



AGENDA

WEDNESDAY, OCTOBER 23, 2019

**REGULAR MEETING
PLANNING COMMISSION
CITY OF YUBA CITY**

6:00 P.M.: COUNCIL CHAMBERS

CHAIRPERSON	• Dale Eyeler
VICE CHAIRPERSON	• Michele Blake
COMMISSIONER	• Jana Shannon
COMMISSIONER	• John Shaffer
COMMISSIONER	• Daria Ali
COMMISSIONER	• Lorie Adams
COMMISSIONER	• Richard Doscher (Sutter Co. Rep)

1201 Civic Center Blvd
Yuba City CA 95993

Wheelchair Accessible
♿

*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 assist you. Please contact City offices at 530/822-4817 at least 72 hours in advance so such aids or services can be arranged. **City Hall TTY: 530-822-4732***

**AGENDA
PLANNING COMMISSION
CITY OF YUBA CITY
October 23, 2019
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.

Call to Order

Roll Call:

_____ Dale Eyeler (Chairperson)
_____ Michele Blake (Vice Chairperson)
_____ Jana Shannon
_____ John Shaffer
_____ Daria Ali
_____ Lorie Adams
_____ Richard Doscher (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.

Approval of Minutes

- 3. Minutes from January 9, 2019**
- 4. Minutes from April 24, 2019**
- 5. Minutes from August 28, 2019**
- 6. Minutes from September 11, 2019**

Public Meeting

7. Consideration of a requested extension of time to complete a Final Map for TM17-02.

The subdivision allows for the creation of 4 lots on a 1.21-acre parcel, with lot sizes ranging from 0.16 to 0.31 acres, located on the east side of Stabler Lane, south of Buena Vista Lane. (APN 59-030-108)

Recommendation: Approve the time extension for TM17-02.

8. Consideration of a requested extension of time to implement UP07-13.

The project provides for the construction of a new religious institution, located at the southeast corner of State Route 20 (Colusa Highway) and El Margarita Road. (APN 63-010-090)

Recommendation: Approve the time extension for UP07-13

Public Hearings

None.

Development Services Director Report

Report of Actions of the Planning Commission

Adjournment

Persons dissatisfied with any decision of the Planning Commission may appeal such action to the City Council. Appeals, accompanied by a fee of \$747.09, 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.

**MINUTES
PLANNING COMMISSION
CITY OF YUBA CITY
January 9, 2019
6:00 P.M. – REGULAR MEETING**

Materials related to an item on the 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.

Call to Order

Chairperson Ali called the meeting to order.

Roll Call:

Commissioners in Attendance:

Darla Ali (Chairperson)

Dale Eyeler (Vice Chairperson)

Jana Shannon

John Sanbrook

Michele Blake

John Shaffer

Jackie Sillman (Sutter County Representative)

Pledge of Allegiance led by a Commissioner.

Public Communication

You are welcome and encouraged to participate in this meeting. Public comment is taken on items listed on the agenda when they are called. 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. 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 statement to three minutes.

Consent Agenda

Minutes of November 28th Planning Commission meeting

Public Hearings

After the staff report for each agenized item, members of the public shall be allowed to address the Planning Commission regarding the item being considered. Any person wishing to testify should first state their name and address.

All interested parties are invited to attend the hearing and express their opinions on this project. If you challenge this project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

- 3. Subdivision Map (SM) 06-04 Harter Estates – South. A request to consider a two-year extension of the time in which to file a final map for the Harter Estates – South Subdivision Map. The project is located south of the proposed Jefferson Blvd., west of Ruth Avenue, east of Harter Parkway and north of State Route 20.**
- 4. Use Permit 18-05 to allow operation of a 12-bed Mental Health Rehabilitation Center and a make a determination that the project is categorically exempt from CEQA. The project is located at 290 Percy Avenue on the corner of Jewell Avenue and Percy Avenue. (APN: 53-163-011)**

PUBLIC COMMENT (0:0) stated that he does not feel this use belongs in a residential district but a C-2, C-3, or a CO district with a use permit.

Scott Milano, 624 East Taber Avenue, pointed out there are many schools and children in the area as well as elderly people. He stated this type of facility matched with the surrounding properties.

Christy Masey, 654 Taber Avenue, expressed her concerns with the project and asked Council to vote against it. She clarified it will be a dangerous and inappropriate use for the neighborhood.

