

# The County of Yuba

## Community Development and Services Agency

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**TO:** Board of Supervisors

**FROM:** Community Development and Services Agency, Kevin Perkins

**SUBJECT:** Community Development and Services: Hold public hearing, adopt Resolution approving the Mitigated Negative Declaration And Mitigation Monitoring Plan And Approve Tentative Subdivision Map LDIV-22-0014; adopt a Resolution declaring APNS 021-210-047 & 021-207-010 as exempt surplus land pursuant to GC 54221 and authorize the CDSA director to release a request for proposal to find a developer to develop APNs 021-210-047 & 021-207-010 with affordable housing; and adopt a Resolution authorizing the Board Chair to make a finding of public benefit for the Fernwood Village project pursuant to GC 25539.4. (Roll Call Vote) (20 minute estimate)

**DATE:** February 27, 2024

**NUMBER:** 651/2023

### *Recommendation*

The Board adopt Resolution approving the Mitigated Negative Declaration And Mitigation Monitoring Plan And Approve Tentative Subdivision Map LDIV-22-0014, subject to the attached Conditions of Approval; adopt a Resolution declaring APNs 021-210-047 & 021-207-010 as exempt surplus land pursuant to GC 54221 and authorize the CDSA director to release a request for proposal to find a developer to develop APNs 021-210-047 & 021-207-010 with affordable housing; and adopt a Resolution authorizing the Board Chair to make a finding of public benefit for the Fernwood Village project pursuant to GC 25539.4.

### *Background*

The Yuba County Community Development & Services Agency (CDSA), in collaboration with Habitat for Humanity Yuba, presents a Tentative Subdivision Tract Map (TSTM) requesting to subdivide a 10.24 acre property into 75 lots and a 0.42-acre park. This project consists of 43 lots designated for single-family detached homes that are designed as 45-foot wide lots, featuring 5-foot side yard setbacks. The remaining 32 lots are designated as zero lot line, which can accommodate either single-family detached homes or half-plexes. A half-plex essentially looks like a duplex, but each of the two attached units are able to be sold separately.

The property is located to the east side of Grove Avenue and the west side of Fernwood Drive (5871 Grove Ave and 1708 Ash Way), approximately 500-feet south of North Beale Road, and approximately 0.5-miles east of State Route 70, within the community of Linda, Yuba County, California. The properties are currently used as vacant land owned by Habitat for Humanity (APN 021-210-043) and Fernwood Park owned by the County of Yuba (APNs 021-210-047 & 021-207-010). It is important to note that the Habitat for Humanity property (shown on the TSTM as Phase 3) is separate from the Yuba County-owned properties and may be constructed at a different time or by a different builder. The inclusion of the Habitat for Humanity property in this County project serves the purpose of processing the TSTM concurrently and granting them access from Grove Avenue and Fernwood Drive.

The 2030 General Plan designates the land use as Valley Neighborhood “VN” and the zoning as “RM” Medium Density Residential. APN 021-210-047 was rezoned from “PF” Public Facilities to “RM” with the 2020 annual Yuba County Planning Development Code Update with the intention of the County rebuilding the existing park while also building affordable housing in the Linda community. The rezone was approved by the Board on December 8, 2020. The Fernwood Village Subdivision proposes 75 residences on roughly 10-acres for a density of 7.5 dwelling units per acre. The “RM” Zone allows a density on the site of 6 to 17 units per acre.

The proposed plan includes extending Gold Street through the property to provide access to Grove Ave and Fernwood Drive. Two new internal streets have also been proposed to meet the 48-foot residential road width requirements. As a Condition of Approval of the map, all roads will be required to be built to County Urban Local Road standards. Additionally, all proposed parcels will be required to connect to Linda County Water District (LCWD) for water and sewer services, while the Linda Fire Protection District will provide fire protection services.

Moreover, the proposed project is planned as an affordable housing development, restricting 100 percent of the residential units to persons and families of low or moderate income, with at least 75 percent of the residential units restricted to lower income households. Yuba County intends to restrict these houses to owner occupied affordable housing for a period of 45 years, and will report such to the United States Department of Housing and Urban Development (HUD). This restriction will allow your Board to declare APNs 021-210-047 and 021-207-010 as “exempt surplus land”, allowing the property to be used for affordable housing and circumventing the longer, more arduous surplus land disposition process. The second resolution attached for your consideration declares APNs 021-210-047 and APN 021-207-010 as “exempt surplus land” and authorizes the CDSA Director to issue a Request for Proposal (RFP) to find a land developer that will develop the proposed affordable housing project consistent with the provisions of Government Code Section 54221.

To comply with Government Code Section 25539.4, the Board will need to make a determination that the project provides a public benefit and the proposed use will be in the County's best interest to create owner occupied affordable housing for the period of 45 years. The third resolution for your Board's consideration will satisfy this requirement.

## Discussion

As previously stated, the site has a General Plan designation of “VN” and is located in the “RM” zoning district. The proposed project is consistent with the “VN” land use designation and 2030 General Plan policies related to medium density single-family residential housing and new innovative housing products. Specifically, the project is within the permitted density because they are constructing 7.5 units per acre. For this reason, the project is compatible with the planned land use character of the surrounding area. The project is also consistent with all the development standards contained in the Development Code.

Moreover, the project makes all three of the required TSTM Findings listed in Development Code Section 11.40.040 in the affirmative. Please review the Planning Commission Staff Report for the detailed discussion of each Finding (Attachment I).

