residential lots, 10 duplex lots, one 1.27 acre multiple-family lot, and a 0.6-acre lot that will remain for office uses.

The subdivision was originally approved for two years with an expiration date of June 26, 2021. Condition of Approval No. 4 of TSM 19-03 states:

“Approval of TSM 19-03 shall be null and void without further action if either the subdivision has not been recorded within two years of the approval date of TSM 19-03 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.”

The Yuba City Municipal Code Section 8-2.610 is compliant with the Map Act and therefore, the time extension can be approved. On May 20, 2021, the applicant filed a request for an 18-month time extension to allow for completion of the project final map. Planning Commission approved the 18-month extension, with a new expiration date of December 26, 2022. Since then, the applicant has filed for a second and final time extension for the map, resulting in a new expiration date of June 26, 2024 should it be approved by Planning Commission.

Analysis:

Public Works and Planning staff have determined the Conditions of Approval for the project remain valid, and there is no reason for the denial of the requested time extension. Additionally, the applicant submitted a written request for the extension in compliance with the conditions placed on the project at the time of approval.

Recommended Action:

Adopt a Resolution to approve an 18-month extension of time for Tentative Subdivision Map 19-03 pursuant to City Municipal Code Section 8-2.610, resulting in a new expiration date of June 26, 2024.

Attachments:

1. Resolution
2. Tentative Subdivision Map 19-03
3. Time Extension Request Letter
4. Planning Commission Staff Report, *June 26, 2019*

ATTACHMENT 1

PLANNING COMMISSION RESOLUTION NO. PC 23-01

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YUBA CITY (PLANNING COMMISSION) APPROVING AN 18 MONTH EXTENSION OF TIME FOR TENTATIVE SUBDIVISION MAP (TSM) 19-03, ON THE NORTH SIDE OF BRIDGE STREET APPROXIMATELY 235 FEET WEST OF WALTON AVENUE RESULTING IN A NEW EXPIRATION DATE OF JUNE 26, 2024 (ASSESSOR'S PARCEL NUMBER 58-080-005).

WHEREAS, the City received a tentative subdivision map application for this property in May 2019 to subdivide the approximately 5.73-acre property into residential and office uses;

WHEREAS, this property is within Yuba City's city limits and the property owner wished to develop their property to urban levels; 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, the Planning Commission reviewed related Environmental Assessment 18-08 considering a Mitigated Negative Declaration (MND) prepared for the project, which provided mitigations to reduce significant impacts to less than significant; and

WHEREAS, the Planning Commission held a duly noticed public hearing on June 26, 2019 and considered all of the project and environmental information presented by staff, public testimony and all of the background information; and

WHEREAS, the Planning Commission approved Tentative Subdivision Map (TSM) 19-03, on June 26, 2019 subject to the Conditions of Approval and Mitigation Measures, which includes a condition requiring the City Council's approval of the General Plan Amendment and Rezoning; and

WHEREAS, a timely extension request for a second 18-month extension was received on November 29, 2022; and

WHEREAS, the Planning Commission has reviewed all associated documents prepared for the Project and all of the evidence received by the Planning Commission; and

WHEREAS, after deliberation and consideration of all relevant items, the Planning Commission now desires to approve an 18-month extension of time for Tentative Subdivision Map 19-03, pursuant to City Municipal Code Section 8-2.610, resulting in a new expiration date of June 26, 2024.

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

1. Recitals. The Planning Commission hereby specifically finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.
2. CEQA Finding: A Mitigated Negative Declaration was adopted as part of the project's approval in 2019. Due to there being no material change to the approved project, the existing adopted environmental document continues to be applicable and no additional environmental

review is necessary.

3. Subdivision Findings: City staff has determined the Subdivision Findings and Conditions of Approval for the project remain valid, and there is no reason for the denial of the requested time extension.

AND, BE IT FURTHER RESOLVED, that the Planning Commission approves an 18-month extension of time for Tentative Subdivision Map 19-03, pursuant to City Municipal Code Section 8-2.610, resulting in a new expiration date of June 26, 2024.

The foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Yuba City at a regular meeting thereof held on February 8, 2023, by the following vote:

Ayes:

Noes:

Absent:

Recused:

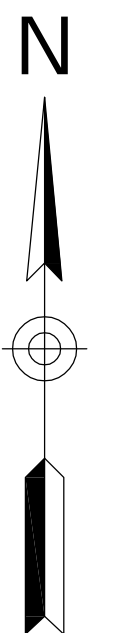
By order of the Planning Commission of the City of Yuba City.

Michele Blake, Planning Commission Chair

ATTEST:

Benjamin Moody, Secretary to the Planning Commission

ATTACHMENT 2

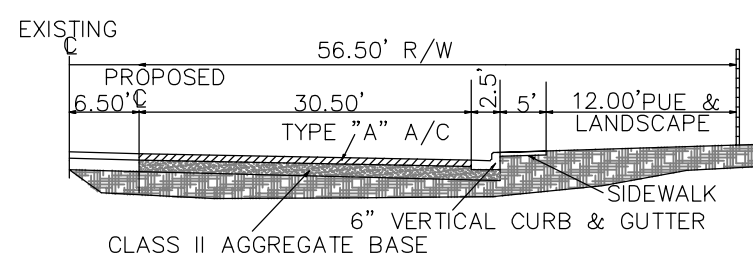


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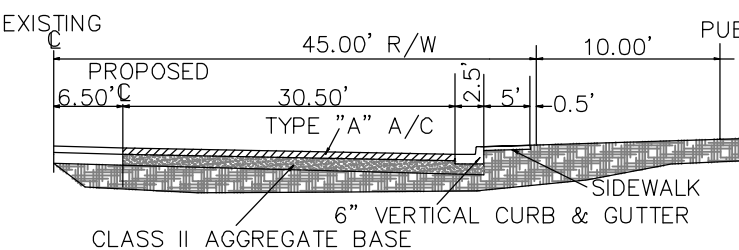
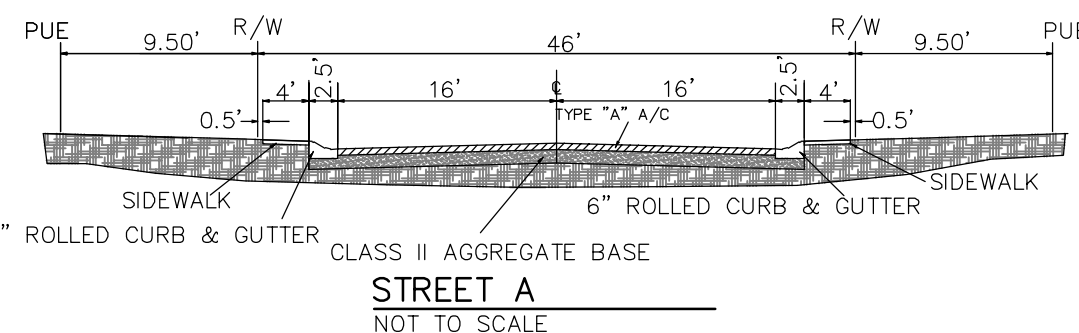


LEGEND

- 10"SS(E) EXISTING SEWER PIPE
- 12"W(E) EXISTING WATER PIPE
- 42"SD(E) EXISTING STORM DRAIN PIPE
- EXISTING GAS PIPE
- EXISTING CURB AND GUTTER



BRIDGE STREET IN FRONT OF LOTS 1, 18 AND 13
NOT TO SCALE



BRIDGE STREET IN FRONT OF LOT 12
NOT TO SCALE

APPLICANT

BAINS PARMINDER S. & SHARINDER K.
HARDEEP & JASWINDER DHADLI
4142 HIGHWAY 99
YUBA CITY, CALIFORNIA 95991
(530) 870-7808

OWNER

BAINS PARMINDER S. & SHARINDER K.
HARDEEP & JASWINDER DHADLI
4142 HIGHWAY 99
YUBA CITY, CALIFORNIA 95991
(530) 870-7808

ENGINEER

GEORGE L. MUSALLAM
NORTH VALLEY ENGINEERING AND SURVEYING
1547 STARR DRIVE SUITE "J"
YUBA CITY, CALIFORNIA 95993
(530) 713-0417

GENERAL NOTES

WATER
EXISTING: YUBA CITY

SEWER
EXISTING: YUBA CITY

STORM DRAIN
EXISTING: YUBA CITY

PROPERTY USE:
EXISTING: OPEN FIELD
PROPOSED: RESIDENTIAL & OFFICE

ZONING
EXISTING: CO & CM
PROPOSED: R1, R2, R3 AND CO

GENERAL PLAN
EXISTING: BUSINESS TECHNOLOGY & LIGHT INDUSTRY
OFFICE & OFFICE PARK
PROPOSED: LOW DENSITY RESIDENTIAL
MEDIUM/HIGH DENSITY RESIDENTIAL
OFFICE & OFFICE PARK

ASSESSOR PARCEL MAP (ACRES)
58-080-005 (5.73)

UTILITIES
ELECTRICITY AND GAS: P G & E
TELEPHONE: AT&T
CABLE: COMCAST

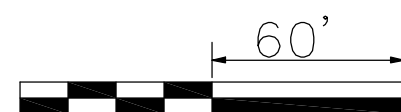
LOT DIMENSIONS
LOT AND BOUNDARY DIMENSIONS ARE APPROXIMATE
AND SUBJECT TO REVISION WITH THE FILING
OF THE FINAL MAP.

SIZE AND LOCATION OF UTILITIES ARE APPROXIMATE,
AND WILL BE DETERMINED AT THE TIME OF PREPARING
THE IMPROVEMENT PLANS FOR THE SUBDIVISION

TENTATIVE SUBDIVISION MAP NO. -- BAINS/DHADLI SUBDIVISION

BEING THE DESIGNATED REMAINDER OF PARCEL MAP NO. 834
FILED IN BOOK 5 OF PARCEL MAPS AT PAGE 44 AT THE OFFICE
OF THE SUTTER COUNTY RECORDER ALSO BEING A PORTION OF
THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 15 NORTH
RANGE 3 EAST M.D.B. & M.
SUTTER COUNTY, CALIFORNIA. FEBRUARY 2019

PREPARED BY:
NVES
NORTH VALLEY ENGINEERING AND SURVEYING
1547 STARR DRIVE SUITE "J"
YUBA CITY, CA 95993
(530) 713-0417



ATTACHMENT 3

BDS PROPERTY HOLDING LLC

4142 Hwy 99
Yuba City CA 95991
Office: 530 790-7111
Cell: 530-870-7808
Email: pbains55@yahoo.com

RECEIVED
NOV 29 2022

November 23, 2022

Yuba City Development Services
Via email: apotocnik@yubacity.net
1201 Civic Center Boulevard
Yuba City CA 95993

City of Yuba City
Development Services

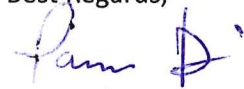
Re: Subdivision Map (SM) 19-03 Time Extension, APN 58-080-005

To Whom it May Concern:

Tentative Subdivision Map (SM-19-03) was originally approved with an effective date of June 26, 2019, allowing for a subdivision of 5.73-acre parcel. Pursuant to City Municipal Code Section 8-2.610, the Planning Commission approved an extension with a new expiration date of December 26, 2022.

We respectfully request a second extension of time for the subject project.

Best Regards,



Parm Bains
For BDS Property Holding LLC

ATTACHMENT 4



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

Date: June 26, 2019

To: Chair and Members of the Planning Commission

From: Development Services Department

Presentation By: Vicrim Chima, Planning Manager

Public Hearing: **General Plan Amendment (GPA) 18-03:** A proposal to amend the General Plan land use designations from Business, Technology and Light Industry (BTLI) and Office-Office Park (Office) to Low Density Residential (LDR), Medium Density Residential (MDR) and High Density Residential (HDR). A portion of the property will remain an Office designation. (Figure 2).

Rezoning (RZ) 18-02: A proposal to rezone the same property from a Heavy Commercial/Light Industrial (C-M) Zone District and Office-Commercial (C-O) Zone District to a mix of One-Family Residential (R-1) Zone District, Two-Family Residential (R-2) Zone District, a Multiple-Family (R-3) Zone District. A portion of the property will remain in the C-O Zone District. (Figure 3).

Tentative Subdivision Map (TSM) 19-03: A proposal to create 18 lots generated plan designated for a mix of fuses. Proposed are six single-family residential lots, 10 duplex lots one 1.27 acre multiple-family lot and a 0.6-acre lot that will remain for office uses. (Figure 4).

Project Location: The property is located on the north side of Bridge Street approximately 235 feet west of Walton Avenue. Assessor's Parcel Number 58-080-005. (See Figure 1).

Project Proposal:

The proposed project will revise the general plan designations and apply consistent zoning districts in the alignment with proposed general plan uses and development intensities. The project will subdivide an undeveloped 5.73-acre parcel that will be utilized for diversity of residential housing types one lot for office uses.

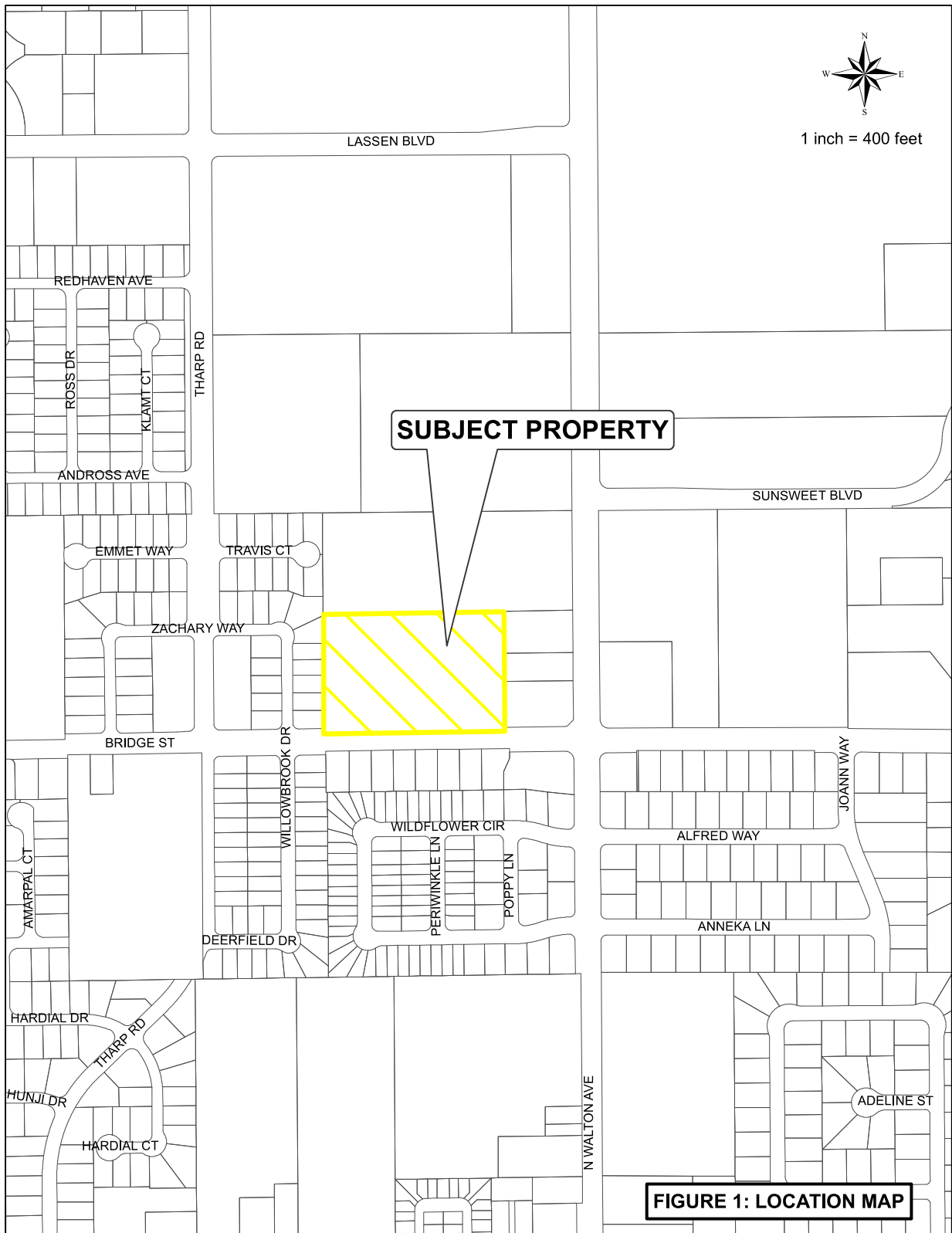
Background:

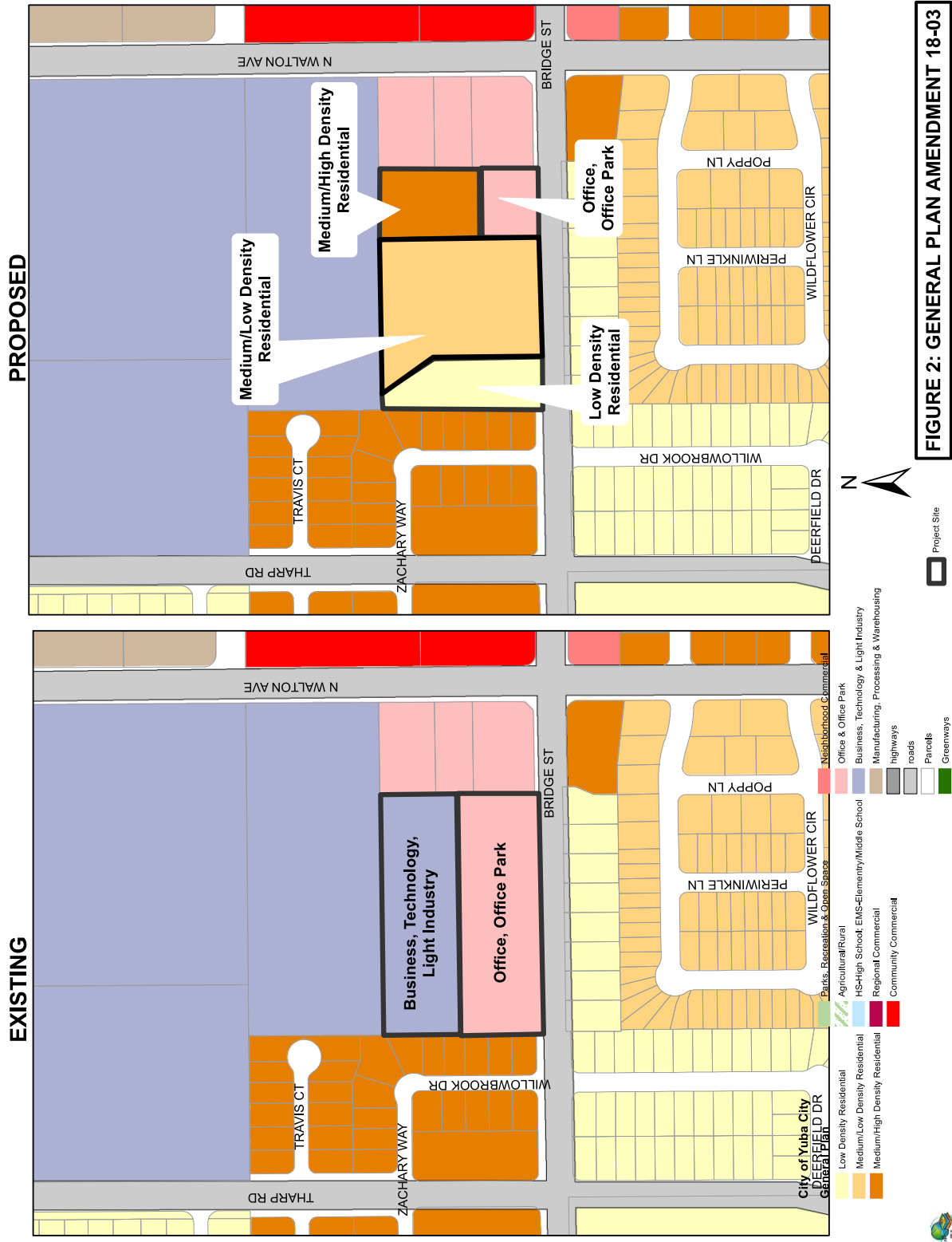
The vacant 5.73-acre property is surrounded by a variety of uses, which include single-family residences to the west, light industrial uses to the north, and a bank and office type uses to the east. It fronts on Bridge Street, which is a significant arterial in the City, and there are single-family residences across Bridge Street from the property. All of those neighboring properties