Alan Mockagowa, 702 Taber Avenue, expressed concern for the families and children in the area with this facility.

Sheryl Clark, 706 Jewell Avenue, pointed out the schools in the area and indicated that there are areas that would be more appropriate for the proposed facility.

Kevin Masey, 654 Taber Avenue, expressed concern for the construction that would have to take place and the potential health liability of asbestos in the building. He also noted that because his

property sits higher up that the suggested six-foot wall may not be adequate. He pointed out that even though it is locked facility people may be free to leave the building and possibly wreak havoc on the neighborhood.

Darin Gale, Interim Director of Development Services, stated he has taken notes which will be passed onto the applicant. He noted that the applicant has been asked to hold a community meeting before this comes before the Planning Commission again.

Development Services Director Reports

Mr. Gale commented that Olive Garden has submitted a full set of plans for their facility next to Dancing Tomato. He added that over the next six months they will have a number of smaller projects that they should be prepared for a busy year.

Commissioner Adams asked Mr. Gale if he could help get the owner of the Dancing Tomato in contact with the Olive Garden. Mr. Gale responded that he would. He then updated them on the progress of plans for hotels in the City.

Mr. Gale stated their next meeting will most likely be February 27, 2019, but they may also need to hold a meeting on February 20, 2019 as well for Richland Housing. He noted that there will also be a joint City Council meeting about transportation sometime in February as well.

Report of Actions of the Planning Commission

Chairperson Ali thanked Jackie Sillman for her service as the Liaison from Sutter County.

Mr. Gale stated that they have five tickets to the Planning Commission Training meeting with the League of California Cities coming up in March. Chairperson Ali recommended people attend the training.

Adjournment

Chairperson Ali adjourned the meeting at 6:59 p.m.

**MINUTES
PLANNING COMMISSION
CITY OF YUBA CITY
April 24, 2019
6:00 P.M. – REGULAR MEETING**

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Call to Order

Chairperson Ali called the meeting to order.

Roll Call:

Commissioners in Attendance:

Daria Ali (Chairperson)

Dale Eyeler (Vice Chairperson)

Jana Shannon

Lori Adams

Michele Blake

Richard Doscher (Sutter County Representative)

Commissioner not in Attendance:

John Shaffer

Pledge of Allegiance led by Commissioner Blake.

Public Communication

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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. Appearances of Interested Citizens

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Planning Commission Business

3. Introduction and swearing-in of new Planning Commissioners

- **Lorie Adams**
- **Richard Doscher (Sutter County Representative)**

Patricia Buckland, City Clerk, swore in Lorie Adams and Richard Doscher.

4. Election of 2019 Planning Commission Chairperson and Vice Chairperson (per Section E-1 of the Planning Commission Bylaws).

Chairperson Darla Ali called for nominations for Chairperson.

Nomination: Dale Eyeler as Planning Commission Chairperson

Nominated by: Commissioner Shannon

Seconded by: Chairperson Ali

Vote: Daria Ali, aye, Jana Shannon, aye, Michele Blake, aye, Lorie Adams, aye, Richard Doscher, aye.

The vote passed 5:0

Chairperson Dale Eyeler called for nominations for Vice Chairperson.

Nomination: Michele Blake as Planning Commission Vice Chairperson

Nominated by: Commissioner Ali

Seconded by: Commissioner Shannon

Vote: Dale Eyeler, aye, Daria Ali, aye, Jana Shannon, aye, Lorie Adams, aye, Richard Doscher, aye.

The vote passed 5:0

5. Recommendation for appointment of Chairperson to Sutter County Planning Commission (per Section E-2 of the Planning Commission Bylaws).

E-2 – Annually, the newly elected Chairperson shall be recommended by the Planning Commission for appointment to the Sutter County Planning Commission. In the event the Chairperson, for any reason, does not wish to serve on the Sutter County Planning Commission, then the Planning Commission shall elect a member of its body to serve on the Sutter County Planning Commission. Notice of such recommendation shall be transmitted to the City Council

by the Secretary and the City Council shall forward said recommendation to the Board of Supervisors.

Motion: Dale Eyeler be liaison to the Sutter County Planning Commission as the Chair of the Yuba City Planning Commission.

Moved by: Commissioner Ali

Seconded by: Commissioner Shannon

Vote: Daria Ali, aye, Jana Shannon, aye, Michele Blake, aye, Lorie Adams, aye, Richard Doscher, aye.