Environmental Review: Staff has prepared a Mitigated Negative Declaration and Mitigation Monitoring Plan (Attachments F & G) pursuant to the California Environmental Quality Act (CEQA) Section 15070(b)(1). During the initial study of the project, no potential impacts to the environment were identified that could not be reduced through mitigation measures to a level that is less than significant and therefore a Mitigated Negative Declaration (MND) was prepared. The MND discusses the following project impacts and their respective Mitigation Measures:

- Aesthetics: All exterior lighting shall be directed downwards and away from adjacent properties or rights of way.
- Air Quality: FRAQMD Construction standards and Fugitive Dust Control Plan.
- Biological Resources: Avoidance and minimization measures for Migratory Birds and Oak Tree protection and compensation during construction.
- Cultural Resources: Inadvertent discovery of cultural remains and cultural material.
- Hydrology and Water Quality: National Pollution Discharge Elimination (NPDES) Permit and Drainage Plan.
- Transportation: No study or mitigation required due to being an Affordable Housing Project. Pursuant to SB 743, *Technical Advisory on Evaluating Transportation Impacts in CEQA* (December 2018), states that “projects consisting of a high percentage of affordable housing may be assumed to cause a less-than-significant transportation impact on Vehicle Miles Traveled (VMT) because they may improve jobs-housing balance and/or otherwise generate less VMT than market-based units.”
- Tribal Cultural Resources: Inadvertent Discoveries of TCRs.

The project and the associated IS/MND circulated for the required 20-day review period and comments received to date (Attachment H), list as follows:

- County Staff: The Public Works Department, Environmental Health Department, and Building Department have reviewed the project and provided comments and/or conditions of approval that are incorporated into the attached Conditions of Approval.

- Reclamation District No. 784 (RD-784): Provided Conditions of Approval such as paying operation and maintenance fees, incorporating storm water quality measures, and building above the 100-year base flood elevation.
- Marysville Joint Unified School District (MJUSD): MJUSD has the ability to levy fees on residential projects.
- Cal DOT: No comment.
- FRAQMD: Implement Fugitive Dust Control Plan and adhere to District Rule 3.16.
- PG&E: The final map shall dedicate property for public utility purposes.
- UAIC: AB-52 Consultation was satisfied and closed with the addition of the unanticipated discoveries mitigation measure.

The Planning department also received four comment letters from neighbors residing within a 300-foot radius of the project site. Comment letters from Ralph Bradwell, John Eldeen, John Hephill, and Gene Isaaks have been included in Attachment H. Based on these comments and in-person meetings, a summary of their concerns were listed in the Planning Commission Staff Report (Attachment I).

*Committee Action:*

The project was presented to the Planning Commission at its June 21, 2023 and August 16, 2023 meetings. During the June 21, 2023 PC meeting, the Planning Commissioners raised apprehensions about the housing density, particularly regarding half-plexes and narrower lots, which deviate from the predominantly single-family homes characteristic of the nearby area. The issue of parking was also discussed, given the potential parking challenges stemming from single-car garages and driveways, which could contribute to congested on-street parking due to the limited width of the property lots. A concerned neighbor also voiced worries regarding the number of units adjoining his property, requesting the installation of a masonry sound wall to ensure privacy and serve as a sound barrier between his property and the new units. The Planning Commissioners made a vote of 4 yes – 0 no to have the County return to them with a revised map to address the concerns raised.

Based on these comments and recommendations, Staff presented a revised request to subdivide the 10.24 acre property into 75 lots (rather than the prior request of 89 lots) to the Planning Commissioners at the August 16, 2023 meeting. The County maintained their stance to keep the park at its current location due to the existing drainage canal. They also maintained their stance against the inclusion of a masonry sound wall around the property. This decision is rooted in the fact that the County has not previously implemented interior sound walls in similar subdivisions, and it is not a requirement in our development standards. The choice to incorporate a masonry sound wall rests with the discretion of your Board, but would add cost to the development of the subdivision.

The Planning Commission made two failed recommendations to the Board of Supervisors. The first: Chair McNally motioned, seconded by Vice Chair Grant recommend the Board of Supervisors adopt the attached MND, Mitigation Monitoring and Reporting Program (MM), and Resolution approving Tentative Subdivision Tract Map (TSTM) “LDIV-22-0014”. The motion failed with a vote of 2 yes – 2 no. The second: Commissioner Warmack motioned, and Commissioner Phillips seconded, to recommend the Board of Supervisors adopt the attached MND, MM, and Resolution approving

Tentative Subdivision Tract Map (TSTM) “LDIV-22-0014” with the stipulation that a masonry block wall be put up dividing the Eldeen property and Habitat for Humanity’s parcel. This motion also failed with a vote of 2 yes – 2 no.

Given the affordable housing component of this project and the declaration of “exempt surplus land”, which are considered legislative acts, the Planning Commission was acting only in an advisory role to the Board and did not have the authority to approve or deny the project. The Planning Commissioners role was only to make a project recommendation to the Board of Supervisors. The Planning Commissioners were unable to reach a consensus to make a recommendation.

*Fiscal Impact:*

No funding commitment at this time, but has projected future costs. Infrastructure development costs for the proposed project will be several million dollars, but the County intends to pursue affordable housing grants with its development partner for these costs. The future expenditure of any funds for development of this project will require Board action, and staff will return to your Board at the appropriate time for its consideration.

*Attachments*

- ATT A Resolution for ISMND MM & TSTM
- ATT B Resolution Exempt Surplus Land
- ATT C Resolution Public Benefit
- ATT D Tentative Subdivision Tract Map
- ATT E Draft Conditions of Approval
- ATT F IS MND
- ATT G MM Plan
- ATT H Comment Letters
- ATT I Planning Commission Staff Reports