Planning Commission

June 26, 2019

Page 2







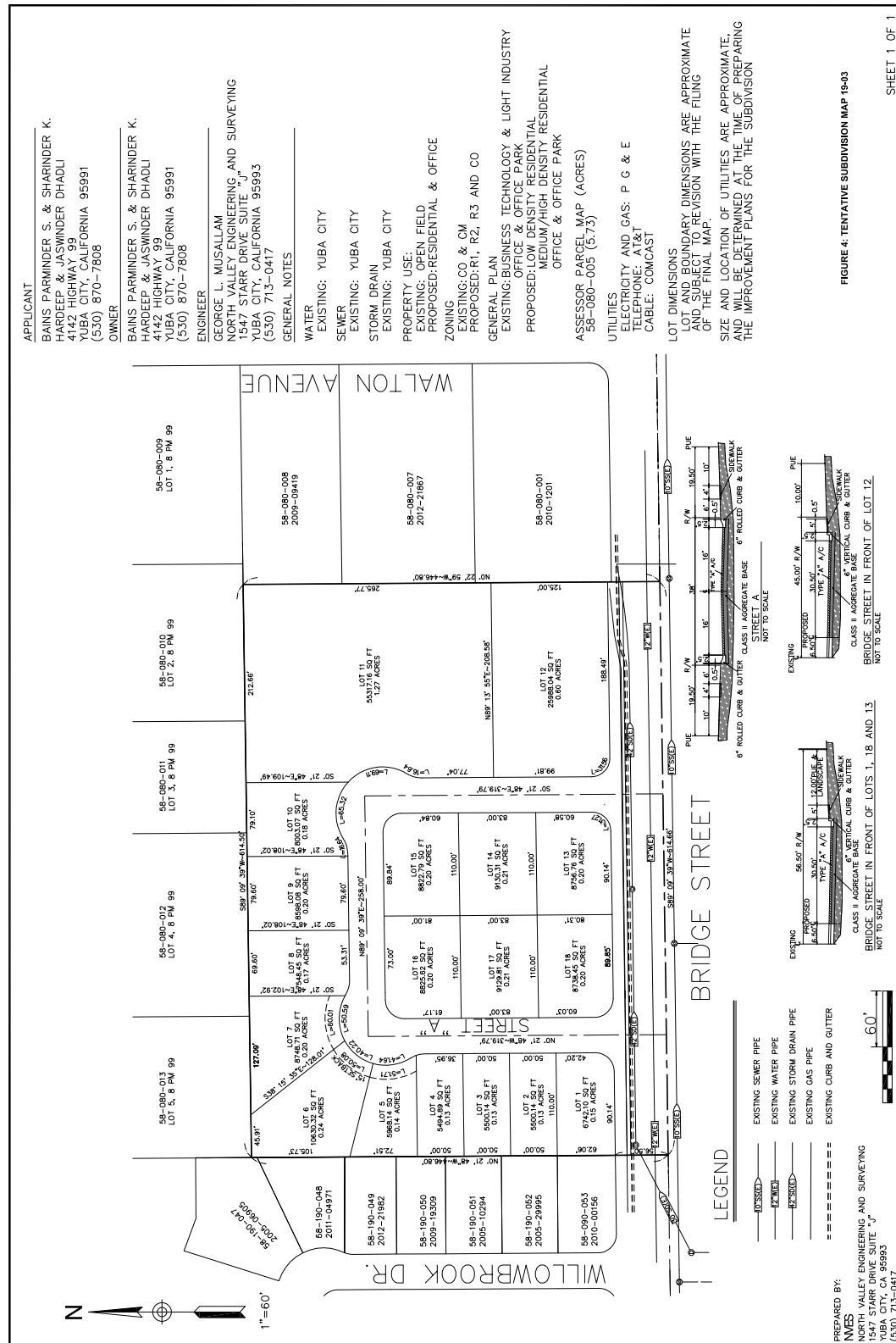
City of Yuba City

☐ Zoning ☐ Project Site

☐ Parcels

FIGURE 3: REZONING 18-02





are developed, making this an infill project. The goal is to provide viable development opportunities for the property that are compatible with the variety of existing neighboring uses.

Access and Public Improvements:

The property is served by City services including, water, sewer, and storm-water drainage. Access is provided off Bridge Street. As provided in the subdivision map there will be an interior loop street that will serve all of the proposed parcels with two access points onto Bridge Street.

Property Description:

The site is relatively flat with no unique topographic features such as rock outcroppings or heritage-type trees. It has been plowed or mowed annually for fire safety reasons.

Bordering Uses:

Table 1: Bordering Information and Uses			
	<i>General Plan Land Use Classification</i>	<i>Zoning</i>	<i>Existing Land Use</i>
<i>Project Site</i>	Various, subject to this amendment	Various, subject to this amendment	Vacant.
<i>North</i>	Business, Technology and Light Industrial (BTLT)	Heavy Commercial/Light Industrial (C-M)	Various light industrial type uses.
<i>East</i>	Office and Office Park	Office Commercial (C-O)	Bank, office uses.
<i>West</i>	Low Density Residential (LDR)	One-family Residential (R-1)	Single-family Residences.
<i>South</i>	Low Density Residential (LDR)	One-family Residential (R-1)	Bridge Street with single-family residences across Bridge Street.

General Plan Land Use Designations:

Existing: North half: Business, Technology and Light Industry (BTLI)
South half: Office and Office Park (Office)

Proposed: Low Density Residential (LDR)
Medium Density Residential (MDR)
High Density Residential (HDR)
Office and Office Park

Zoning:

Existing: North half: Heavy Commercial/Light Industrial (CM)
South half: Commercial Office (C-O)

Proposed: One-family Residential (R-1)
 Two-Family Residential (R-2)
 Multiple-family Residential (R-3)
 Commercial – Office (C-O)

Previous Commission/Council Actions:

There have been no recent Planning Commission or City Council actions on this property.

Staff Comments:

Compatibility with neighboring uses

The area of concern is the border along the north side of the property. An approval of the General Plan Amendment will mean that higher density housing will designation the south of his property. There is the potential for impacts related to the industrial uses. Much of that neighboring light industrial use is equipment storage. There are also aesthetic impacts, with the juxtaposition impact could be aesthetic as the height of the equipment could be visible to the new residential uses. There could also be issues with noise generated by equipment operating during limited periods. However, the City ordinance requires, and a condition is included, for the subdivider to provide a six-foot high masonry wall as well as a landscape strip that will planted with a hedge-type plant along the common boundaries of the residential/non-residential properties.

The proposed residential lots along the westside of the subdivision will back to existing single-family residences, which should not create any conflicts.

Traffic and Circulation:

***Note:** the project application was amended after this portion of the study was completed. The proposed remaining Office parcel was originally requested to be amended to a community commercial designation, but was later amended for the 0.6-acre portion of the property to remain as Office. Since this most recent change will actually lower the anticipated traffic, the actual impacts will be slightly less than indicated below.*

Amending the General Plan Land Use Map from Office and Light Industrial to Residential and Office land use designations, along with the accompanying rezoning and a tentative subdivision map, and build-out of the 5.73 acres will generate additional traffic. The criteria to determine whether the project will create a significant traffic impact is General Plan Policy 5.2-I-12, which requires that the street section and the nearby Bridge Street/Walton Avenue intersection operate at Level-of-Service (LOS) D or better.

Bridge Street is classified in the General Plan as a major arterial. When completed it will be a four-lane through street running between 2nd Street and going west ultimately to George Washington Boulevard, and potentially beyond. With the street improvements required of this project, the north side of Bridge Street at this location would be completed to facilitate two lanes of westbound traffic. The south side of Bridge Street west of the Walton Avenue intersection is a single lane lacking curb, gutter and sidewalk.

The most recent and closest traffic count, taken in 2016, was located just east of this site on the other side of Walton Avenue. The traffic count was:

West bound: 2,154 daily one-way trips.

East Bound: 3,249 daily one-way trips.

Since Bridge Street west of Walton Avenue is not yet a through street, much of the did not utilize this portion of Bridge Street, instead it originated or terminated at Walton Avenue. Most of the traffic that was westbound on Bridge Street either turned north or south onto Walton Avenue or visa-versa. Thus, the traffic count on the subject portion of Bridge Street was likely much lower.

At maximum build-out the project will generate additional traffic from:

- 6 single-family residences
- 20 duplex residences (from 10 duplex lots).
- 21 apartment residences (assumes 14 residences per acre).
- Up to 6,782 square feet of retail space. The assumptions for the retail building(s) are:
 - Maximum 23% lot coverage by a building(s).
 - A drive-thru business or vehicle service station is not being considered, as it would require discretionary review. If a drive-through or service station was proposed the Planning Commission, under a separate use permit action, would individually consider a drive-thru or service station.
 - 20% of the vehicle trips would be pass-by traffic.
- As all traffic utilizing the project must travel either east or west, and that the majority of the population lives east of the project and the majority of the City is east of the project, it is assumed that the traffic split generated by this project will be 40 percent west-bound and 60 percent east-bound.

Per the Institute of Traffic Engineers *Traffic Generation Manual*, the components of the project would generate vehicle trips at a rate indicated in Table 4-16.1.

Table 3-16.1: Traffic Generation Rates			
Individual Use	Weekday Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Single-Family Residence	9.57	.77	1.02
Duplex (each residence)	8.14	.66	.87
Apartment (each residence)	6.72	.55	.67
Free Standing Discount Store (per 1000 sq. ft.)	56.02	.84	5.06

Table 3-16.2: Project Generated Traffic at Build-Out			
Use	Weekday Daily Trips	A.M. Peak Hour Trips	P.M Peak Hour Trips
Single-Family Residences	57.4	4.62	6.12
Duplexes	162.8	13.2	16.8
Apartments	141.1	11.55	14.07
Commercial	303	5	27
Total	627	34	64

Utilizing the assumption that the project traffic will be 40 percent west-bound and 60 percent east-bound the traffic to and from the west generated by this project will consist of the following:

Weekday trips: 251
 A.M. peak hour trips: 14
 P.M. peak hour trips: 26

This additional traffic to and from the west will not be significant as this portion of Bridge Street is underutilized. Further, there are no intersections to the west that will be significantly impacted. In the future when Bridge Street is extended west there may be a controlled intersection at Tharp Road. However, Tharp Road cannot extend south as a major street thus Bridge Street/Tharp Road will not become a major intersection.

The traffic to and from the east generated by this project will consist of the following:

Weekday trips: 376
 A.M peak hour trips: 20
 P.M peak hour trips: 38

The traffic study conducted for the 2004 General Plan update concluded that during the P.M. peak hour the LOS at the Bridge Street/Walton Avenue intersection was D, which is at the lower end of an acceptable level. The LOS D was due to traffic loads from north and southbound traffic on Walton Avenue and southbound Walton Avenue traffic turning east onto Bridge Street. Very little traffic was likely generated by Bridge Street west of the intersection. So the traffic generated by this project that is east-bound should not significantly add to the congestion at the intersection.

This project also includes a general plan amendment from an approximately even mix of heavy commercial-light industrial designation and office designation to various residential designations and office and office designation. While the new designations will likely generate additional traffic, the increase is not large.

Adding 38 P.M. peak hour trips to the Bridge Street/Walton Avenue intersection will impact the LOS D. However, assuming maximum buildout occurs, the new traffic will be utilizing the least impacted portions of the intersection as the project is located on the under-utilized portion of Bridge Street. In other words, the project will add approximately one vehicle trip every 40 seconds during the P.M. peak hour to the intersection, and that traffic will be utilizing the least impacted directions for the intersection. Therefore, the project is not expected to create any significant impacts on the existing LOS D at this intersection.

As a result, the project is not expected to generate any potential significant traffic impacts nor the need for mitigation measures.

Comparing traffic between the existing vs. the proposed general plan designations:

Another way of considering this proposal is comparing the traffic that would be generated if the property was developed under the existing general plan designations versus the proposed designations.

The existing general plan designations are approximately half Heavy Commercial/Light Industrial (CM) and half is designated Office (O). Assume that the CM is built out at 20 percent lot coverage and that the O is built-out at 25 percent lot coverage. This would translate to a 24,916 square foot light industrial type building(s) and a 31,145 square foot office building(s). Tables 4-16.3 & 4 below, provides the vehicle trips generated if the site is developed per the existing general plan designations.

Table 3-16.3: Build-out Under the Existing General Plan – Assumed Traffic Generation Rates			
Individual Use	Weekday Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Light Industrial (1,000 s.f.)	6.97	.92	.98
Office (1,000 s.f.)	11.01	1.55	1.49

Table 3-16.4: Existing General Plan – Estimated Traffic Generated at Build-Out			
Use	Weekday Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Light Industrial	173.7	22.9	24.4
Offices	342.9	48.3	46.4
Total	516.6	71.2	70.8

Comparing the existing general plan designations (Table 4-16.4) to the proposed general plan designations (Table 4-16.2) the change in traffic generation between existing and proposed general plan designations can be seen. With the existing general plan designations, the total daily trips will be about 517 versus the proposed project would increase that to about 627 daily trips. An increase of about 21 percent. But the A.M. peak hour trips would decrease. The A.M. peak hour would decrease from an estimated 71 trips to 34, a decrease of about half. The P.M. peak hour traffic would decrease from about 71 trips to 64 trips, a reduction of about 11 percent.

Availability of City Services:

All City services, including water, sewer and storm-water drainage are available to serve this site.

Environmental Determination:

Pursuant to California Environmental Act (CEQA) Article 19, Section 15070 (b)(1) staff prepared an environmental assessment including an Initial Study and Mitigated Negative Declaration (MND) and Mitigation Monitoring Program (MMP) for the project.

Based upon the attached environmental assessment (EA-18-08), including the mitigation measures, all potential significant impacts are reduced to less than significant. The findings of the mitigated negative declaration are that, with the proposed mitigations for cultural resources,

and greenhouse gases, the project will not create any significant impacts on the environment. As a result, the filing of a MND is appropriate in accordance with the provisions of CEQA.

Recommended Action:

A. Adopt the following findings:

- 1. Environmental:** After reviewing and considering the mitigated negative declaration prepared for this project, along with the proposed mitigation measures, approval of GPA 18-03 that will amend the General Plan to provide for a mix of residential and office uses, RZ 18-02 that will rezone the property to be consistent with the new general plan designations, and TSM 19-03 that will subdivide the property into 18 lots, including six lots zoned for single-family development, ten lots zoned to accommodate either a single-family residence, a duplex, or two single-family residences, one lot zoned for multiple-family development, and one lot zoned for office type development, will not generate any significant environmental impacts.

Based on the whole record there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects City Staff's independent judgment and analysis.

- 2. General Plan Amendment and Consistency:** The proposed residential designations allow for development of a diversity of residential types as encouraged by the General Plan, particularly the Housing Element. The conditions of approval of the tentative map ensure that the improvements will meet all City standards, which are based on General Plan policies.
- 3. Rezoning:** The proposed rezone to the R-1, R-2 and R-3 residential zone districts and the remaining C-O Zone District will be consistent with the General Plan designations being applied to the property.
- 4. Tentative Subdivision Map:** Yuba City Municipal Code Section 8-2.609, and the California Subdivision Map Act Section 66474 require that City deny the parcel map if it makes any of the following findings (the required findings are in italics).

- a. The proposed tentative subdivision map is not consistent with the applicable General Plan and specific plan:*

The General Plan is proposed to be amended. The lots proposed for those new designations are designed for the uses provide for in each of those designations. There is no specific plan applicable to this property.

- b. The design and improvement of the tentative subdivision map is not consistent with applicable general and specific plans or adopted City standards:*

The proposed parcel sizes, as shown on the tentative subdivision map, are of adequate size to accommodate the uses that will be permitted on them. The property will be improved with an internal loop street is designed to serve the new lots and the property location is suited for such uses as to be compatible with neighboring uses. The office property will benefit from its frontage on an arterial street and very near a busy intersection. Further, any new use that locates onto one of the new lots is required to meet all zoning, building and public works

development standards and be consistent with the General Plan.

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

With the conditions of approval applied to this division of the property into eighteen lots, all City public improvement standards are required to be met. All lot coverage, lot size, parking and landscaping standards will be met once the properties are developed.

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

Each new lot will meet the minimum lot sizes required by the relevant zone district. Those minimum lot sizes are well established and known to be large enough to accommodate the uses proposed for them.

e. 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:

As provided earlier in this staff report and in the accompanying environmental document, there is not a potential for the project to cause significant environmental damage or impact to any fish or wildlife habitat.

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

Every new parcel will be connected to City water, sewer and storm drainage systems in order to avoid public health problems.

g. That the design of the subdivision 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:

The property is served by Bridge Street, which is a City maintained arterial street. Internal circulation for the parcels within the proposed project is required to be provided by an internal loop street that will be dedicated to the City as a City maintained street.

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

- B.** Adopt the Mitigated Negative Declaration 18-08 and the Mitigation Monitoring Measures (Attachment 2).
- C.** Recommend to the City Council approval of General Plan Amendment 18-03, Rezoning 18-02.
- D.** Approve Tentative Subdivision Map 19-03, subject to the Conditions of Approval and Mitigation Measures, which includes a condition requiring the City Council's approval of the general plan amendment and rezoning.

Attachments:

1. Conditions of Approval and Mitigation Measures
2. Initial Study and Mitigation Monitoring Program

**Attachment 1:
Tentative Subdivision Map 19-03
Conditions of Approval and Mitigation Measures**

Conditions of Approval

General

1. Approval of Tentative Map (TSM) 19-03 may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this tentative parcel map, the Zoning Ordinance, the most recently City-adopted Uniform Building Code, and all Public Works Standards and Specifications. The City shall not assume responsibility for any deletions or omissions resulting from the permit review process or for additions or alterations to construction plan not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions.
2. The applicant, operator, and/or property owner ("Applicant" herein) is required to enter into an agreement with the City agreeing to indemnify, defend, and hold harmless the City of Yuba City, its officers, attorneys, agents, employees, departments, commissioners, authorized volunteers, and boards ("City" herein) against any and all liability, claims, actions, causes of action or demands whatsoever against them, or any of them, before administrative or judicial tribunals of any kind whatsoever, in any way arising from, the terms and provisions of this land use approval, including without limitation any California Environmental Quality Act (CEQA) approval or any related development approvals or conditions whether imposed by the City, or not, except for City's sole active negligence or willful misconduct. This indemnification condition does not prevent the Applicant from challenging any decision by the City related to this project and the obligations of this condition apply regardless of whether any other permits or entitlements are issued. The land use approval shall not become effective until Applicant executes a "Covenant to Indemnify."
3. The Planning Commission's approval of TSM 19-03 shall not become effective unless and until the City Council approves General Plan Amendment 18-03 and Rezoning 18-02. The effective approval date of this subdivision for purposes of this subdivision map's expiration date, as described in Condition #4 below, shall not be until the effective date of the rezoning.

Expiration and Development Impact Fees

4. Approval of TSM 19-03 shall be null and void without further action if either the subdivision has not been recorded within two years of the approval date of TSM 19-03 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.
5. Development Impact Fees. Impact fees shall be paid pursuant to the YCMC.

Planning Division

6. The lot design on the subdivision map shall be designed in conformance with the TSM 19-03, as approved by the Planning Commission.
7. TSM 19-03 shall comply with the Conditions of Approval.
8. Prior to issuance of occupancy permits, a five-foot wide hedge planting, as approved by the Development Services Director, shall be provided along the residential property lines that are in common with the neighboring commercial and light industrial properties. This includes hedge plantings along the northerly property line of Lots 7, 8, 9, 10, and 11, and along the easterly and southerly line of Lot 11.

Public Works Department

General

9. 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.
10. Paved streets shall be swept frequently (water sweeper with reclaimed water recommended; wet broom) if soil material has been carried onto adjacent paved, public thoroughfares from the project site.
11. The Developer, at their 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.
12. Storage of construction material is not allowed in the travel way.
13. The Developer shall prepare and submit improvement plans for the construction of all public improvements including water, sanitary sewer, storm drain facilities, roadway improvements, curbs, gutters, sidewalks, parkway strips, signing, striping and streetlights.

Prior to issuance of Grading Permit

14. The improvement plans for the development of the subject property shall include all measures required to ensure that no drainage runoff resulting from the development of the property flow onto the adjacent residential or agricultural lands or impede the drainage from those properties. 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. If retaining walls are required, they shall be constructed of concrete or masonry block.

Prior to approval of Improvement Plans

15. A Subdivision Agreement outlining any costs (hot tap, connection fee, fair share contribution, etc.) associated with the development shall be accepted by the City prior to recordation of map.
16. The contractor shall obtain an Encroachment Permit from the City prior to performing any work within public rights of way.

17. A tunnel permit from the State Division of Occupational Safety and Health; Mining and Tunneling Unit will be required. A copy of this permit must be supplied to the City prior to approval of the improvement plans.
18. 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.
19. Bridge Street shall be widened to a typical half-width (centerline to back of curb). Right-of-way shall be dedicated together with a 12.0-foot PUE behind the right-of-way. Frontage improvements shall include street section, curb, gutter, and a 5.0-foot wide attached sidewalk.
20. Street "A" shall be constructed to a width of 37.0 feet back of curb to back of curb with parking permitted on both sides. Right-of-way shall be dedicated to a width of 38.0 feet together with a 19.5-foot PUE behind the right-of-way. Construction shall include street section, curbs, gutters, 4.0-foot wide detached sidewalk, street trees and street lights, except as otherwise shown on the tentative map and approved by the Public Works Department.
21. 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.
22. Striping, pavement markings and traffic signage shall be provided on all streets as necessary and as required by the Public Works Department. Signage restricting parking and red painted curbing shall be installed where appropriate. Speed limit signs shall be installed at locations determined by the Public Works Department.
23. The Developer shall submit to Sutter County a drainage plan for any drainage improvements that utilize County facilities for approval by Sutter County Public Works Director.
24. The Improvement Plans shall show provisions for the placement of centralized mail delivery units in the Public Utility Easement (P.U.E.). Developers will provide a concrete base for placement of the centralized mail delivery unit. Specifications and location of such base shall be determined pursuant to the applicable requirements of the Postal Service and the Yuba City Public Works Department, with due consideration for street light location, traffic safety, security and consumer convenience.