The vote passed 5:0

Darin Gale, Director of Development Services, commented that before Chairperson Eyeler can be sworn in as the Sutter County Liaison the decision will need to be approved by City Council and the Board of Supervisors.

Approval of Minutes

6. Minutes from February 27, 2019

Commissioner Ali indicated that Commissioner Sanbrook's had been misspelled on page two.

Motion: to approve the February 27, 2019 meeting minutes.

Moved by: Commissioner Ali

Seconded by:

Vote: Dale Eyeler, aye, Daria Alie, aye, Jana Shannon, aye, Michele Blake, aye, Lorie Adams, aye, Richard Doscher, aye.

The vote passed 6:0

Public Hearings

After the Staff report for each agenized item, members of the public shall be allowed to address the Planning Commission regarding the item being considered. Any person wishing to testify should first state their name and address.

All interested parties are invited to attend the hearing and express their opinions on this project. If you challenge this project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

7. Tentative Parcel Map (TPM) 18-01 (Hilbers/Jones Properties LLC): Proposal to subdivide a 2.02-acre parcel into five commercial parcels ranging in size from 0.28 acre to 0.69 acres.

Mr. Gale introduced the proposal and reviewed the Staff Report with the Commission. He noted that at this time they are simply asking to be able to create additional parcels but noted the applicant has plans to improve the Waffle Barn restaurant façade. He continued to give an overview of the Staff Report and reviewed the proposed conditions for the project.

Ben Moody, Interim Assistant Public Works Director, clarified which driveways will be kept and which will be removed with the redevelopment. He noted they are also trying to make some of them ingress only but noted that final decision will be up to California Department of Transportation (Caltrans).

Commissioner Adams asked about the phasing of the development. Mr. Gale commented that he believed the applicant would like for it to all be developed at one time, but that it may happen in phases depending on when they can sign leases with tenants.

Commissioner Adams asked when traffic studies are required. Mr. Moody shared the City's traffic study policy and clarified a traffic study is not needed at this time but could be required in the future. He noted that Caltrans reserves the option to require a traffic study as well.

Chairperson Eyeler asked where landscaping will be. Mr. Gale explained the developer is willing to meet the landscaping requirements, but they do not know exactly how at this time.

Kurt Hilbers, Applicant, stated they agree with the proposed conditions. He then clarified their intentions with the property including landscaping along Highway 20 and a refacing on the Waffle Barn restaurant.

Commissioner Ali asked if the parcels could accommodate drive through queuing. Mr. Hilbers explained they will finalize parcel one and three and the other three parcels can move around in order to accommodate them.

Chairperson Eyeler asked if they anticipated the same tenants for parcels one and three. Mr. Hilbers responded they do and noted they have leases in place.

Chairperson Eyeler opened the meeting up for public comments on this item. None were offered, and the public hearing was closed.

Motion: to adopt the following findings: Item Number 1 – environmental, Item Number 2 – TPM 18-01 A-G, and Item Number 3 – approve the tentative parcel map 18-01 subject to the conditions of approval with the updated conditions of approval included

Moved by: Commissioner Shannon

Seconded by: Commissioner Ali

Vote: Dale Eyeler, aye, Daria Ali, aye, Jana Shannon, aye, Michele Blake, aye, Lorie Adams, aye, Richard Doscher, aye.

The vote passed 6:0

- 8. Subdivision Map (SM) 16-04 and Development Plan (DP) 16-01, Yuba Crossing. A request to consider an extension of the time in which to file a final subdivision map and to begin construction of the development project.**

Mr. Gale asked the Commission not to take action on this Item and indicated Staff would re-notice for it at their next meeting.

Development Services Director Reports

Mr. Gale stated he had a book for each of them which can be a good reference for them as they serve on the Planning Commission.

Mr. Gale announced that they have a Planning Manager Vicrim Chima. Vicrim Chima introduced himself to the Commission.

Mr. Gale commented that the Commission should receive a Development Update the first week of every month. He added that Staff also plans to get all of their applications online in hopes to better engage the community.

Report of Actions of the Planning Commission

Chairman Ali asked that a certificate of gratitude be given to Commissioner Sanbrook at their next meeting. She then encouraged everyone to attend the League of California Cities meeting to always communicate through city emails. She then asked Staff to get reports to Commission on Wednesday instead of Friday the week before meetings.