25. As required by Section 8-5.5904(b)(4) of the Zoning Regulations, prior to recordation of the final map, a solid 6.0-foot high masonry block wall shall be constructed along the following locations (as locations are shown on the tentative map dated June 5, 2019):
 - a. Along the northerly property line of Lots 7, 8, 9, 10, and 11; and
 - b. Along the easterly and southerly line of Lot 11; and
 - c. Between Lot 11 and Lot 12.
26. A solid 6.0-foot high decorative (as approved by the Development Services Director) masonry block wall with pilasters located no more than 50 feet apart, shall be constructed along the southerly line of Lots 1, 13, 18. At the entrances to the subdivision, the block wall shall be "stepped down" in a decorative manner that is acceptable to the Public Works Director.
27. 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 for all construction equipment to be 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."

Prior to acceptance of Public Improvements

28. Prior to paving, the Developer shall vacuum test all manholes to ensure no leakage will occur.
29. Prior to paving, the Developer shall hydroflush, and televise, all storm drain mains and all sewer mains. In addition, prior to the City's acceptance of the subdivision improvements, and at the Public Works Department's discretion, the storm sewer and sewer mains shall be re-hydroflushed.

30. The contractor shall maintain record drawings of the improvements and keep them on site at all times. When the project is complete, the contractor shall deliver a marked set of plans to the Engineer of Record. The Engineer of Record shall update the improvement plans with the record information. Once the changes have been added to the plans, the Engineer of Record shall submit both an electronic copy (AutoCad version 2010 or newer) and a hard copy to the City. The City will not accept the completion of the improvements until the electronic copy and hard copy have been submitted.

Prior to Final Map Recordation

31. The development shall pay for operations and/or maintenance for police, fire, parks, drainage, and ongoing street maintenance costs. This condition may be satisfied through participation in a Mello-Roos CFD, or by another secure funding mechanism acceptable to the City. The City shall be reimbursed actual costs associated with the formation of, or annexation to, the district.
32. The property shall petition for formation of a Zone of Benefit of the Yuba City Landscaping and Lighting Maintenance District for the purpose of maintaining street trees which are to be planted along all streets, maintaining the street lights, maintaining the landscaping along Bridge Street, and maintaining the masonry walls. The Engineering Division shall be reimbursed actual costs associated with the formation of the district.
33. Three street lights shall be provided along Bridge Street at locations determined by the Public Works Director.
34. Street lights shall be installed along Street "A".
35. All public street lighting shall be dedicated to the City of Yuba City.
36. A public utility easement shall be provided along all streets extending 10.0 feet behind the back of the sidewalk.

Prior to Building Permit

37. The Developer's Superintendent/Representative shall submit three sets of Pacific Gas and Electric approved utility plans showing joint trench locations and distribution lines prior to issuance of first building permit.
38. The applicant shall be required to pay all applicable Sutter County Water Agency connection fees and maintenance and operation fees. Fees are payable at the Sutter County Development Services Counter located at 1130 Civic Center Blvd.
39. 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.
40. All street lighting shall be energized prior to the issuance of any building permits.

Prior to Certificate of Occupancy

41. 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. 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.
42. Prior to the issuance of a certificate of occupancy, 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.
43. Prior to issuance of any certificate of occupancy, all underground utilities, public improvements, and site improvements, including rough grading, shall be completed.

Mitigation Measures

Cultural Resources Mitigation 1: In the event that previously undetected cultural materials (i.e. prehistoric sites, historic features, isolated artifacts, and features such as concentrations of shell or glass) are discovered during construction, work in the immediate vicinity should immediately cease and be redirected to another area until the Auburn Indian Community of the Auburn Rancheria is re-contacted and allowed the opportunity to consult under AB 52. Further, a qualified archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historic archaeology inspects and assesses the find. The City shall consider further recommendations as presented by the professional and implement additional measures as necessary to protect and preserve the particular resource. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures.

Cultural Resources Mitigation 2: If human remains are uncovered, or in any other case where human remains are discovered, the Sutter County Coroner, as appropriate, is to be notified to arrange their proper treatment and disposition. If the remains are identified – on the basis of archaeological context, age, cultural associations, or biological traits – as those of a Native American, California Health and Safety Code 7050.5 and Public Resource Code 5097.98 require that the coroner notify the NAHC within 24-hour of discovery. The NAHC will then notify the most likely descendant, who may recommend treatment of the remains.

Cultural Resources Mitigation 3: 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 a bone appears to be human, California law mandates that the Sutter County Coroner and the Native American Heritage Commission be contacted.

Greenhouse Gas Mitigation Measure 1: The site grading process shall comply with the GHG Reduction Measures provided in the adopted Yuba City Resource Efficiency Plan.

Tribal Cultural Resources Mitigation Measure 1: Worker Awareness Training. The City shall ensure that a Worker Education Program is developed and delivered to train equipment

operators about cultural resources. The program shall be designed to inform workers about: federal and state regulations pertaining to cultural resources and tribal cultural resources; the subsurface indicators of resources that shall require work stoppage; procedures for notifying the City of any occurrences; and enforcement of penalties and repercussions for non-compliance with the program. Worker education training may be provided either in person or as a DVD with a training binder, prepared by a qualified professional archaeologist and reviewed by the City. The United Auburn Indian Community (UAIC) shall be afforded the option of attending the initial training in person or providing a video segment or information for incorporation into the training that appeals to the contractor's need to be respectful of tribal cultural resources and tribal participation in implementing unanticipated discovery protocols. All ground-disturbing equipment operators shall be required to receive the training and sign a form that acknowledges receipt of the training. A copy of the form shall be provided to the City as proof of compliance.

Tribal Cultural Resources Mitigation Measure 2: Avoid and minimize impacts to previously unknown Tribal Cultural Resources. If any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains are encountered during the initial inspection or during any subsequent construction activities, work shall be suspended within 100 feet of the find, and the construction supervisor shall immediately notify the City representative. If the find includes human remains, then the City shall immediately notify the Sutter County Coroner and the procedures in Section 7050.5 of the California Health and Safety Code and, if applicable, Section 5097.98 of the Public Resources Code, shall be followed. For resources reasonably associated with Native American cultural and for human remains, the City shall coordinate with any necessary investigation of the discovery with a UAIC tribal representative and a qualified archaeologist approved by the City. As part of the site investigation and resource assessment, the City shall consult with UAIC to develop, document, and implement appropriate management recommendations, should potential impacts to the resources be found by the City to be significant. Nothing in this measure prohibits the City from considering any comments from other culturally-affiliated Native American tribes that volunteer information to the City during its investigation. Possible management recommendations could include documentation, data recovery, or (if deemed feasible by the City) preservation in place. The contractor shall implement any measures deemed by the City staff to be necessary and feasible to avoid, minimize, or mitigate significant effects to the cultural resources, such as the use of a Native American Monitor whenever work is occurring within 100 feet of the discovery of Native American Resources, if deemed appropriate by the City.

ATTACHMENT 5



Google Earth

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

Date: February 8, 2023
To: Chairperson and Members of the Planning Commission
From: Development Services Department
Presentation by: Jaspreet Kaur, Associate Planner

Subject: **Consideration of a five-year time extension for Tentative Subdivision Map 19-01, Harter Estates North, located in the northwest corner of the Harter Specific site, and the southside of Butte House Road.**

Recommendation: Adopt a Resolution to approve a five-year extension of time for Tentative Subdivision Map 19-01, pursuant to Government Code Section 66452.6(a)(1), resulting in a new expiration date of June 15, 2028.

Applicant/Owner: Harter Packing Company, LLC

Project Location: The project is located on the northwest corner of the Harter Specific Plan site, on the south side of Butte House Road; Assessor's Parcel Number (APN) 62-310-004.

Project Number: Tentative Subdivision Map (TSM) 19-01

General and

Specific Plans:

Land Use Designation: The subdivision is designated in the General Plan and Harter Specific Plan as Low Density Residential (LDR), which provides for a residential density of 2 to 8 residences per gross acre; and Medium/High Residential (MDR) which provides for a density of 12 to 36 residences per gross acre. The single-family portion of the project will be approximately 5.3 residences per acre. The multi-family residential development site is designated Multi-Family Residential, and would be built at a density of approximately 20 units per acre.

Zoning: The property for the single-family residential subdivision is in a One-Family Residential (R-1) Zone District. The multi-family residential portion of the site is zoned R-3. which are consistent with the LDR General Plan and Harter Specific Plan Land Use Designations.

Purpose:

The applicant has submitted a request for a five-year extension of time in which to file a Final Map for TSM 19-01 in accordance with Government Code Section 66452.6(a)(1). Government Code Section 66452.6(a)(1) states the tentative map on property subject to a development agreement may be extended for the period of time provided for in the agreement, but not beyond the duration

of the agreement. The Development Agreement is valid until January, 1, 2036.

Background:

Tentative Subdivision Map 19-01 was approved by the City Council on June 15, 2021, together with a development agreement. This project will divide a 13.7-acre parcel into 73 single-family residential lots. This subdivision will have a residential density of approximately 5.3 residences per gross acre. Additionally, the project would create 3 lots for multi-family residential development on approximately 7.7 acres; the Specific Plan identifies a density of approximately 20 units per acre.

The applicant provided a letter to the City on January 13, 2023 requesting an extension of the tentative map for an additional period of five years from the current expiration date. The request is due to current economic times, single-family absorption rates, and commercial development absorption.

California Government Code Section 66452.6(a)(1) allows an approved tentative map to be extended up to the term of the recorded development agreement, which in this instance is January 1, 2036. At this time, the applicant requests a 5-year extension; however, they reserve the right to request additional extensions until the development agreement expiration.

Analysis:

Public Works and Planning staff have determined the Conditions of Approval for the project remain valid, and there is no reason for the denial of the requested time extension. Additionally, the applicant submitted a written request for the extension in compliance with the conditions placed on the project at the time of approval.

Any subsequent time extension request must comply with the provisions of the Subdivision Map Act.

Recommended Action:

Adopt a Resolution to approve a five-year extension of time for Tentative Subdivision Map 19-01, pursuant to Government Code Section 66452.6(a)(1), resulting in a new expiration date of June 15, 2028.

Attachments:

1. Resolution
2. Subdivision Map 19-01
3. Time Extension Request Letter
4. Planning Commission Staff Report, *April 28, 2021*

ATTACHMENT 1

PLANNING COMMISSION RESOLUTION NO. PC 23-02

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YUBA CITY (PLANNING COMMISSION) APPROVING A FIVE (5) YEAR EXTENSION OF TIME FOR TENTATIVE SUBDIVISION MAP (TSM) 19-01, ON NORTHWEST CORNER OF THE HARTER SPECIFIC PLAN SITE, ON THE SOUTH SIDE OF BUTTE HOUSE ROAD (ASSESSOR'S PARCEL NUMBER 62-310-004).

WHEREAS, the City received a tentative subdivision map application for APN 62-310-004 in May 2019 to subdivide a 13.7-acre parcel into 73 single-family residential lots. This subdivision will have a residential density of approximately 5.3 residences per gross acre. Additionally, the project would create 3 lots for multi-family residential development on approximately 7.7 acres; the Specific Plan identifies a density of approximately 20 units per acre; and

WHEREAS, this property is within Yuba City's city limits and the property owner wished to develop their property to urban levels; 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, the Planning Commission reviewed related Addendum to the Harter Specific Plan and Yuba City Marketplace Environmental Impact Report as proposed by the Environmental Assessment 19-01; and

WHEREAS, the Planning Commission held a duly noticed public hearing on April 28, 2021 and considered all of the project and environmental information presented by staff, public testimony and all of the background information; and

WHEREAS, the Planning Commission contingently approved Tentative Subdivision Map (TSM) 19-01, on April 28, 2021 subject to the Conditions of Approval and Mitigation Measures; and

WHEREAS, the City Council approved the related entitlements at the regularly held meeting on June 15, 2021, including a development agreement that is valid until January 1, 2036; and

WHEREAS, an extension request for a five-year extension of Tentative Subdivision Map 19-01 was received from the property owner on January 13, 2023, subject to Government Code 66452.6(a)(1); and

WHEREAS, the Planning Commission has reviewed all associated documents prepared for the project and all of the evidence received by the Planning Commission; and

WHEREAS, after deliberation and consideration of all relevant items, the Planning Commission now desires to approve a five-year extension of time for Tentative Subdivision Map 19-01, pursuant to Government Code 66452.6(a)(1), resulting in a new expiration date of June 15, 2028.

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

1. Recitals. The Planning Commission hereby specifically finds that all of the facts set forth in

the recitals above are true and correct and incorporated herein.

2. CEQA Finding: While an Environmental Impact Report was adopted as part of the project's approval in 2021, a map extension is a ministerial act. Therefore, CEQA is not applicable.
3. Subdivision Findings: City staff has determined the Subdivision Findings and Conditions of Approval for the project remain valid. Pursuant to Government Code Section 66452.6(a)(1), a tentative map on a property subject to a development agreement may be extended for the period of time provided for in the agreement. The development agreement associated with this project is valid until January 1, 2036. Therefore, a five-year extension of Tentative Subdivision Map 19-01 is permissible.
4. Approval of Tentative Subdivision Map 19-01 Extension: Given that all the findings can be made, the Planning Commission hereby approves a five-year extension of time for Tentative Subdivision Map 19-01, pursuant to Government Code 66452.6(a)(1), resulting in a new expiration date of June 15, 2028.
5. Effective Date: This resolution is effective immediately.

The foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Yuba City at a regular meeting thereof held on February 8, 2023, 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

ATTACHMENT 2

TENTATIVE SUBDIVISION MAP 2006-05 (2015-01)

HARTER ESTATES NORTH

YUBA CITY, CALIFORNIA

JUNE 15, 2006

REVISED APRIL 14, 2021

CITY OF YUBA CITY APPROVAL:

THE CITY OF YUBA CITY HAS REVIEWED AND APPROVED THE TENTATIVE SUBDIVISION MAP. THE TENTATIVE SUBDIVISION MAP WAS APPROVED BY THE PLANNING COMMISSION ON _____, 2021. THE TENTATIVE SUBDIVISION MAP WAS APPROVED BY RESOLUTION _____ ON _____, 2021.

CITY OF YUBA CITY DATE:

SURVEYORS STATEMENT:

I HEREBY STATE THAT ALL EASEMENTS OF RECORD ARE SHOWN AND LABELED PER PRELIMINARY TITLE REPORT BY FIRST AMERICAN TITLE INSURANCE COMPANY ORDER NUMBER 12023-4850199 DATED FEBRUARY 17, 2015

SEAN MINARD, P.E. 52593, P.L.S. 8397

PROJECT NOTES

OWNER
HARTER PACKING CO. LLC
P.O. BOX 1789
YUBA CITY, CA 95992
CONTACT: TOM TUCKER
PHONE: (530) 673-8330

APPLICANT
HARTER PACKING CO. LLC
P.O. BOX 1789
YUBA CITY, CA 95992
CONTACT: TOM TUCKER
PHONE: (530) 673-8330

ENGINEER/SURVEYOR
MHM INCORPORATED
1204 E STREET, P.O. BOX B
MARYSVILLE, CA 95901
C/O SEAN MINARD, P.E., P.L.S.
PHONE: (530) 742-6485

ASSESSOR'S PARCEL NO.
62-310-004

AREA OF TENTATIVE MAP
21.78 GROSS ACRE

EXISTING USE
AGRICULTURAL

PROPOSED USE
RESIDENTIAL

EXISTING GENERAL PLAN
LOW DENSITY AND MEDIUM/HIGH DENSITY RESIDENTIAL

PROPOSED GENERAL PLAN
LOW DENSITY AND MEDIUM/HIGH DENSITY RESIDENTIAL

EXISTING ZONING
R-1 SP AND R-3 SP (HARTER SPECIFIC PLAN)

PROPOSED ZONING
R-1 SP AND R-3 SP (HARTER SPECIFIC PLAN)

LEVEE PROTECTION
LEVEE DISTRICT NO. 9

ELEMENTARY SCHOOL DISTRICT
YUBA CITY UNIFIED SCHOOL DISTRICT

HIGH SCHOOL DISTRICT
YUBA CITY UNIFIED UNION HIGH SCHOOL DISTRICT

FIRE PROTECTION
CITY OF YUBA CITY

SANITARY SEWER
CITY OF YUBA CITY

DOMESTIC WATER
CITY OF YUBA CITY

STORM DRAINAGE
CITY OF YUBA CITY

ELECTRICITY
PACIFIC GAS AND ELECTRIC

NATURAL GAS
PACIFIC GAS AND ELECTRIC

TELEPHONE
AT&T

CABLE
COMCAST

GENERAL NOTES:

- SUBDIVIDER RESERVES THE RIGHT TO PHASE DEVELOPMENT AND FILE MULTIPLE FINAL MAPS PURSUANT TO SECTION 66456.1 (A) OF THE SUBDIVISION MAP ACT.
- A 19.5 FOOT PUBLIC UTILITY EASEMENT SHALL BE LOCATED ADJACENT TO ALL PUBLIC RIGHT OF WAYS EXCEPT ADJACENT TO CUL-DE-SAC THE PUBLIC UTILITY EASEMENT SHALL BE 10 FEET UNLESS OTHERWISE APPROVED BY CITY ENGINEER.
- THIS EXHIBIT IS FOR TENTATIVE MAP PURPOSES ONLY. ACTUAL DIMENSIONS, ROAD ALIGNMENTS, ACREAGE, AND YIELDS ARE TO BE VERIFIED PRIOR TO FINAL MAP.
- THIS IS AN APPLICATION FOR A DEVELOPMENT PERMIT.
- VILLAGE NUMBERING IS FOR IDENTIFICATION PURPOSES ONLY AND DOES NOT INDICATE PHASING ORDER OF DEVELOPMENT. ULTIMATE DEVELOPMENT PHASING WILL BE ORDERLY AND WILL BE DETERMINED AT FINAL MAP AND/OR IMPROVEMENT PLAN STAGE.
- ALL EXISTING STRUCTURES AND WELLS TO BE REMOVED PRIOR TO OR DURING CONSTRUCTION.
- OWNERS, APPLICANT, ENGINEER, AND SURVEYOR SHALL RECEIVE ANY COMMUNICATIONS AND/OR NOTICES RELATED TO THIS PROJECT.
- STREET TREES SHALL BE PLANTED PURSUANT TO CITY OF YUBA CITY STANDARDS. ADDITIONAL DETAIL SHALL BE PROVIDED ON THE IMPROVEMENT PLANS.

LEGAL DESCRIPTION:

THAT PARCEL OR LAND LYING WITHIN THE EAST HALF OF SECTION 17 TOWNSHIP 15 NORTH, RANGE 3 EAST, MOUNT DIABLO BASE AND MERIDIAN (APN 62-310-004) IN THE CITY OF YUBA CITY, SUTTER COUNTY, AND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT INTERSECTION OF THE NORTHERLY PROLONGATION OF THE EAST LINE OF THE LA PALOMA TRACT UNITS 1 AND 2, FILED IN BOOK 9 OF SURVEYS, PAGES 43 AND 51, SUTTER COUNTY RECORDS WITH THE SOUTHERLY LINE OF BUTTE HOUSE ROAD AS DESCRIBED IN DEED TO THE CITY OF YUBA CITY AND RECORDED AS SUTTER COUNTY DOCUMENT NO. 2005-0029548; THENCE SOUTH 0° 03' 54" EAST, ALONG SAID EAST LINE OF THE LA PALOMA TRACT, UNITS 1 AND 2, A DISTANCE OF 1102.74 FEET TO THE NORTHWEST CORNER OF THAT PARCEL DESCRIBED IN DEED TO THE CITY OF YUBA CITY AND RECORDED AS SUTTER COUNTY DOCUMENT NO. 2005-0029549; THENCE ALONG THE NORTHERLY BOUNDARY OF SAID YUBA CITY PARCEL THE FOLLOWING COURSES AND DISTANCES: EAST, 190.01 FEET; THENCE NORTH 77° 49' 50" EAST, 10.96 FEET; THENCE SOUTHERLY, ALONG A NON-TANGENT CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 481.00 FEET, A CENTRAL ANGLE OF 12° 09' 19", THE CHORD BEARS SOUTH 6° 04' 40" EAST, 101.85 FEET, AN ARC DISTANCE OF 102.04 FEET; THENCE SOUTH, 47.66 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 30.00 FEET, THROUGH A CENTRAL ANGLE OF 25° 50' 31", AN ARC DISTANCE OF 13.53 FEET TO A POINT OF REVERSE CURVE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET, THROUGH A CENTRAL ANGLE OF 141° 44' 56", AN ARC DISTANCE OF 123.70 FEET TO A POINT OF REVERSE CURVE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 30.00 FEET, THROUGH A CENTRAL ANGLE OF 25° 50' 31", AN ARC DISTANCE OF 13.53 FEET; THENCE NORTH 89° 56' 06" EAST, 58.90 FEET; THENCE SOUTH 88° 32' 18" EAST, 52.27 FEET; THENCE SOUTH 87° 00' 42" EAST, 201.86 FEET; THENCE SOUTH 42° 52' 30" EAST, 28.63 FEET TO THE WEST LINE OF HARTER ROAD AS DESCRIBED IN DEED TO CITY OF YUBA CITY AND RECORDED AS SUTTER COUNTY DOCUMENT NO. 2005-0029548; THENCE LEAVING SAID NORTHERLY BOUNDARY OF THE YUBA CITY PARCEL RUN EAST, 58.00 FEET TO THE CENTER LINE OF HARTER ROAD AS HEREIN ABOVE DESCRIBED; THENCE NORTHERLY AND NORTHEASTERLY ALONG SAID CENTERLINE OF HARTER ROAD, 1150 FEET MORE OR LESS TO SAID SOUTHERLY LINE OF BUTTE HOUSE ROAD; THENCE NORTH 70° 17' 09" WEST, ALONG SAID SOUTHERLY LINE OF BUTTE HOUSE ROAD, 1230 FEET MORE OR LESS TO THE POINT OF BEGINNING.

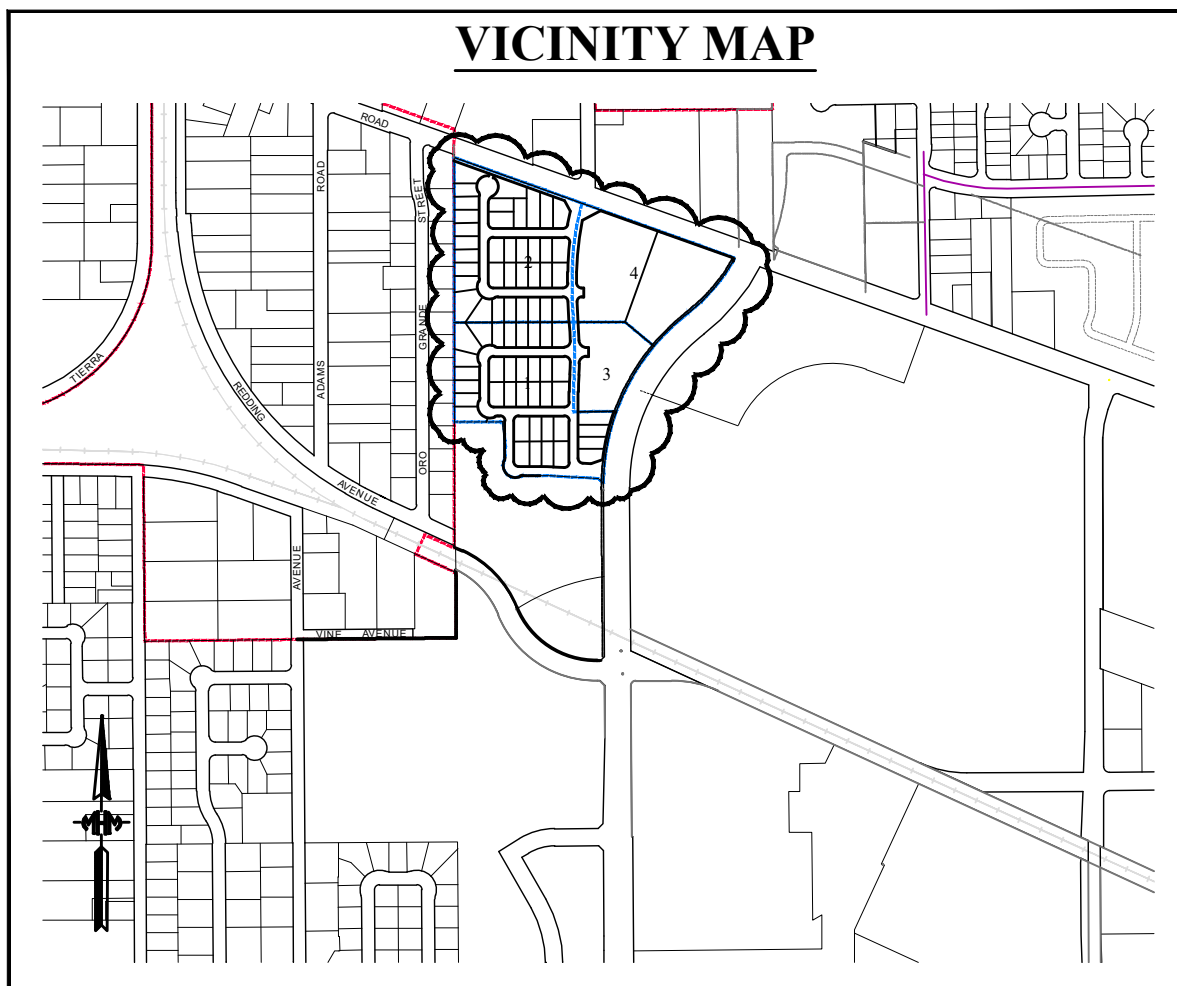
EXCEPTING THEREFROM THAT PORTION LYING WITHIN THE BOUNDS OF SAID HARTER ROAD.

LAND USE SUMMARY

VILLAGE NO.	ZONE	MRSP LAND USE	LOTS	GROSS ACRES
1	LDR	SINGLE FAMILY	37	6.98
2	LDR	SINGLE FAMILY	36	6.72
3	M/HDR	MULTI-FAMILY	1	2.17
4	M/HDR	MULTI-FAMILY	2	5.53
BUTTE HOUSE		PKWY		0.25
HARTER PKWY		PKWY		0.08
TOTAL =				21.73

NOTE: ALL ACREAGES ARE GROSS ACRES. BUTTE HOUSE ROAD AND HARTER PARKWAY ROW PREVIOUSLY DEDICATED TO CITY.

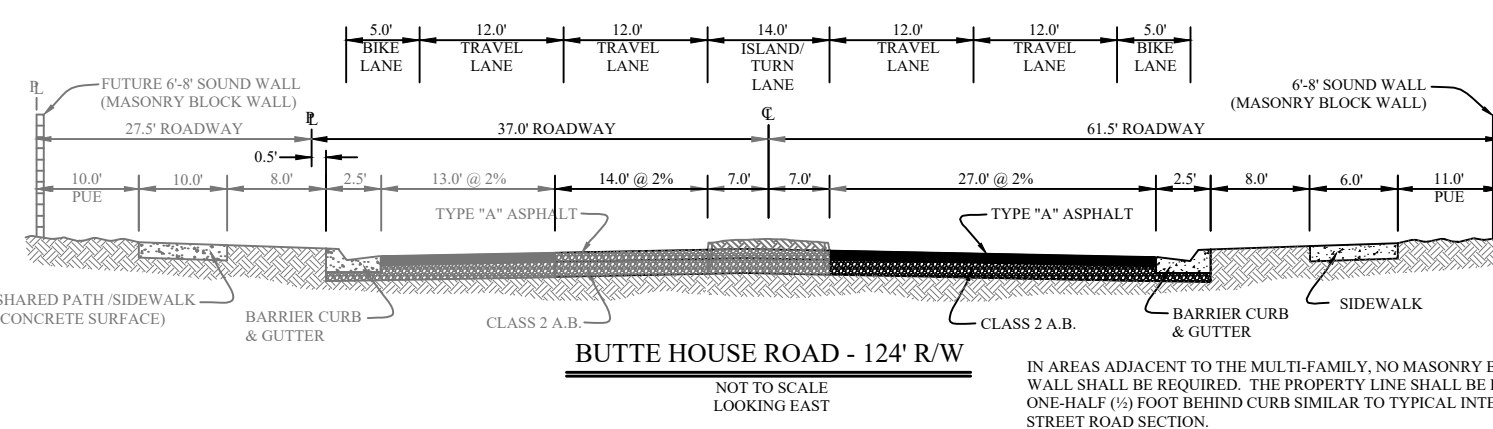
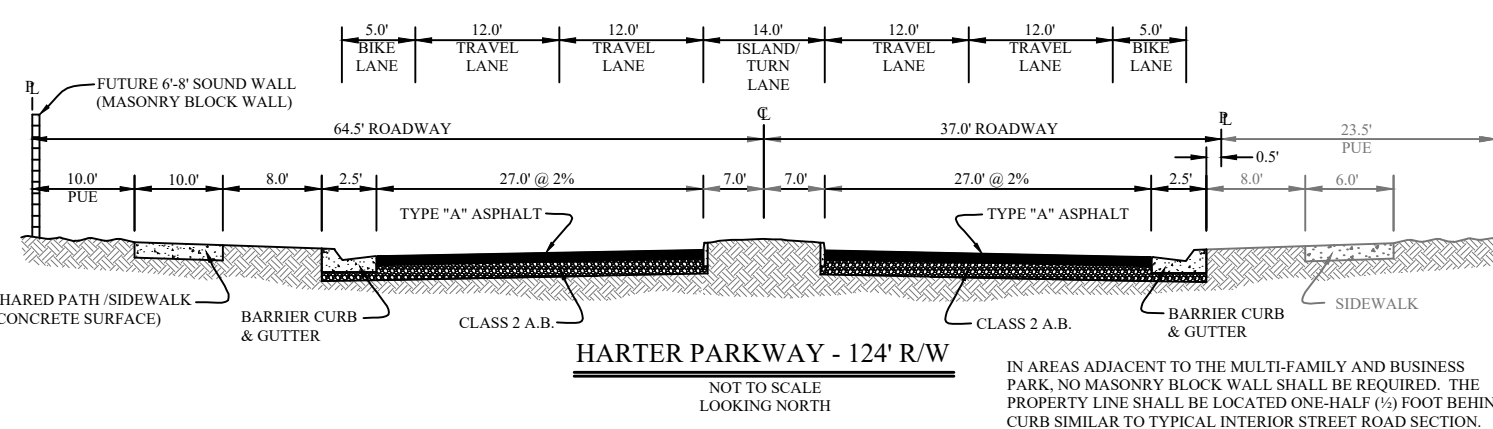
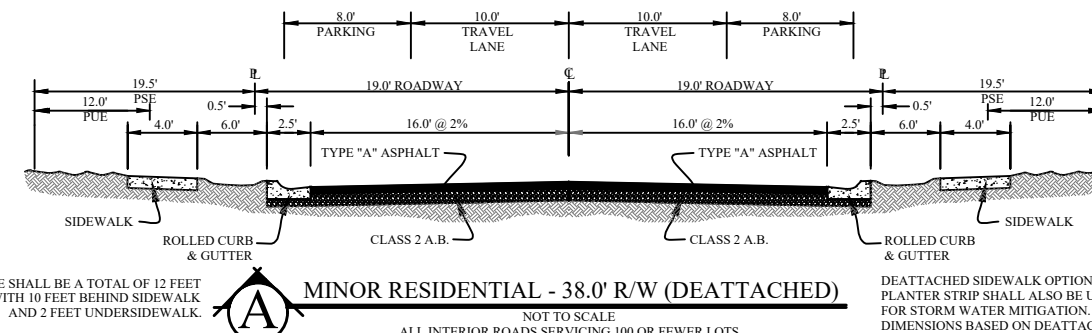
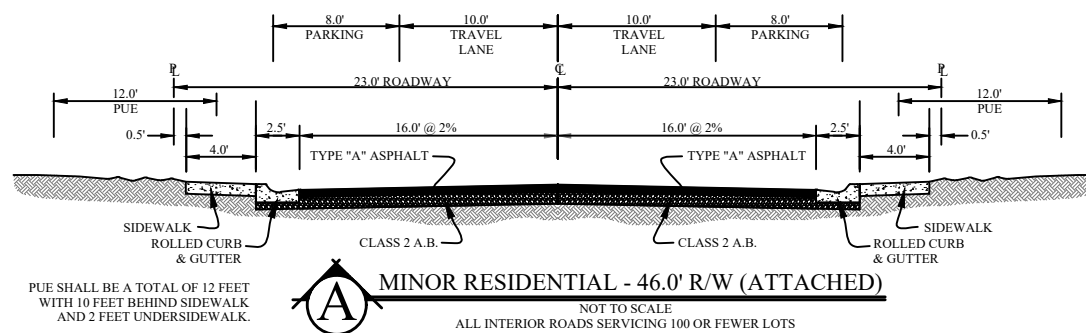
VICINITY MAP



2 INDICATES PROPOSED PHASE



0 40' 80' 160' 320'
0 1" IF NOT ONE INCH ON THIS SHEET, ADJUST SCALE ACCORDINGLY



M.H.M.

ENGINEERS & SURVEYORS SINCE 1892

1204 E STREET, P.O. BOX B
MARYSVILLE, CA 95901

TEL: 530.742.6485
FAX: 530.742.5639

ATTACHMENT 3



City of Yuba City
Development Services

January 13, 2023

Mr. Benjamin Moody
City of Yuba City
1201 Civic Center Boulevard
Yuba City, CA 95993

**SUBJECT: Subdivision Map 19-04; Harter Estates South
Subdivision Map 15-01; Harter Estates North
Parcel Map 19-03; Harter Marketplace
Request for Extension for Filing Final Map**

On behalf of Harter Packing Company LLC., we request an extension of the subject tentative maps for an additional period of five (5) years from the current expiration date. The request is due to current economic times, single-family absorption rates, and commercial development absorption.

We are aware that the California Subdivision Map Act provides that a tentative map on property subject to a Development Agreement (DA) may be extended for the period of time provided for in the agreement (CA Govt Code Section 66452.6(a)). At this time, we are only requesting an extension for an additional five (5) years but reserve the right to request additional extensions out to January 1, 2036, which would make the expiration date consistent with the term of the DA.

Please contact Tom Tucker at 530-673-8330 with any questions and/or to schedule a meeting. Any technical questions should be directed to Sean Minard with MHM Incorporated at 530-742-6485.

Sincerely,

MHM Incorporated

Sean Minard, P.E., P.L.S.
Principal Civil Engineer

Cc: Tom Tucker, Harter Packing Company LLC.

ATTACHMENT 4



CITY OF YUBA CITY
PLANNING COMMISSION
STAFF REPORT

Date: April 28, 2021
To: Chair and Members of the Planning Commission
From: Development Services Department
Presentation By: Benjamin Moody, Development Services Director

Subject: *Tentative Subdivision Map (TSM) 19-01:* Subdivision application for Harter Estates North for 13.7 acres to create 73 lots for single-family residential development and 3 lots containing 7.7 acres for multi-family residential development within the Harter Specific Plan, located in the northwest corner of the Harter Specific Plan site, on the south side of Butte House Road.

Recommendation: Conduct a Public Hearing and:

A. Adopt a Resolution of the Planning Commission of the City of Yuba City contingently approving the Harter Estates North Subdivision (Tentative Subdivision Map (TSM) 19-01) Located on the South Side of Butte House Road in the Northwest Corner of the Harter Specific Plan Area; Assessors Parcel Number 62-310-004.

Applicant/Owner: Harter Packing Company, LLC

Project Location: The project is located in the northwest corner of the Harter Specific Plan site, on the south side of Butte House Road; Assessor's Parcel Number (APN) 62-310-004.

Project Number: Tentative Subdivision Map (TSM) 19-01

**General and
Specific Plans:**

Land Use Element: The subdivision is designated in the General Plan and Harter Specific Plan as Low Density Residential (LDR), which provides for a residential density of 2 to 8 residences per gross acre; and Medium/High Residential (MDR) which provides for a density of 12 to 36 residences per gross acre. The single-family portion of the project will be approximately 5.3 residences per acre. The multi-family residential development site is designated Multi-Family Residential, and would be built at a density of approximately 20 units per acre.

Zoning:

The property for the single-family residential subdivision is in a One-Family Residential (R-1) Zone District. The multi-family residential portion of the site is zoned R-3, which are consistent with the LDR General Plan and Harter Specific Plan Land Use Designations.

Project Proposal

TSM 19-01 will divide a 13.7-acre parcel into 73 single-family residential lots. This subdivision will have a residential density of approximately 5.3 residences per gross acre. Additionally, the project would create 3 lots for multi-family residential development on approximately 7.7 acres; the Specific Plan identifies a density of approximately 20 units per acre.

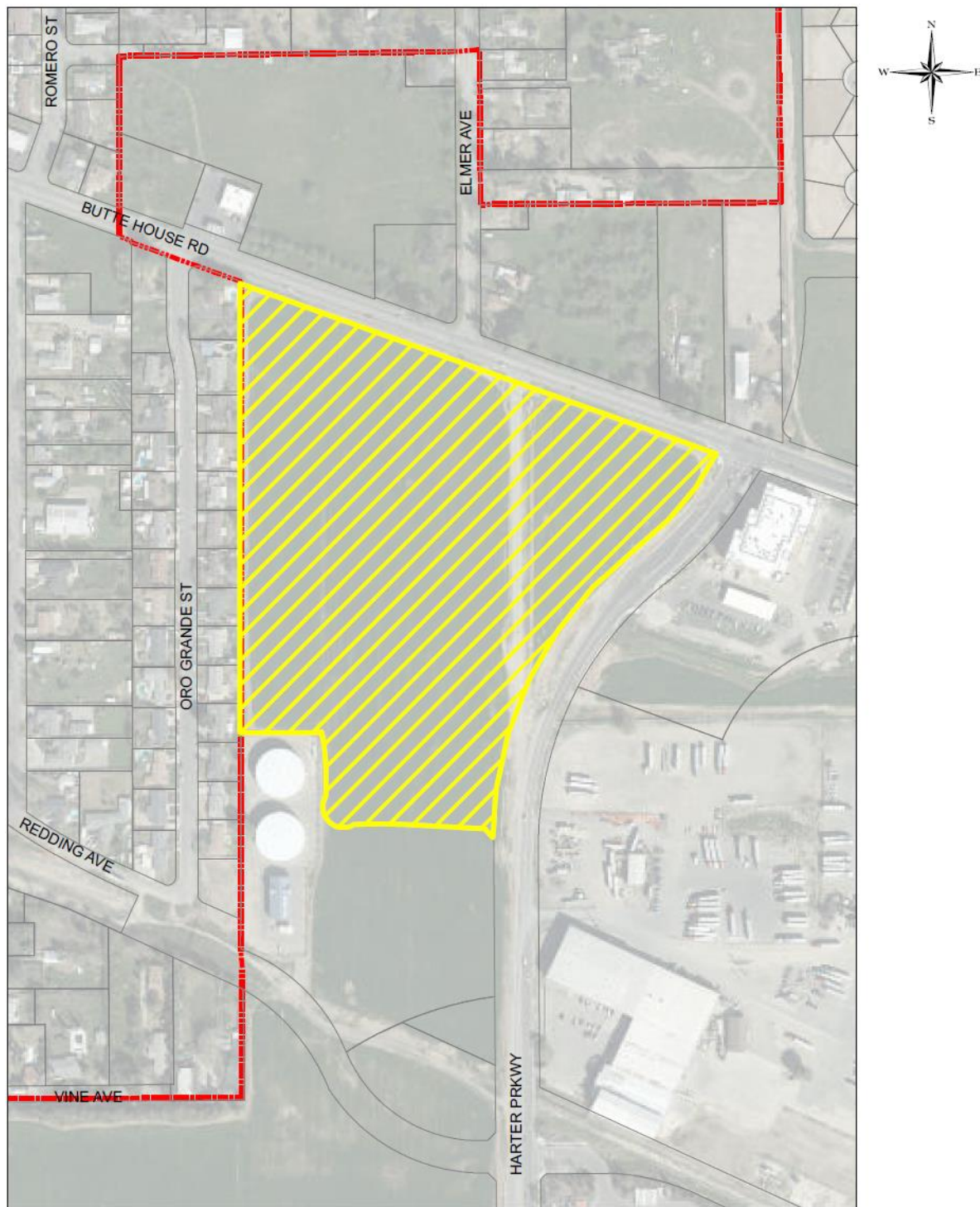
Background:

The project site is located within the boundaries of the Harter Specific Plan, approved by the City in 2005, and which is the subject of proposed amendments as part of the April 28, 2021 Planning Commission agenda. The site has been planned for single-family and multi-family residential use, and was included as part of the CEQA analysis (Environmental Impact Report) prepared for the original Harter Specific Plan. An Addendum to the EIR has been prepared for the overall Project.

Access and Public Improvements:

The single-family residential subdivision will be served by a roadway connection to Butte House Road on the north, and by the construction of a new roadway, George Drive, which would be extended west to the subdivision from Harter Parkway. Internal roadway access to the lots would be provided by construction of new looping streets, along with a cul-de-sac roadway (Piner Court) at the northwest corner of the site. These interior streets will be built to the City's local residential street standards. The property will also be served by City water and sewer. Stormwater drainage will be provided by a combination of Yuba City and County drainage facilities. The multi-family residential development would have access from Harter Parkway to the east, Butte House Road to the north, and from the new roadway (South Elmer Road) to be built as part of the single-family residential development.

Locator Map:



Harter North Estates

TSM 19-01

1 inch = 300 feet

Property Description:

This relatively flat property is vacant of any structures. There are no unique topographic features such as rock outcroppings or heritage-type trees.