Adjournment

Chairperson Eyeler adjourned the meeting.

**MINUTES
PLANNING COMMISSION
CITY OF YUBA CITY
August 28, 2019
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.

Call to Order

Chairperson Eyeler called the meeting to order.

Planning Manager, Vicrim Chima called the attendance roll.

Roll Call:

Commissioners in Attendance:

Dale Eyeler (Chairperson)

Jana Shannon

Daria Ali

Lorie Adams

Richard Doscher (Sutter County Representative)

Commissioners Absent:

Michele Blake (Vice Chairperson)

John Shaffer

Commissioner Ali led all those in attendance in the Pledge of Allegiance.

Public Comment on Items not on the Agenda

The Planning Commission welcomed those in attendance and encouraged them to participate in the meeting. Public comment is taken on items listed on the agenda when they are called. 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.

Chairperson Eyeler opened public comment. No one spoke. He then closed public comment.

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.

Approval of Minutes

3. Minutes from September 26, 2018 (REVISED)

Commissioner Ail mentioned that she would prefer the wording “agendized” used in the minutes. She requested that this be corrected in the minutes and agendas moving forward.

Motion: To approve September 26, 2018 with the correction as noted.

Moved by: Commissioner Ali

Seconded by: Commissioner Shannon

Vote: Dale Eyeler, aye, Jana Shannon, aye, Daria Ali, aye, Lorie Adams, aye, Richard Doscher, aye

The vote passed 5:0

4. Minutes from November 14, 2018 (REVISED)

Motion: To approve November 14, 2018 as revised and submitted.

Moved by: Commissioner Ali

Seconded by: Commissioner Shannon

Vote: Dale Eyeler, aye, Jana Shannon, aye, Daria Ali, aye, Lorie Adams, aye, Richard Doscher, aye

Public Hearings

After the staff report for each agenized item, members of the public shall be allowed to address the Planning Commission regarding the item being considered. Any person wishing to testify should first state their name and address.

All interested parties are invited to attend the hearing and express their opinions on this project. If you challenge this project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

5. Use Permit (19-01) Fur and Feathers Luxury Pet Resorts, LLC: To allow for construction of a 4,800 square foot building to house an animal boarding and grooming facility. (Continued from July 24, 2019)

Chairperson Eyeler introduced the agenda item.

Mr. Chima provided an overview of the application. He mentioned that the property is one half acre in size and zoned CM. He stated that the building is approximately 4,800 square feet and contains three employees across two shifts. There will be up to 50-60 animals consisting of dogs, cats and birds. Pending issues included:

- Applicant to return with Auto CAD drawing accurately depicting dimensions of plans
- Provide additional operation information of the business
- Directed staff to revise the conditions of approval to allow additional height for the perimeter fence, operational hours from 7 am – 7 pm, removing a duplicate condition and a condition related to 24-hour monitoring and granting final review authority for final landscape, lighting and finishes to the Director of Development Services

He mentioned that an additional condition related to trash access will be added based on feedback received by Chairperson Eyeler. He then presented photos of the site and overviewed the site plan. He mentioned that a 10-foot landscape strip and the parking was reduced to accommodate a loading zone, bulb outs for trees and ADA spaces. The floor plan is similar to what was presented in the last meeting. There are five outdoor play areas divided by CMU walls. He indicated that the applicant added a one-story component to the front of the building to match other buildings on the street. He then overviewed proposed building materials.

He mentioned that a representative from Recology commented that they would like the proposed bulb outs removed to provide truck access to the trash enclosure. This will impact one of the mature trees needed to obtain the canopy required by code. He feels they can relocate this tree to another area on the site. He stated that the recommendation is for an additional condition of approval stating "The final site plan shall be subject to review by an authorized Recology representative and approval by the Director of Development Services." He indicated that the recommendation is to find the project categorically exempt and to approve the use permit based on the findings and revised conditions of approval attached to the staff report and the additional condition of approval related to the trash enclosure.

Commissioner Shannon asked with an exception can be made if the tree cannot be relocated appropriately.

Mr. Chima mentioned that if the canopy requirement is a standard and if it cannot be met with the current design then the parking lot may need to be redesigned.

Commissioner Ali commented that the photo shows a tree along side the building. She indicated that a more appropriate place would be between the building and storage area.

Mr. Chima commented that an additional tree may be able to fit in the east portion of the property.