Bordering Uses:

Table 1: Project and Bordering Information and Uses			
	General Plan Land Use Classification	Zoning	Existing Land Use
<i>Project Site</i>	Low and Medium/High Density Residential	R-1 and R-3	Vacant
<i>North</i>	Medium/High Density Residential	R-2	Single-family residences/Vacant Land
<i>East</i>	Business Park/Light Industrial and Office	Business Park/LI and Office	Truck Parking and Office
<i>West</i>	Low Density Residential	R-1	Single-family residences
<i>South</i>	Park	Public Facility	Water Storage/Vacant (planned Park site in Harter Specific Plan)

Staff Comments:

The Tentative Map proposes 73 lots for single-family residential development, consistent with the planned use of the property pursuant to the Harter Specific Plan. Lot sizes generally range from 5,250 sq ft for interior lots to over 6,000 sq ft for corner lots. A total of three master parcels would be created for multi-family residential use. No specific development of the multi-family residential lots is proposed at this time.

Compatibility with neighboring uses:

The project is within a planned residential area, with homes developed on the west and north sides. Accordingly, the compatibility of uses is not expected to be an issue. These lands were evaluated and approved for single-family and multi-family residential development as part of the original Harter Specific Plan.

Traffic

The two local streets impacted by this project – Butte House Road and Harter Parkway, operate within all safety and City level of service standards. The addition of these 73 lots, planned under the adopted Harter Specific Plan, along with the 3 master lots for multi-family residential development, are not expected to adversely change traffic and circulation conditions. The developer will be required complete a number of roadway improvements as part of project development.

Availability of City services:

City water and wastewater will be extended to the property. The local stormwater drainage

system operated and maintained by the City and County Drainage facilities will also be extended to these lots. Conditions of approval for the Tentative Map address the required improvements.

Findings for approval:

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, or that findings regarding flood protection cannot be made. To the contrary, the following findings can be made:

- a. The proposed tentative subdivision map is consistent with the applicable general plan and specific plan.

Support. There is no evidence that the proposed subdivision is inconsistent with either the General Plan or the Harter Specific Plan. To the contrary, the amended Harter Specific Plan implements the goals and policies of the City's General Plan. It establishes the land use designations, planning principles and project objectives and design guidelines for the plan area consistent with the General Plan as amended. For example, the subdivisions create lots for single-family residential, multiple-family residential, commercial, office and public uses. The boundaries of these parcels match the boundaries of the Specific Plan as well as the General Plan, which are the only plans applicable to this Project. Additionally, proposed Lots 1 through 73 on 14.1 acres are designated in the General Plan as LDR which provides a gross residential density range of 2 to 8 residences per acre. The proposal is for approximately 5.2 residences per acre, which is within the General Plan density standard. Further, up to 180 multi-family residential units are proposed on 5.7 acres on lands designated for multi-family residential use in the Harter Specific Plan. This is also within the gross residential density range approved by the General Plan. The subdivision is consistent with both the General Plan and Harter Specific Plan as amended.

The Planning Commission has reviewed the analysis and all evidence presented in this matter, and determines that proposed TSM 19-01 is consistent with Specific Plan Amendment 19-01, has also found the Specific Plan Amendment is consistent with the General Plan as amended by General Plan Amendment 19-01, and as such, TSM 19-01 is also therefore consistent with the General Plan.

- b. The design and improvement of the tentative subdivision map is consistent with applicable general and specific plans or adopted City standards.

Support. As discussed immediately above, this residential land division meets all General Plan consistency requirements. The TSM is consistent with the General Plan as amended by GPA 19-01 and the Specific Plan as amended by SPA 19-01. Additionally, the proposed parcel sizes, as shown on the tentative subdivision maps, meet the City's zoning minimum parcel size and are therefore of adequate size and design to accommodate the uses that will be permitted on them. The property will be improved with new or expanded street system, and the project will also be provided with full City services that meet all City standards. The project is conditioned to meet all City development and improvement standards including water, wastewater and stormwater drainage systems, street cross-sections, streetscape landscaping, and parks. Each new lot meets the minimum lot size requirements required of the R-1 and R-3 Zone Districts. The design and improvement of

the tentative subdivision map meet all City standards.

- c. That the site is physically suited for the density of development.

Support. There is no substantial evidence in the record that the site is not physically suited for the density of development being proposed. Each new lot will meet or exceed the minimum lot sizes required by the relevant zone district. The proposed subdivision was thoroughly analyzed and compared to the Specific Plan and General Plan, and the proposed density of development is appropriate for this site and is physically suited for the proposed development density. The site is flat and has all City services available to it, or in the case of stormwater drainage, the system will be designed and constructed to be part of a larger drainage system operated by the City and County that serves the greater area. The EIR and associated Addendum prepared for the project did not find any physical factors associated with the property that would render it unsuitable for the proposed density of development.

- d. That the site is physically suited for the type of development.

Support. There is no substantial evidence in the record that the site is not physically suited for the type of development being proposed. The proposed subdivision was thoroughly analyzed and compared to the Specific Plan and General Plan, and the proposed development is physically appropriate for this site and is physically suited for the proposed development. Additionally, all relevant CEQA environmental concerns were addressed in the EIR and the associated Addendum that was prepared for the Project and its subdivisions, including flooding, drainage, and other items dealing with physical characteristics of the site. The proposed subdivision complies with the allowable land use and residential planned land use density and acreage allocations, and with the goals, objectives, and policies contained in the Harter Specific Plan and the General Plan. The proposed development meets all adopted standards and requirements, and is physically suited for the type of development being proposed.

- e. That the design of the subdivision map or likely improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Support. There is no evidence that the design or improvements will, in themselves, cause substantial environmental damage, etc. The entire Harter Specific Plan is surrounded by existing urban uses, and includes large commercial operations including a Walmart. Regardless, the EIR and associated Addendum prepared for the project compared it with all of the relevant CEQA environmental concerns, including fish and wildlife habitat. Although there are mitigation measures, these are not related to significant impacts associated with design issues of the subdivision map. Further, the project has been conditioned with mitigation to reduce the significance of any impacts. As such, the design of the subdivision maps or likely improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

- f. That the design of the subdivision maps or the type of improvements is not likely to cause serious public health problems.

Support. There is no substantial evidence in the record that the design of the subdivision maps will cause serious public health problems. Every new lot will be connected to City water, wastewater and storm drainage systems, which will avoid public health problems.

- g. The application satisfies at least one of the findings found in Yuba City Municipal Code Section 6-9.603 – Maps.

Support. The facilities of the State plan of flood control or other flood management facilities protect the property to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas.

- h. That the design of the subdivision maps 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.

Support. The subdivision will be served by public streets that are dedicated to the City for public use. There is no use of private streets or other types of easements that the project would conflict with. There are no known existing easements that will be adversely affected by this subdivision.

- i. There is adequate flood protection for the project.

Support. 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 the responsibility to prepare an annual report demonstrating adequate progress as defined in California Government Code Section 65007 (a). SBFCA has prepared Adequate Progress Report Updates for ULOP and transmitted them to the Central Valley Flood Protection Board. As such, this site has adequate flood protection. Additionally, the City has imposed conditions on the TSM that will protect property within the area to the urban level of flood protection in urban areas and urbanizing areas.

Environmental Determination:

The City, as the Lead Agency, has analyzed the proposed Project and has prepared an Addendum to the Harter Specific Plan and Yuba City Marketplace Environmental Impact Report (SCH #2002042058) (“Addendum”) as proposed by the environmental assessment (EA 19-01) for the Project. The Addendum to the EIR evaluated potential differences between the environmental effects identified as part of the approved project and the potential environmental effects resulting from the proposed modifications to the Project, including the proposed development of the proposed subdivided area.

TSM 19-01 is consistent with, and has been fully assessed by, the Addendum. TSM 19-01 is an entitlement specifically anticipated for the proposed Project in the Addendum, and is consistent with the purpose and intent of the EIR as described in the Addendum. As such, TSM 19-01 has been fully environmentally assessed, and no further assessment is required by CEQA.

Recommended Action:

Make the following findings and actions:

- A.** Adopt a Resolution of the Planning Commission of the City of Yuba City contingently approving the Harter Estates North Subdivision (Tentative Subdivision Map (TSM) 19-01) Located on the South Side of Butte House Road in the Northwest Corner of the Harter Specific Plan Area; Assessors Parcel Number 62-310-004.

Attachments:

- A. Resolution Approving Subdivision Map TSM 19-01
 - 1. Proposed Tentative Subdivision Map
 - 2. Conditions of Approval
- B. Environmental Assessment 19-01 (provided with Harter Project attachments)



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

Date: February 8, 2023
To: Chairperson and Members of the Planning Commission
From: Development Services Department
Presentation by: Jaspreet Kaur, Associate Planner

Subject: **Consideration of a five-year time extension for Tentative Parcel Map 19-03, Harter Marketplace, located along the west side of Harter Parkway and north of State Route 20.**

Recommendation: Adopt a Resolution to approve a five-year extension of time for Tentative Parcel Map 19-03, pursuant to Government Code Section 66452.6(a)(1), resulting in a new expiration date of June 15, 2028.

Applicant/Owner: Harter Packing Company, LLC

Project Location: The project is located along the west side of Harter Parkway and north side of State Highway 20. Assessor's Parcel Numbers 62-310-011 and 62-310-012.

Project Number: Tentative Parcel Map (TPM) 19-03

General and Specific Plans: Regional Commercial and Office Park

Zoning: C-2 (as part of Harter Specific Plan and related amendments), C-3 and C-O

Purpose:

The applicant has submitted a request for a five-year extension of time in which to file a Final Map for TPM 19-03 in accordance with Government Code Section 66452.6(a)(1). Government Code Section 66452.6(a)(1) states the tentative map on subject property to a development agreement may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. The Development Agreement is valid until January, 1, 2036.

Background:

Tentative Parcel Map 19-03 was approved by the City Council on June 15, 2021, together with a

development agreement. This project will subdivide 19.36 acres in multiple phases, which in turn would be developed with 22 parcels for commercial development.

The applicant provided a letter to the City on January 13, 2023 requesting an extension of the tentative map for an additional period of five years from the current expiration date. The request is due to current economic times, single-family absorption rates, and commercial development absorption.

California Government Code Section 66452.6(a)(1) allows an approved tentative map to be extended up to the term of the recorded development agreement, which in this instance is January 1, 2036. At this time, the applicant requests a 5-year extension; however, they reserve the right to request additional extensions until the development agreement expiration.

Analysis:

Public Works and Planning staff have determined the Conditions of Approval for the project remain valid, and there is no reason for the denial of the requested time extension. Additionally, the applicant submitted a written request for the extension in compliance with the conditions placed on the project at the time of approval.

Any subsequent time extension request must comply with the provisions of the Subdivision Map Act.

Recommended Action:

Adopt a Resolution to approve a five-year extension of time for Tentative Parcel Map 19-03, pursuant to Government Code Section 66452.6(a)(1), resulting in a new expiration date of June 15, 2028.

Attachments:

1. Resolution
2. Tentative Parcel Map 19-03
3. Time Extension Request Letter
4. Planning Commission Staff Report, *April 28, 2021*

ATTACHMENT 1

PLANNING COMMISSION RESOLUTION NO. PC 23-03

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YUBA CITY (PLANNING COMMISSION) APPROVING A FIVE (5) YEAR EXTENSION OF TIME FOR TENTATIVE PARCEL MAP (TPM) 19-03, LOCATED ON THE WEST SIDE OF HARTER PARKWAY AND NORTH OF STATE ROUTE 20 (ASSESSOR'S PARCEL NUMBERS 62-310-011 AND 62-310-012).

WHEREAS, the City received a tentative subdivision map application for APN 62-310-004 in May 2019 to subdivide will subdivide 19.36 acres in multiple phases, which in turn would be developed with 22 parcels for commercial development.

WHEREAS, this property is within Yuba City's city limits and the property owner wished to develop their property to urban levels; 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, the Planning Commission reviewed related Addendum to the Harter Specific Plan and Yuba City Marketplace Environmental Impact Report as proposed by the Environmental Assessment 19-03; and

WHEREAS, the Planning Commission held a duly noticed public hearing on April 28, 2021 and considered all of the project and environmental information presented by staff, public testimony and all of the background information; and

WHEREAS, the Planning Commission contingently approved Tentative Parcel Map (TPM) 19-03, on April 28, 2021 subject to the Conditions of Approval and Mitigation Measures; and

WHEREAS, the City Council approved the related entitlements at the regularly held meeting on June 15, 2021, including a development agreement that is valid until January 1, 2036; and

WHEREAS, an extension request for a five-year extension of Tentative Subdivision Map 19-03 was received from the property owner on January 13, 2023, subject to Government Code 66452.6(a)(1); and

WHEREAS, the Planning Commission has reviewed all associated documents prepared for the project and all of the evidence received by the Planning Commission; and

WHEREAS, after deliberation and consideration of all relevant items, the Planning Commission now desires to approve a five-year extension of time for Tentative Parcel Map 19-03, pursuant to Government Code 66452.6(a)(1), resulting in a new expiration date of June 15, 2028.

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

1. Recitals. The Planning Commission hereby specifically finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.

2. CEQA Finding: While an Environmental Impact Report was adopted as part of the project's approval in 2021, a map extension is a ministerial act. Therefore, CEQA is not applicable.
3. Subdivision Findings: City staff has determined the Subdivision Findings and Conditions of Approval for the project remain valid. Pursuant to Government Code Section 66452.6(a)(1), a tentative map on a property subject to a development agreement may be extended for the period of time provided for in the agreement. The development agreement associated with this project is valid until January 1, 2036. Therefore, a five-year extension of Tentative Subdivision Map 19-03 is permissible.
4. Approval of Tentative Parcel Map 19-03 Extension: Given that all the findings can be made, the Planning Commission hereby approves a five-year extension of time for Tentative Parcel Map 19-03, pursuant to Government Code 66452.6(a)(1), resulting in a new expiration date of June 15, 2028.
5. Effective Date: This resolution is effective immediately.

The foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Yuba City at a regular meeting thereof held on February 8, 2023, by the following vote:

Ayes:

Noes:

Absent:

Recused:

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

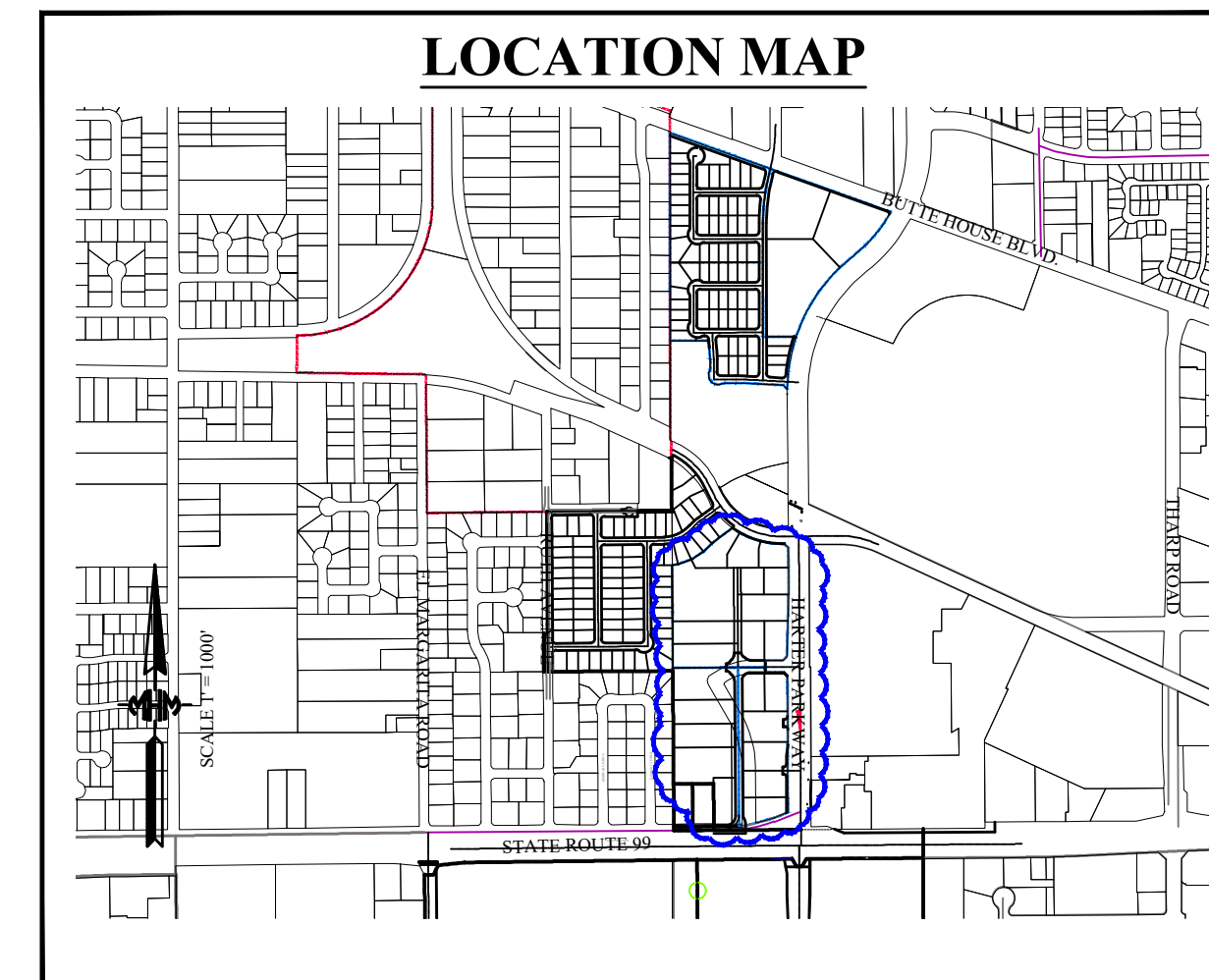
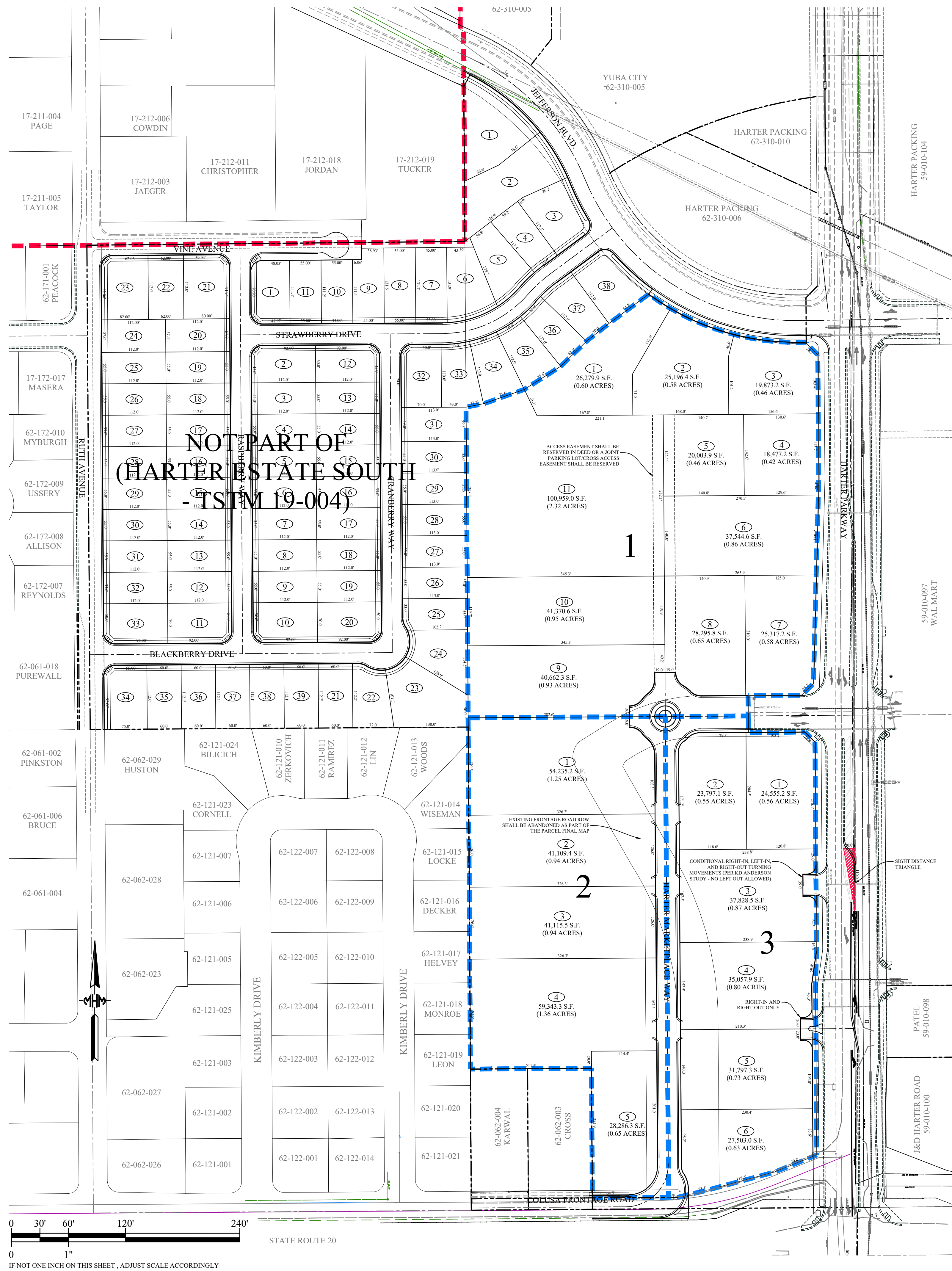
Michele Blake, Planning Commission Chair

ATTEST:

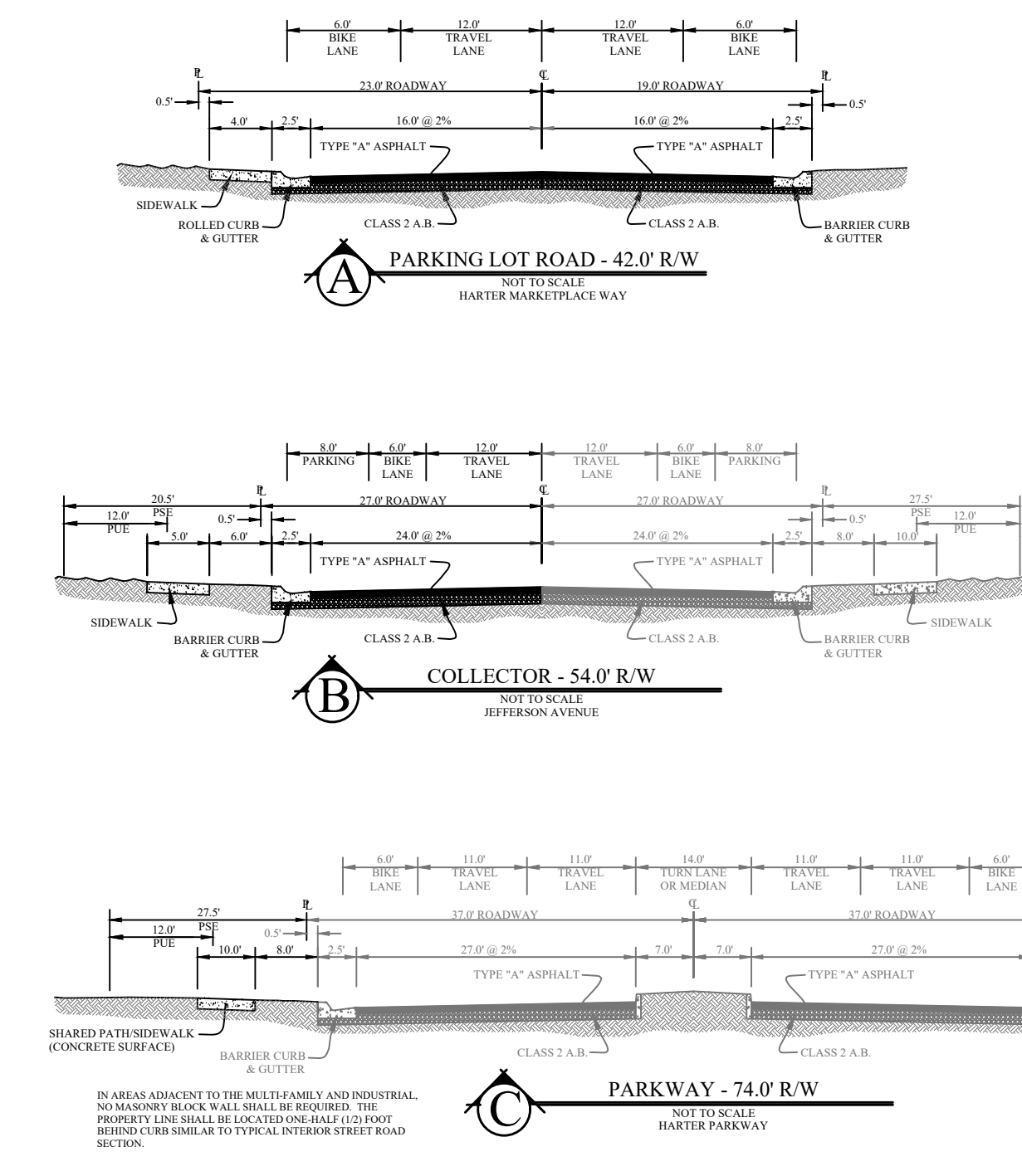
Benjamin Moody, Secretary to the Planning Commission

ATTACHMENT 2

TENTATIVE PARCEL MAP 2019-0003
HARTER MARKETPLACE
YUBA CITY, CALIFORNIA
FEBRUARY 27, 2020 REVISED APRIL 14, 2021



LAND USE SUMMARY	
PARCEL SUMMARY*	
COMMERCIAL - VILLAGE 1 = 11 PARCELS	8.81 AC
COMMERCIAL - VILLAGE 2 = 5 PARCELS	5.14 AC
COMMERCIAL - VILLAGE 3 = 6 PARCELS	4.14 AC
ROADWAYS**	1.27 AC
SUBTOTAL = 19.36 AC	
(NON-RESIDENTIAL)	
*ALL ACREAGES AND DENSITIES EXCLUDE ARTERIAL AND COLLECTOR STREETS.	
**JEFFERSON AND HARTER PARKWAY WHERE DEDICATED AS PART OF PREVIOUS MAP OR AGREEMENTS WITH CITY OF YUBA CITY. THE 1.24 ACRES ON THIS TENTATIVE PARCEL MAP INCLUDE HARTER MARKETPLACE WAY FEE DEDICATION.	
***THE PORTION OF THE ONSTOTT FRONTAGE ROAD WITHIN THE PROJECT BOUNDARIES SHALL BE ABANDONED AS PART OF THE HARTER MARKETPLACE WAY DEDICATION.	
****THERE SHALL BE CROSS EASEMENT ACROSS THE PARKING AREAS OF ALL PARCELS	



PROJECT NOTES		
OWNER HARTER PACKING CO. LLC P.O. BOX 1789 YUBA CITY, CA 95992 CONTACT: TOM TUCKER PHONE: (530) 673-8330	AREA OF TENTATIVE MAP 19.36 GROSS ACRES	FIRE PROTECTION CITY OF YUBA CITY
APPLICANT HARTER PACKING CO. LLC P.O. BOX 1789 YUBA CITY, CA 95992 CONTACT: TOM TUCKER PHONE: (530) 673-8330	EXISTING USE AGRICULTURAL	LAW ENFORCEMENT CITY OF YUBA CITY
ATTORNEY PIONEER LAW GROUP, LLP 1122 S STREET SACRAMENTO, CA 95811 CONTACT: JAY HARRIS PHONE: (916) 287-9500	EXISTING GENERAL PLAN DESIGNATION COMMERCIAL AND OFFICE PARK	SANITARY SEWER CITY OF YUBA CITY
ENGINEER/SURVEYOR MHM INCORPORATED 1204 E STREET, P.O. BOX B MARYSVILLE, CA 95901 CONTACT: SEAN MINARD PHONE: (530) 742-6485	PROPOSED GENERAL PLAN DESIGNATION COMMERCIAL AND OFFICE PARK	DOMESTIC WATER CITY OF YUBA CITY
ASSESSOR'S PARCEL NO. 62-310-011 62-310-012	EXISTING ZONING C-2 AND C-M	STORM DRAINAGE CITY OF YUBA CITY AND SUTTER COUNTY
	PROPOSED ZONING C-2 (19.36 AC)	ELECTRICITY PACIFIC GAS AND ELECTRIC
	LEVEE PROTECTION LEVEE DISTRICT NO. 9 OF SUTTER COUNTY	NATURAL GAS (OPTIONAL) PACIFIC GAS AND ELECTRIC
	AIR QUALITY MANAGEMENT DISTRICT FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT	COMMUNICATION AT&T AND COMCAST
	LIGHTING AND LANDSCAPE DISTRICT CITY OF YUBA CITY	CABLE (OPTIONAL) COMCAST
		IRRIGATION DISTRICT NONE
GENERAL NOTES:		
1. SUBDIVIDER RESERVES THE RIGHT TO PHASE DEVELOPMENT AND FILE MULTIPLE FINAL PARCEL MAPS PURSUANT TO SECTION 66456.1 (A) OF THE SUBDIVISION MAP ACT.		
2. A 12.0 FOOT PUBLIC UTILITY EASEMENT SHALL BE LOCATED ADJACENT SIDEWALK TO ALL PUBLIC RIGHT OF WAYS WITH A 2 FEET OVERLAP UNDER SIDEWALK.		
3. THIS EXHIBIT IS FOR TENTATIVE PARCEL MAP PURPOSES ONLY, ACTUAL DIMENSIONS, ROAD ALIGNMENTS, ACREAGE, AND YIELDS ARE TO BE VERIFIED PRIOR TO FINAL PARCEL MAP.		
4. THIS IS AN APPLICATION FOR A DEVELOPMENT PERMIT.		
5. VILLAGE NUMBERING IS FOR IDENTIFICATION PURPOSES ONLY AND DOES NOT INDICATE PHASING ORDER OF DEVELOPMENT. ULTIMATE DEVELOPMENT PHASING WILL BE ORDERLY AND WILL BE DETERMINED AT FINAL PARCEL MAP AND/OR IMPROVEMENT PLAN STAGE.		
6. ALL EXISTING STRUCTURES AND WELLS TO BE REMOVED PRIOR TO CONSTRUCTION.		
7. ALL SEPTIC TANKS SHALL BE REMOVED PRIOR TO OR AS PART OF CONSTRUCTION.		
8. OWNERS, APPLICANT, ENGINEER, AND SURVEYOR SHALL RECEIVE ANY COMMUNICATIONS AND/OR NOTICES RELATED TO THIS PROJECT.		

SURVEYORS STATEMENT:
I HEREBY STATE THAT ALL EASEMENTS OF RECORD ARE SHOWN AND LABELED PER PRELIMINARY TITLE REPORT BY FIRST AMERICAN TITLE COMPANY ORDER NUMBER 12023-4760237 DATED OCTOBER 17, 2014

SEAN MINARD, P.E. 52593, P.L.S. 8397

CITY OF YUBA CITY APPROVAL:
THE CITY OF YUBA CITY PLANNING COMMISSION HAS CONSIDERED AND APPROVED RESOLUTION 21-XXX APPROVING TENTATIVE PARCEL MAP NO. 2019-0003 DURING THE PLANNING COMMISSION MEETING ON _____, 2021.

CITY OF YUBA CITY DATE:

2 INDICATES PROPOSED SMALL LOT PHASE AND LARGE LOT PARCEL

ATTACHMENT 3



City of Yuba City
Development Services

January 13, 2023

Mr. Benjamin Moody
City of Yuba City
1201 Civic Center Boulevard
Yuba City, CA 95993

**SUBJECT: Subdivision Map 19-04; Harter Estates South
Subdivision Map 15-01; Harter Estates North
Parcel Map 19-03; Harter Marketplace
Request for Extension for Filing Final Map**

On behalf of Harter Packing Company LLC., we request an extension of the subject tentative maps for an additional period of five (5) years from the current expiration date. The request is due to current economic times, single-family absorption rates, and commercial development absorption.

We are aware that the California Subdivision Map Act provides that a tentative map on property subject to a Development Agreement (DA) may be extended for the period of time provided for in the agreement (CA Govt Code Section 66452.6(a)). At this time, we are only requesting an extension for an additional five (5) years but reserve the right to request additional extensions out to January 1, 2036, which would make the expiration date consistent with the term of the DA.

Please contact Tom Tucker at 530-673-8330 with any questions and/or to schedule a meeting. Any technical questions should be directed to Sean Minard with MHM Incorporated at 530-742-6485.

Sincerely,

MHM Incorporated

Sean Minard, P.E., P.L.S.
Principal Civil Engineer

Cc: Tom Tucker, Harter Packing Company LLC.

ATTACHMENT 4



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

Date: April 28, 2021
To: Chair and Members of the Planning Commission
From: Development Services Department
Presentation By: Benjamin Moody, Development Services Director

Subject: *Tentative Parcel Map (TPM) 19-03* for the Marketplace Subdivision application of 19.36 acres for planned Polygons 3, 7 and 8, for creation of 22 parcels for commercial development, located along the west side of Harter Parkway and north of State Highway 20.

Recommendation: Conduct a public hearing and make the necessary findings to:

A. Adopt a Resolution of the Planning Commission of the City of Yuba City contingently approving the Harter Marketplace (Tentative Parcel Map ((TPM) 19-03, located on the west side of the Harter Specific Plan Area, North of State Route 20 (Assessor's Parcel Numbers 62-310-011 and 62-310-012).

Applicant/Owner: Harter Packing Co, LLC

Project Location: The project is located along the west side of Harter Parkway and north side of State Highway 20. Assessor's Parcel Numbers 62-310-011 and 62-310-012.

Project Number: Tentative Subdivision Map 19-03

**General and
Specific Plans:** Regional Commercial and Office Park

Zoning: C-2 (as part of Harter Specific Plan and related amendments), C-3 and C-O

Project Proposal

TPM 19-03 will subdivide 19.36 acres in multiple phases, which in turn would be developed with 22 parcels for commercial development.

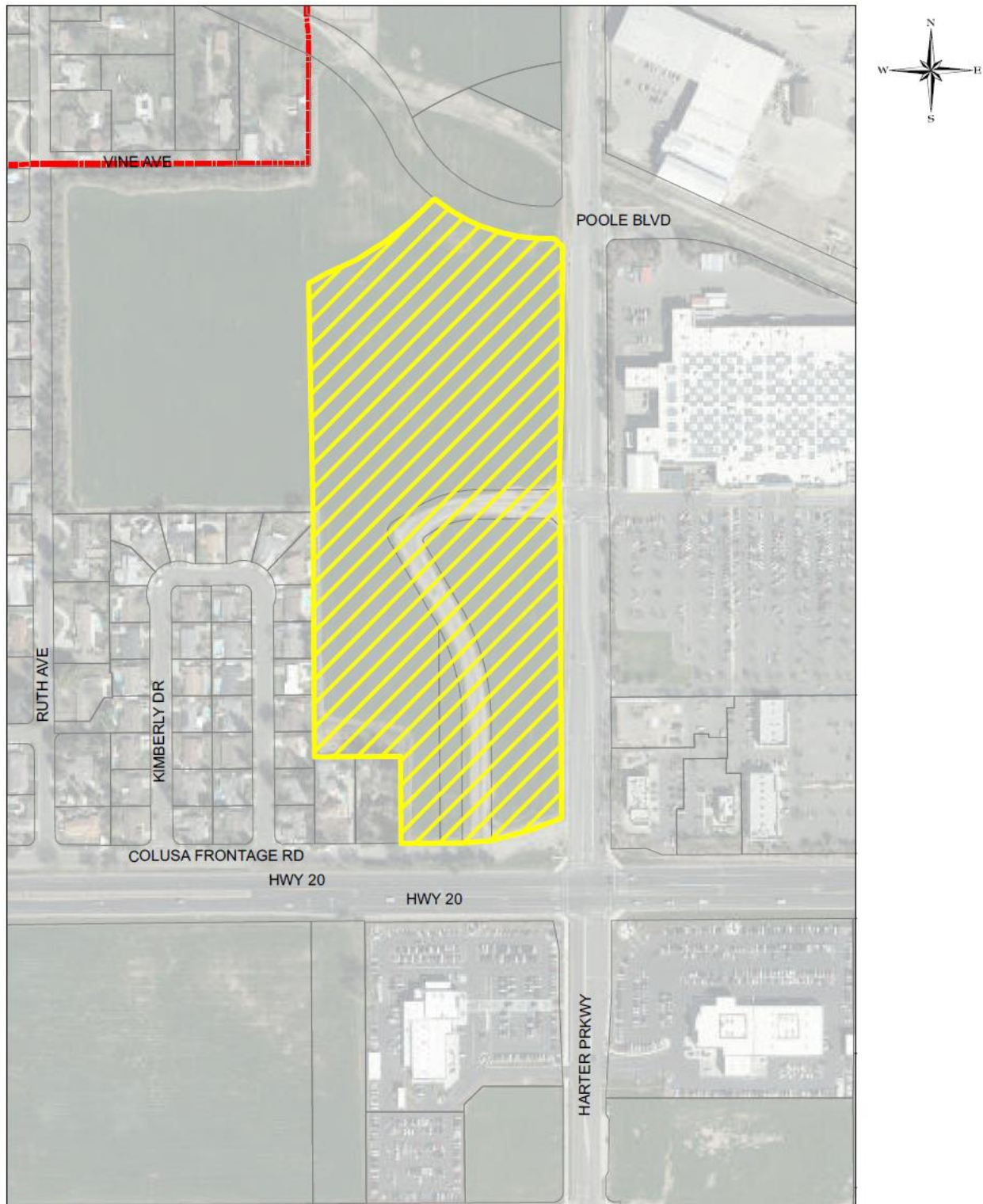
Background:

The project site is located within the boundaries of the Harter Specific Plan, approved by the City in 2005, and which is part of the subject of proposed amendments as part of the April 24, 2021 Planning Commission agenda. The site has been planned for commercial and office use (the latter to be changed to Commercial user as part of the project entitlements), and was included as part of the CEQA analysis (Environmental Impact Report) prepared for the original Harter Specific Plan. An Addendum to the EIR has been prepared for the overall Project.

Access and Public Improvements:

The project site would be provided access from Harter Parkway on the east, the planned Jefferson Boulevard on the north, and by an internal roadway developed as part of the subdivision.

Locator Map:



Harter Marketplace

TPM 19-03

1 inch = 300 feet

Property Description:

This relatively flat property is vacant of any structures. There are no unique topographic features such as rock outcroppings or heritage-type trees.

Bordering Uses:

Table 1: Project and Bordering Information and Uses			
	General Plan Land Use Classification	Zoning	Existing Land Use
<i>Project Site</i>	Commercial (as proposed)	C-2//C-1C-3/C-O	Vacant
<i>North</i>	Low Density Residential Neighborhood Commercial	R-1	Vacant
<i>East</i>	Commercial	C-2	Commercial Walmart Shopping Center Existing Homes/Vacant
<i>West</i>	Low Density Residential	R-1	Vacant (area of proposed Harter South Tentative Map)
<i>South</i>	N/A	N/A	State Route 20

Staff Comments:

The proposed subdivision is consistent with planned development pursuant to the Harter Specific Plan. The Tentative Parcel Map would create 22 parcels for commercial development. This commercial development would be an extension of the existing commercial and retail uses within the Harter Specific Plan area, immediately east of Harter Parkway.

Compatibility with neighboring uses:

The project is within a planned commercial and office area, with the Office designation to be amended for Commercial uses as part of the related Harter entitlement actions. This area has been planned largely for Commercial uses under the Harter Specific Plan. Commercial uses would be compatible with residential uses to the west and north, as well as existing commercial uses to the east, across Harter Parkway.

Traffic

The two local streets impacted by this project – Butte House Road and Harter Parkway, operate within all safety and City level of service standards. The addition of these lots for commercial use, are not expected to adversely change traffic and circulation conditions. The developer will be required to complete a number of roadway improvements as part of project development.

Availability of City services:

City water and wastewater will be extended to the property. The local stormwater drainage system operated and maintained by the City and County Drainage facilities will also be extended to these lots. Conditions of approval for the tentative Parcel Map address a full range of required improvements.

Findings for approval:

None of the findings required by Yuba City Municipal Code Section 8-2.609, and the California Subdivision Map Act that require the City to deny approval of a tentative map apply to this project, or that findings regarding flood protection cannot be made. To the contrary, the following findings can be made:

- a. The proposed tentative map is consistent with the applicable general plan and specific plan.

Support. There is no evidence that the proposed division is inconsistent with either the General Plan or the Harter Specific Plan. To the contrary, the amended Harter Specific Plan implements the goals and policies of the City's General Plan. It establishes the land use designations, planning principles and project objectives and design guidelines for the plan area consistent with the General Plan as amended. The boundaries of these parcels match the boundaries of the Specific Plan as well as the General Plan, which are the only plans applicable to this Project. Additionally, proposed master lots 1-3 on 19.36 acres are designated in the General Plan as Commercial. There are 22 lots subsequently planned for Commercial development.

The division is consistent with both the General Plan and Harter Specific Plan as amended.

The Planning Commission has reviewed the analysis and all evidence presented in this matter, and determines that proposed TPM 19-03 is consistent with Specific Plan Amendment 19-01, has also found the Specific Plan Amendment is consistent with the General Plan as amended by General Plan Amendment 19-01, and as such, TPM 19-03 is also therefore consistent with the General Plan.

- b. The design and improvement of the tentative map is consistent with applicable general and specific plans or adopted City standards.

Support. As discussed immediately above, this commercial land division meets all General Plan consistency requirements. Each new lot meets the minimum lot size requirements required of the C-2 Zone District. The TPM is consistent with the General Plan as amended by GPA 19-01 and the Specific Plan as amended by SPA 19-01. Additionally, the proposed parcel sizes, as shown on the tentative parcel map, meets the City's zoning minimum parcel size and are therefore of adequate size and design to accommodate the uses that will be permitted on them. The property will be improved with new or expanded street system, and the project will also be provided with full City services that meet all City standards. The project is conditioned to meet all City development and improvement standards including water, wastewater and stormwater drainage systems, street cross-sections, streetscape landscaping, and parks. Each new lot meets the minimum lot size requirements required of the C-2 Zone District. The

design and improvement of the tentative parcel map meets all City standards.

- c. That the site is physically suited for the density of development.

Support. There is no substantial evidence in the record that the site is not physically suited for the density of development being proposed. Each new lot will meet or exceed the minimum lot sizes required by the relevant zone district. The proposed division was thoroughly analyzed and compared to the Specific Plan and General Plan, and the proposed density of development is appropriate for this site and is physically suited for the proposed development density. The site is flat and has all City services available to it, or in the case of stormwater drainage, the system will be designed and constructed to be part of a larger drainage system operated by the City and County that serves the greater area. The EIR and associated Addendum prepared for the project did not find any physical factors associated with the property that would render it unsuitable for the proposed density of development.

- d. That the site is physically suited for the type of development.

Support. There is no substantial evidence in the record that the site is not physically suited for the type of development being proposed. The proposed division was thoroughly analyzed and compared to the Specific Plan and General Plan, and the proposed development is physically appropriate for this site and is physically suited for the proposed development. Additionally, all relevant CEQA environmental concerns were addressed in the EIR and the associated Addendum that was prepared for the Project and its subdivisions, including flooding, drainage, and other items dealing with physical characteristics of the site. The proposed division complies with the allowable land use and residential planned land use density and acreage allocations, and with the goals, objectives, and policies contained in the Harter Specific Plan and the General Plan. The proposed development meets all adopted standards and requirements, and is physically suited for the type of development being proposed.

- e. That the design of the map or likely improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Support. There is no evidence that the design or improvements will, in themselves, cause substantial environmental damage, etc. The entire Harter Specific Plan is surrounded by existing urban uses, and includes large commercial operations including a Walmart. Regardless, the EIR and associated Addendum prepared for the project compared it with all of the relevant CEQA environmental concerns, including fish and wildlife habitat. Although there are mitigation measures, these are not related to significant impacts associated with design issues of the tentative parcel map. Further, the project has been conditioned with mitigation to reduce the significance of any impacts. As such, the design of the subdivision maps or likely improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

- f. That the design of the maps or the type of improvements is not likely to cause serious public health problems.

Support. There is no substantial evidence in the record that the design of the parcel map will cause serious public health problems. Every new lot will be connected to City water, wastewater and storm drainage systems, which will avoid public health problems.

- g. The application satisfies at least one of the findings found in Yuba City Municipal Code Section 6-9.603 – Maps.

Support. Support. 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 the responsibility to prepare an annual report demonstrating adequate progress as defined in California Government Code Section 65007 (a). SBFCA has prepared Adequate Progress Report Updates for ULOP and transmitted them to the Central Valley Flood Protection Board. As such, this site has adequate flood protection. Additionally, the City has imposed conditions on the TPM that will protect property within the area to the urban level of flood protection in urban areas and urbanizing areas. The facilities of the State plan of flood control or other flood management facilities protect the property to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas.

- h. That the design of the subdivision maps 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.

Support. The subdivision will be served by public streets that are dedicated to the City for public use. There is no use of private streets or other types of easements that the project would conflict with. There are no known existing easements that will be adversely affected by this subdivision.

Environmental Determination:

The City, as the Lead Agency, has analyzed the proposed Project and has prepared an Addendum to the Harter Specific Plan and Yuba City Marketplace Environmental Impact Report (SCH #2002042058) (“Addendum”) as proposed by the environmental assessment (EA 19-01) for the Project. The Addendum to the EIR evaluated potential differences between the environmental effects identified as part of the approved project and the potential environmental effects resulting from the proposed modifications to the Project, including the proposed development of the proposed subdivided area.

TSM 19-03 is consistent with, and has been fully assessed by, the Addendum. TSM 19-03 is an entitlement specifically anticipated for the proposed Project in the Addendum, and is consistent with the purpose and intent of the EIR as described in the Addendum. As such, TSM 19-03 has been fully environmentally assessed, and no further assessment is required by CEQA.

Recommended Action:

Make the following findings and actions:

- A. Adopt a Resolution of the Planning Commission of the City of Yuba City contingently approving the Harter Marketplace (Tentative Parcel Map ((TPM) 19-03, located on the west side of the Harter Specific Plan Area, North of State Route 20 (Assessors Parcel Numbers 62-310-011 and 62-310-012).

Attachments:

- A. Resolution Approving Subdivision Map TPM 19-03
 - a. Proposed Tentative Parcel Map
 - b. Conditions of Approval
- B. Environmental Assessment 19-01 (provided with Harter Project attachments)



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

Date: February 8, 2023
To: Chairperson and Members of the Planning Commission
From: Development Services Department
Presentation by: Jaspreet Kaur, Associate Planner

Subject: **Consideration of a five-year time extension for Tentative Subdivision Map 19-04, Harter Estates South, located on the west side of the Harter Specific Plan area, and east of Ruth Avenue.**

Recommendation: Adopt a Resolution to approve a five-year extension of time for Tentative Subdivision Map 19-04, pursuant to Government Code Section 66452.6(a)(1), resulting in a new expiration date of June 15, 2028.

Applicant/Owner: Harter Packing Company, LLC

Project Location: The project is located on the west side of the Harter Specific Plan area, east of Ruth Avenue; Assessor's Parcel Numbers (APNs) 62-310-011 and 62-310-013.

Project Number: Tentative Subdivision Map 19-04

General and Specific Plans: **Land Use Designation:** The subdivision is designated in the General Plan and Harter Specific Plan as Low Density Residential (LDR) and Regional Commercial, and Office/Office Park which provides for a residential density of 2 to 8 residences per gross acre. The residential portion of the project will be approximately 5.0 residences per acre. The Remainder parcel is designated for Commercial development.

Zoning: The property is in a One-family Residential (R-1) Zone District, which is consistent with the LDR General Plan and Harter Specific Plan Land Use Designations. The Remainder parcel is zoned for Commercial development.

Purpose:

The applicant has submitted a request for a five-year extension of time in which to file a Final Map for TSM 19-01 in accordance with Government Code Section 66452.6(a)(1). Government Code Section 66452.6(a)(1) states the tentative map on subject property to a development agreement may be extended for the period of time provided for in the agreement, but not beyond the duration

of the agreement. The Development Agreement is valid until January, 1, 2036.

Background:

Tentative Subdivision Map 19-01 was approved with an effective date of June 15, 2021, to subdivide a 15.4-acre project site into 77 single-family residential lots. The subdivision will have a residential density of approximately five residences per gross acre. An additional 13.17-acre Remainder Parcel is also identified; this parcel is planned for Commercial use as part of their entitlement request and per the Harter Specific Plan.

The applicant provided a letter to the City on January 13, 2023 requesting an extension of the tentative map for an additional period of five years from the current expiration date. The request is due to current economic times, single-family absorption rates, and commercial development absorption.

California Government Code Section 66452.6(a)(1) allows an approved tentative map to be extended up to the term of the recorded development agreement, which in this instance is January 1, 2036. At this time, the applicant requests a 5-year extension; however, they reserve the right to request additional extensions until the development agreement expiration.

Analysis:

Public Works and Planning staff have determined the Conditions of Approval for the project remain valid, and there is no reason for the denial of the requested time extension. Additionally, the applicant submitted a written request for the extension in compliance with the conditions placed on the project at the time of approval.

Any subsequent time extension request must comply with the provisions of the Subdivision Map Act.

Recommended Action:

Adopt a Resolution to approve a five-year extension of time for Tentative Subdivision Map 19-04, pursuant to Government Code Section 66452.6(a)(1), resulting in a new expiration date of June 15, 2028.

Attachments:

1. Resolution
2. Tentative Subdivision Map 19-04
3. Time Extension Request Letter
4. Planning Commission Staff Report, *April 28, 2021*

ATTACHMENT 1

PLANNING COMMISSION RESOLUTION NO. PC 23-04

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YUBA CITY (PLANNING COMMISSION) APPROVING A FIVE (5) YEAR EXTENSION OF TIME FOR TENTATIVE SUBDIVISION MAP (TSM) 19-04, ON THE WEST SIDE OF THE HARTER SPECIFIC PLAN AREA AND EAST OF RUTH AVENUE (ASSESSORS PARCEL NUMBER 62-310-011 AND 62-310-013).

WHEREAS, the City received a tentative subdivision map application for APN 62-310-004 in May 2019 to subdivide a 15.4-acre project site into 77 single-family residential lots. The subdivision will have a residential density of approximately five residences per gross acre. An additional 13.17-acre Remainder Parcel is also identified; this parcel is planned for Commercial use as part of their entitlement request and per the Harter Specific Plan; and

WHEREAS, this property is within Yuba City's city limits and the property owner wished to develop their property to urban levels; 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, the Planning Commission reviewed related Addendum to the Harter Specific Plan and Yuba City Marketplace Environmental Impact Report as proposed by the Environmental Assessment 19-04; and

WHEREAS, the Planning Commission held a duly noticed public hearing on April 28, 2021 and considered all of the project and environmental information presented by staff, public testimony and all of the background information; and

WHEREAS, the Planning Commission contingently approved Tentative Subdivision Map (TSM) 19-04, on April 28, 2021 subject to the Conditions of Approval and Mitigation Measures; and

WHEREAS, the City Council approved the related entitlements at the regularly held meeting on June 15, 2021, including a development agreement that is valid until January 1, 2036; and

WHEREAS, an extension request for a five-year extension of Tentative Subdivision Map 19-04 was received from the property owner on January 13, 2023, subject to Government Code 66452.6(a)(1); and

WHEREAS, the Planning Commission has reviewed all associated documents prepared for the project and all of the evidence received by the Planning Commission; and

WHEREAS, after deliberation and consideration of all relevant items, the Planning Commission now desires to approve a five-year extension of time for Tentative Subdivision Map 19-04, pursuant to Government Code 66452.6(a)(1), resulting in a new expiration date of June 15, 2028.

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

1. Recitals. The Planning Commission hereby specifically finds that all of the facts set forth in

the recitals above are true and correct and incorporated herein.

2. CEQA Finding: While an Environmental Impact Report was adopted as part of the project's approval in 2021, a map extension is a ministerial act. Therefore, CEQA is not applicable.
3. Subdivision Findings: City staff has determined the Subdivision Findings and Conditions of Approval for the project remain valid. Pursuant to Government Code Section 66452.6(a)(1), a tentative map on a property subject to a development agreement may be extended for the period of time provided for in the agreement. The development agreement associated with this project is valid until January 1, 2036. Therefore, a five-year extension of Tentative Subdivision Map 19-04 is permissible.
4. Approval of Tentative Subdivision Map 19-04 Extension: Given that all the findings can be made, the Planning Commission hereby approves a five-year extension of time for Tentative Subdivision Map 19-04, pursuant to Government Code 66452.6(a)(1), resulting in a new expiration date of June 15, 2028.
5. Effective Date: This resolution is effective immediately.

The foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Yuba City at a regular meeting thereof held on February 8, 2023, by the following vote:

Ayes:

Noes:

Absent:

Recused:

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

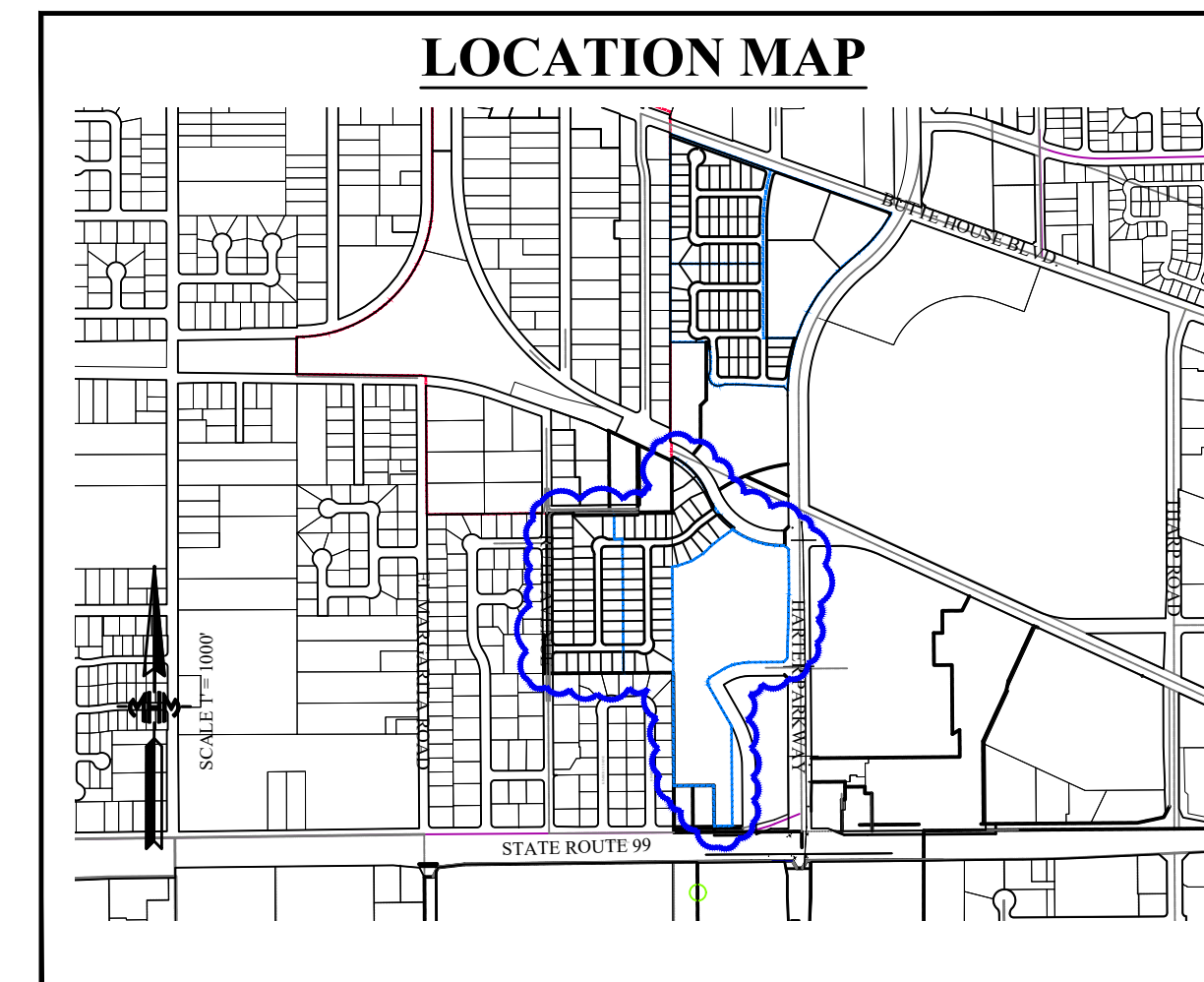
Michele Blake, Planning Commission Chair

ATTEST:

Benjamin Moody, Secretary to the Planning Commission

ATTACHMENT 2

TENTATIVE SUBDIVISION MAP 2019-004
HARTER ESTATES SOUTH
YUBA CITY, CALIFORNIA
FEBRUARY 27, 2020 REVISED APRIL 14, 2021



LAND USE SUMMARY

LOT SUMMARY*			
VILLAGE NO. 1 =	38 LOTS	7.74 AC	4.91 DU/AC
VILLAGE NO. 2 =	39 LOTS	7.63 AC	5.11 DU/AC
SUBTOTAL = (RESIDENTIAL)	77 LOTS	15.37 AC	5.01 DU/AC
REMAINDER = 1 PARCEL		13.17 AC	
SUBTOTAL = (NON-RESIDENTIAL)		13.17 AC	
TOTAL =		28.54 AC	2.70 DU/AC

*ALL ACREAGES AND DENSITIES EXCLUDE ARTERIAL AND COLLECTOR STREETS.

PROJECT NOTES

OWNER HARTER PACKING CO. LLC P.O. BOX 1789 YUBA CITY, CA 95992 CONTACT: TOM TUCKER PHONE: (530) 673-8330	AREA OF TENTATIVE MAP 28.54 GROSS ACRES	FIRE PROTECTION CITY OF YUBA CITY
APPLICANT HARTER PACKING CO. LLC P.O. BOX 1789 YUBA CITY, CA 95992 CONTACT: TOM TUCKER PHONE: (530) 673-8330	EXISTING USE AGRICULTURAL	LAW ENFORCEMENT CITY OF YUBA CITY
ATTORNEY PIONEER LAW GROUP, LLP 1122 S STREET SACRAMENTO, CA 95811 CONTACT: JAY HARRIS PHONE: (916) 287-9500	EXISTING GENERAL PLAN DESIGNATION LOW DENSITY RESIDENTIAL, COMMERCIAL, AND OFFICE PARK	SANITARY SEWER CITY OF YUBA CITY
ENGINEER/SURVEYOR MHM INCORPORATED 1204 E STREET, P.O. BOX B MARYSVILLE, CA 95901 CONTACT: SEAN MINARD PHONE: (530) 742-6485	PROPOSED GENERAL PLAN DESIGNATION LOW DENSITY RESIDENTIAL, COMMERCIAL, AND OFFICE PARK	DOMESTIC WATER CITY OF YUBA CITY
ASSESSOR'S PARCEL NO. 62-310-011 62-310-013	PROPOSED ZONING R-1 (15.37 AC) AND C-2 (13.17 AC)	STORM DRAINAGE CITY OF YUBA CITY AND SUTTER COUNTY
	EXISTING ZONING R-1, C-2, AND C-M	ELECTRICITY PACIFIC GAS AND ELECTRIC
	LEVEE PROTECTION LEVEE DISTRICT NO. 9 OF SUTTER COUNTY	NATURAL GAS (OPTIONAL) PACIFIC GAS AND ELECTRIC
	ELEMENTARY SCHOOL DISTRICT YUBA CITY UNIFIED SCHOOL DISTRICT	COMMUNICATION AT&T AND COMCAST
	HIGH SCHOOL DISTRICT YUBA CITY UNIFIED SCHOOL DISTRICT	CABLE (OPTIONAL) COMCAST
	AIR QUALITY MANAGEMENT DISTRICT FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT	IRRIGATION DISTRICT NONE

GENERAL NOTES:

- SUBDIVIDER RESERVES THE RIGHT TO PHASE DEVELOPMENT AND FILE MULTIPLE FINAL MAPS PURSUANT TO SECTION 66456.1 (A) OF THE SUBDIVISION MAP ACT.
- A 12.0 FOOT PUBLIC UTILITY EASEMENT SHALL BE LOCATED ADJACENT SIDEWALK TO ALL PUBLIC RIGHT OF WAYS WITH A 2 FEET OVERLAP UNDER SIDEWALK.
- THIS EXHIBIT IS FOR TENTATIVE MAP PURPOSES ONLY. ACTUAL DIMENSIONS, ROAD ALIGNMENTS, ACREAGE, AND YIELDS ARE TO BE VERIFIED PRIOR TO FINAL MAP.
- THIS IS AN APPLICATION FOR A DEVELOPMENT PERMIT.
- VILLAGE NUMBERING IS FOR IDENTIFICATION PURPOSES ONLY AND DOES NOT INDICATE PHASING ORDER OF DEVELOPMENT. ULTIMATE DEVELOPMENT PHASING WILL BE ORDERLY AND WILL BE DETERMINED AT FINAL MAP AND/OR IMPROVEMENT PLAN STAGE.
- ALL EXISTING STRUCTURES AND WELLS TO BE REMOVED PRIOR TO CONSTRUCTION.
- ALL SEPTIC TANKS SHALL BE REMOVED PRIOR TO OR AS PART OF CONSTRUCTION.
- OWNERS, APPLICANT, ENGINEER, AND SURVEYOR SHALL RECEIVE ANY COMMUNICATIONS AND/OR NOTICES RELATED TO THIS PROJECT.

SURVEYORS STATEMENT:

I HEREBY STATE THAT ALL EASEMENTS OF RECORD ARE SHOWN AND LABELED PER PRELIMINARY TITLE REPORT BY FIRST AMERICAN TITLE COMPANY ORDER NUMBER 12023-4760237 DATED OCTOBER 17, 2014



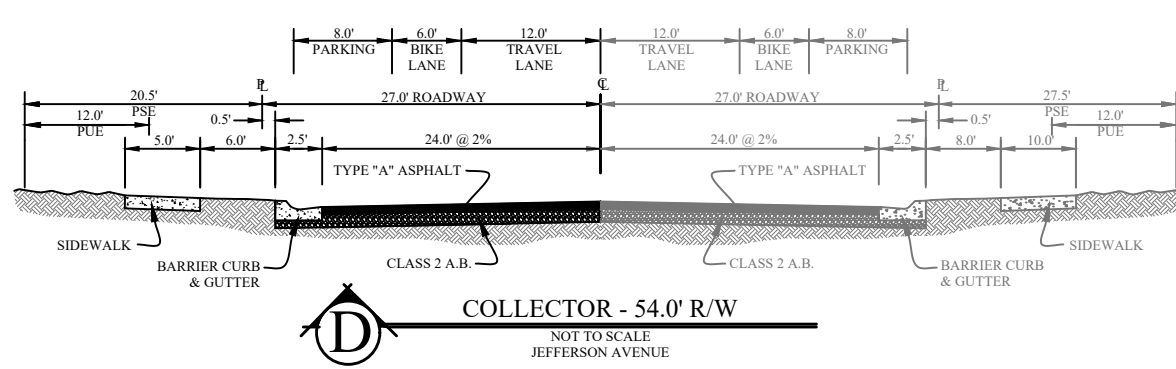
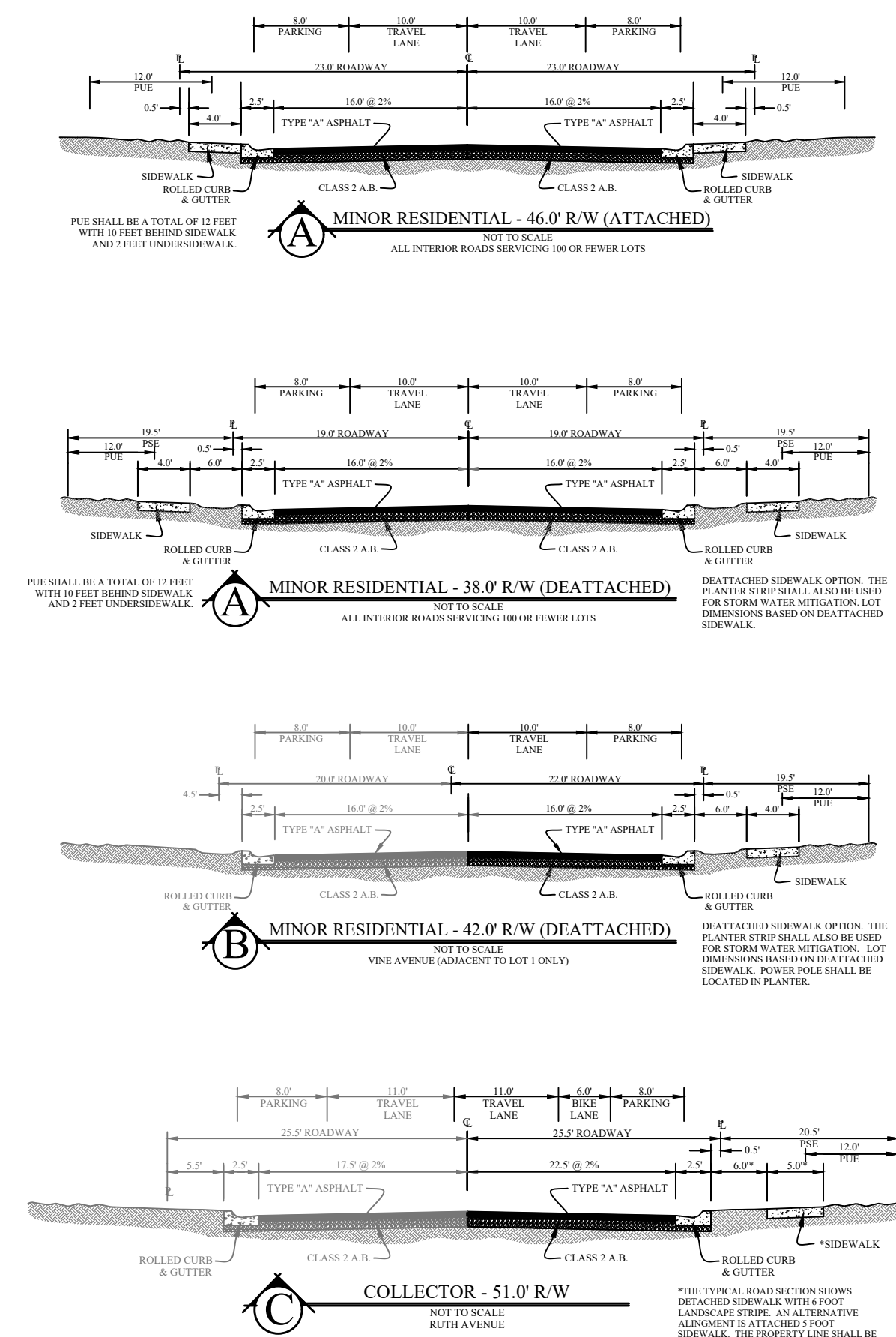
SEAN MINARD, P.E. 52593, P.L.S. 8397

CITY OF YUBA CITY APPROVAL:

THE CITY OF YUBA CITY PLANNING COMMISSION HAS CONSIDERED AND APPROVED RESOLUTION 21-XXX APPROVING TENTATIVE PARCEL MAP NO. 2019-004 DURING THE PLANNING COMMISSION MEETING ON _____, 2021.

CITY OF YUBA CITY DATE:

2 INDICATES PROPOSED SMALL LOT PHASE AND LARGE LOT PARCEL



M.H.M.
ENGINEERS & SURVEYORS SINCE 1892
1204 E STREET, P.O. BOX B
MARYSVILLE, CA 95901
TEL: 530.742.6485
FAX: 530.742.5639

ATTACHMENT 3



City of Yuba City
Development Services

January 13, 2023

Mr. Benjamin Moody
City of Yuba City
1201 Civic Center Boulevard
Yuba City, CA 95993

**SUBJECT: Subdivision Map 19-04; Harter Estates South
Subdivision Map 15-01; Harter Estates North
Parcel Map 19-03; Harter Marketplace
Request for Extension for Filing Final Map**

On behalf of Harter Packing Company LLC., we request an extension of the subject tentative maps for an additional period of five (5) years from the current expiration date. The request is due to current economic times, single-family absorption rates, and commercial development absorption.

We are aware that the California Subdivision Map Act provides that a tentative map on property subject to a Development Agreement (DA) may be extended for the period of time provided for in the agreement (CA Govt Code Section 66452.6(a)). At this time, we are only requesting an extension for an additional five (5) years but reserve the right to request additional extensions out to January 1, 2036, which would make the expiration date consistent with the term of the DA.

Please contact Tom Tucker at 530-673-8330 with any questions and/or to schedule a meeting. Any technical questions should be directed to Sean Minard with MHM Incorporated at 530-742-6485.

Sincerely,

MHM Incorporated

Sean Minard, P.E., P.L.S.
Principal Civil Engineer

Cc: Tom Tucker, Harter Packing Company LLC.

ATTACHMENT 4



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

Date: April 28, 2021
To: Chair and Members of the Planning Commission
From: Development Services Department
Presentation By: Benjamin Moody, Development Services Director

Subject: *Tentative Subdivision Map (TSM) 19-04:* Subdivision application for Harter Estates South for 15.37 acres to create 77 lots for single-family residential development on and a 13.17-acre Remainder Parcel on within the Harter Specific Plan, located on the west side of the Harter Specific Plan area, east of Ruth Avenue.

Recommendation: Conduct a Public Hearing and make the necessary findings to:

A. Adopt a Resolution of the Planning Commission of the City of Yuba City contingently approving the Harter Estates South Subdivision (Tentative Subdivision Map (TSM) 19-04) located on the west side of the Harter Specific Plan Area, east of Ruth Avenue (Assessors Parcel Numbers 62-310-011 and 62-310-013)..

Applicant/Owner: Harter Packing Company, LLC

Project Location: The project is located on the west side of the Harter Specific Plan area, east of Ruth Avenue; Assessor's Parcel Numbers (APNs) 62-310-011 and 62-310-013.

Project Number: Tentative Subdivision Map 19-04

**General and
Specific Plans:**

Land Use Element: The subdivision is designated in the General Plan and Harter Specific Plan as Low Density Residential (LDR) and Regional Commercial, and Office/Office Park which provides for a residential density of 2 to 8 residences per gross acre. The residential portion of the project will be approximately 5.0 residences per acre. The Remainder parcel is designated for Commercial development.

Zoning: The property is in a One-family Residential (R-1) Zone District, which is consistent with the LDR General Plan and Harter Specific Plan Land Use

Designations. The Remainder parcel is zoned for Commercial development.

Project Proposal

TSM 19-04 will divide a 15.4-acre project site into 77 single-family residential lots. The subdivision will have a residential density of approximately five residences per gross acre. An additional 13.17-acre Remainder Parcel is also identified; this parcel is planned for Commercial use as part of their entitlement request and per the Harter Specific Plan.

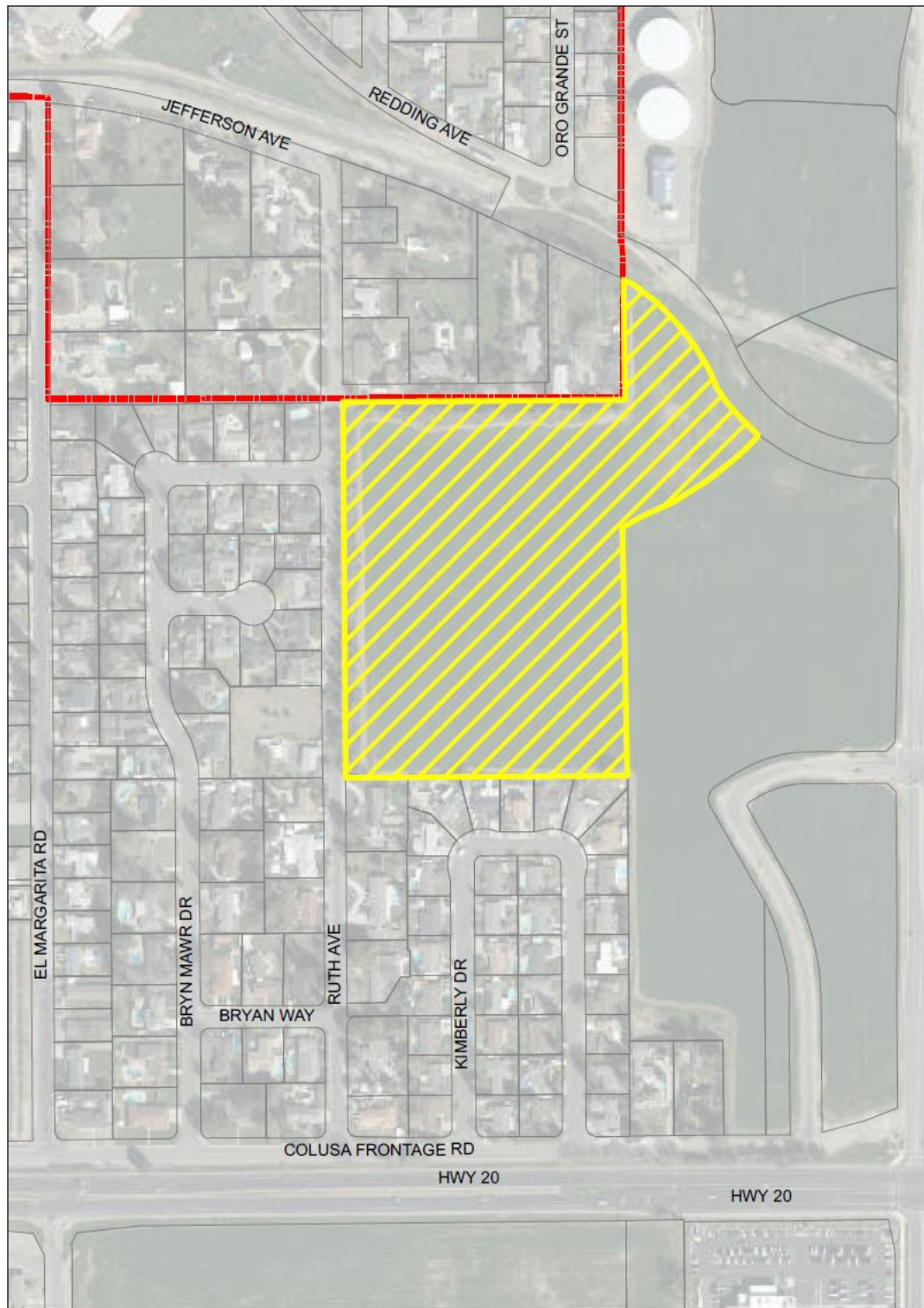
Background:

The project site is located within the boundaries of the Harter Specific Plan, approved by the City in 2005, and which is the subject of proposed amendments as part of the April 28, 2021 Planning Commission agenda. Phases 1 and 2 have been planned for single-family residential use, and was included as part of the CEQA analysis (Environmental Impact Report) prepared for the original Harter Specific Plan. An Addendum to the EIR has been prepared for the overall Project. The Remainder parcel is planned for Commercial development, and is the subject of Tentative Parcel Map TPM 19-03, also to be considered by the Planning Commission at the April 28, 2021 meeting.

Access and Public Improvements:

This subdivision will be served by a roadway connection, Blackberry Drive, to Ruth Avenue to the west, and by construction of Strawberry Drive and Jefferson Boulevard, the latter connecting to Harter Parkway to the east. Internal roadway access to the lots would be provided by construction of new through-streets, Raspberry Way and Cranberry Way. Interior streets will be built to the City's local residential street standards. The property will also be served by City water and sewer. Stormwater drainage will be provided by a combination of Yuba City and County drainage facilities.

Locator Map:



Harter South Estates

TSM 19-04

1 inch = 300 feet

Property Description:

This relatively flat property is vacant of any structures. There are no unique topographic features such as rock outcroppings or heritage-type trees.

Bordering Uses:

<i>Table 1: Project and Bordering Information and Uses</i>			
	General Plan Land Use Classification	Zoning	Existing Land Use
<i>Project Site</i>	Low Density Residential Commercial	One-Family Residential (R-1) C3 and C-O	Vacant
<i>North</i>	Park	PF	Vacant (planned Park site in Harter Specific Plan)
<i>East</i>	Commercial	Commercial	Walmart Super Center
<i>West</i>	Low Density Residential	R-1	Single-family residences
<i>South</i>	Low Density Residential	R-1	Single-family residences

Staff Comments:

The Tentative Map proposes 77 lots for single-family residential development, consistent with the planned use of the property pursuant to the Harter Specific Plan. Lot sizes generally range from 6,000 sq. ft for interior lots and larger for corner lots. The Remainder parcel is planned for development under proposed TPM 19-03, for creation of lots for Commercial development.

Compatibility with neighboring uses:

The project is within a planned residential area, with homes developed on the south, west and north sides. Accordingly, the compatibility of uses is not expected to be an issue. These lands were evaluated and approved for single-family residential development as part of the original Harter Specific Plan.

Traffic

The two local streets impacted by this project – Butte House Road and Harter Parkway, operate within all safety and City level of service standards. The addition of these 77 lots, planned under the adopted Harter Specific Plan, is not expected to adversely change traffic and circulation conditions. The developer will be required to complete a number of roadway improvements as part of project development.

Availability of City services:

City water and wastewater will be extended to the property. The local stormwater drainage system operated and maintained by the City and County Drainage facilities will also be extended to these lots. Conditions of approval for the Tentative Map identify a full range of required improvements.

Findings for approval:

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, or that findings regarding flood protection cannot be made. To the contrary, the following findings can be made:

- a. The proposed tentative subdivision map is consistent with the applicable general plan and specific plan.

Support. There is no evidence that the proposed subdivision is inconsistent with either the General Plan or the Harter Specific Plan. To the contrary, the amended Harter Specific Plan implements the goals and policies of the City's General Plan. It establishes the land use designations, planning principles and project objectives and design guidelines for the plan area consistent with the General Plan as amended. For example, the subdivision creates lots for single-family residential, multiple-family residential, commercial, office and public uses. The boundaries of these parcels match the boundaries of the Specific Plan as well as the General Plan, which are the only plans applicable to this Project. Additionally, proposed Lots 1 through 77 on 15.4 acres are designated in the General Plan as LDR which provides a gross residential density range of 2 to 8 residences per acre. The proposal is for approximately 5.0 residences per acre, which is within the General Plan density standard. A Remainder parcel of 13.17 acres is also proposed, and would be developed pursuant to a separate application (TPM 19-01). This is also within the gross residential density range approved by the General Plan. The subdivision is consistent with both the General Plan and Harter Specific Plan as amended.

The Planning Commission has reviewed the analysis and all evidence presented in this matter, and determines that proposed TSM 19-04 is consistent with Specific Plan Amendment 19-01, has also found the Specific Plan Amendment is consistent with the General Plan as amended by General Plan Amendment 19-01, and as such, TSM 19-04 is also therefore consistent with the General Plan.

- b. The design and improvement of the subdivision map is consistent with applicable general and specific plans or adopted City standards.

Support. As discussed immediately above, this subdivision meets all General Plan consistency requirements. The TSM is consistent with the General Plan as amended by GPA 19-01 and the Specific Plan as amended by SPA 19-01. Additionally, the proposed parcel sizes, as shown on the tentative subdivision maps, meet the City's zoning minimum parcel size and are therefore of adequate size and design to accommodate the uses that will be permitted on them. The property will be improved with new or expanded street system, and the project will also be provided with full City services that meet all City standards. The project is conditioned to meet all City development and improvement standards including water, wastewater and stormwater drainage systems, street cross-sections, streetscape landscaping, and parks. Each new lot meets the minimum lot size requirements required of the R-1 Zone District. The design and improvement of the tentative map meet all City standards.

- c. That the site is physically suited for the density of development.

Support. There is no substantial evidence in the record that the site is not physically suited for the density of development being proposed. Each new lot will meet or exceed the minimum lot sizes required by the relevant zone district. The proposed subdivision was thoroughly analyzed and compared to the Specific Plan and General Plan, and the proposed density of development is appropriate for this site and is physically suited for the proposed development density. The site is flat and has all City services available to it, or in the case of stormwater drainage, the system will be designed and constructed to be part of a larger drainage system operated by the City and County that serves the greater area. The EIR and associated Addendum prepared for the project did not find any physical factors associated with the property that would render it unsuitable for the proposed density of development.

- d. That the site is physically suited for the type of development.

Support. There is no substantial evidence in the record that the site is not physically suited for the type of development being proposed. The proposed subdivision was thoroughly analyzed and compared to the Specific Plan and General Plan, and the proposed development is physically appropriate for this site and is physically suited for the proposed development. Additionally, all relevant CEQA environmental concerns were addressed in the EIR and the associated Addendum that was prepared for the Project and its subdivisions, including flooding, drainage, and other items dealing with the physical characteristics of the site. The proposed subdivision complies with the allowable land use and residential planned land use density and acreage allocations, and with the goals, objectives, and policies contained in the Harter Specific Plan and the General Plan. The proposed development meets all adopted standards and requirements, and is physically suited for the type of development being proposed.

- e. That the design of the subdivision map or likely improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Support. There is no evidence that the design or improvements will, in themselves, cause substantial environmental damage, etc. The entire Harter Specific Plan is surrounded by existing urban uses, and includes large commercial operations including a Walmart. Regardless, the EIR and associated Addendum prepared for the project compared it with all of the relevant CEQA environmental concerns, including fish and wildlife habitat. Although there are mitigation measures, these are not related to significant impacts associated with design issues of the tentative map. Further, the project has been conditioned with mitigation to reduce the significance of any impacts. As such, the design of the subdivision map or likely improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

- f. That the design of the tentative maps or the type of improvements is not likely to cause serious public health problems.

Support. There is no substantial evidence in the record that the design of the tentative map will cause serious public health problems. Every new lot will be connected to City water, wastewater and storm drainage systems, which will avoid public health problems.

- g. The application satisfies at least one of the findings found in Yuba City Municipal Code Section 6-9.603 – Maps.

Support. 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 the responsibility to prepare an annual report demonstrating adequate progress as defined in California Government Code Section 65007 (a). SBFCA has prepared Adequate Progress Report Updates for ULOP and transmitted them to the Central Valley Flood Protection Board. As such, this site has adequate flood protection. Additionally, the City has imposed conditions on the TSM that will protect property within the area to the urban level of flood protection in urban areas and urbanizing areas. The facilities of the State plan of flood control or other flood management facilities protect the property to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas.

- h. That the design of the tentative maps 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.

Support. The tentative map area will be served by public streets that are dedicated to the City for public use. There is no use of private streets or other types of easements that the project would conflict with. There are no known existing easements that will be adversely affected by this subdivision.

Environmental Determination:

The City, as the Lead Agency, has analyzed the proposed Project and has prepared an Addendum to the Harter Specific Plan and Yuba City Marketplace Environmental Impact Report (SCH #2002042058) (“Addendum”) as proposed by the environmental assessment (EA 19-01) for the Project. The Addendum to the EIR evaluated potential differences between the environmental effects identified as part of the approved project and the potential environmental effects resulting from the proposed modifications to the Project, including the proposed development of the proposed subdivided area.

TSM 19-04 is consistent with, and has been fully assessed by, the Addendum. TSM 19-04 is an entitlement specifically anticipated for the proposed Project in the Addendum, and is consistent with the purpose and intent of the EIR as described in the Addendum. As such, TSM 19-04 has been fully environmentally assessed, and no further assessment is required by CEQA.

Recommended Action:

Make the following findings and actions:

- A. Adopt a Resolution of the Planning Commission of the City of Yuba City contingently approving the Harter Estates South Subdivision (Tentative Subdivision Map (TSM) 19-04) located on the

west side of the Harter Specific Plan Area, east of Ruth Avenue (Assessors Parcel Numbers 62-310-011 and 62-310-013).(Attachment A).

Attachments:

- A. Resolution Approving Subdivision Map TSM 19-04
 - 1. Proposed Tentative Subdivision Map
 - 2. Conditions of Approval
- B. Environmental Assessment 19-01 (provided with Harter Project attachments)