Commissioner Adams stated that the previous document listed a condition that no veterinary services would be available, but this was dropped in the updated version.

Mr. Chima responded that it was a duplicate condition.

Commissioner Adams commented that she does not see it in the conditions list and requested that the condition be added back in.

Chairperson Eyeler commented that item 36, in regards to the trash enclosure, needs to have a definitive "shall" as opposed to "should."

Commissioner Adams stated that item 32 requires the facility to function with the project description dated August 28th and approved by the commission. She suggested that it state the project function in accordance to the narrative and attachments.

Commissioner Shannon stated that item 33 states the perimeter wall may be painted, plastered or otherwise treated and asked if it is intended to be optional.

Mr. Chima mentioned that it was written to provide them options.

Commissioner Doscher asked if the elevations are incorrect in stating the wall is six feet. He mentioned that they were going to allow a six-foot wall with a decorative iron cap on the top for added security of the animals.

Mr. Chima replied that it was an oversight and the applicant had to turn the new plans around quickly to meet a compressed timeline.

Chairperson Eyeler opened public hearing.

Pam Shockley, applicant asked if they are talking about the front decorative wall being painted or plastered.

Mr. Chima stated that it is the front wall facing the street and trash enclosure.

Chairperson Eyeler closed the public hearing.

Commissioner Adams asked if colors have been chosen.

Ms. Shockley stated that the building has provided them a set of colors but they have not made a decision.

Motion: To approve the use permit # 1901 Fur and Feathers Luxury Resorts, LLC, to allow for construction of a 4,800 square foot building to house an animal boarding and grooming facility with conditions of approval and the addition of item 41 from the previous conditions of approval related to restricting veterinary services, additionally adding a provision to increase height of the perimeter wall to seven feet including the exhibits provided to the Planning Commission related to the shingles, siding and selection of the metal building items provided at the meeting and item 32 to correct the sentence to state “the facility shall operate pursuant to the project description and attachments dated August 28, 2019 and approved by the Planning Commission.”

Moved by: Commissioner Adams

Seconded by: Commissioner Ali

Motion Amended: The Planning Commission and staff discussed amendments to the motion. Commissioner Adams amended her motion to include approvals from Recology, to replace the word “should” with “shall” in item 36; and to find the project environmentally exempt from CEQA.

Amended Motion Seconded by: Commissioner Ali

Vote: Dale Eyeler, aye, Jana Shannon, aye, Daria Ali, aye, Lorie Adams, aye, Richard Doscher, aye

Development Services Director Reports

Mr. Chima shared comments from the Interim Director of Development Services, Brian Millar. The plan is to have a procedural training on rules and parliamentary procedures with the Planning Commission and City Council during the first part of the meeting on October 23rd. The training will be provided by the city attorney.

Commissioner Ali suggested that the training be scheduled at 5 pm instead of 6 pm to accommodate applicants. The Planning Commission discussed needing to get clarification on the type of rules they use, whether Roberts Rules or Rosenberg Rules. They also mentioned inviting the County to the training as well.

Mr. Chima commented that they will provide a status of all current projects so the Planning Commission will know where each are in the process.

Report of Actions of the Planning Commission

Chairman Eyeler indicated that he was installed at a meeting with the county. He mentioned that they approved the closure of a mine on the north side of the Buttes and approved the splitting of lots for the gun club.

Adjournment

Chairperson Ali adjourned the meeting at 6:35 pm.

**MINUTES
PLANNING COMMISSION
CITY OF YUBA CITY
September 11, 2019
6:00 P.M. – REGULAR MEETING**

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Call to Order

Chairperson Eyeler called the meeting to order.

Planning Manager, Vicrim Chima called the attendance roll.

Roll Call:

Commissioners in Attendance:

Dale Eyeler (Chairperson)

Jana Shannon

John Shaffer

Daria Ali

Lorie Adams (Telephone)

Richard Doscher (Sutter County Representative)

Commissioners Absent:

Michele Blake (Vice Chairperson)

Commissioner Shaffer led those in attendance in the Pledge of Allegiance.

Public Comment on Items not on the Agenda

The Planning Commission welcomed those in attendance and encouraged them to participate in the meeting. Public comment is taken on items listed on the agenda when they are called. 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.

Chairperson Eyeler opened public comment. No one spoke. He then closed public comment.

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.

Approval of Minutes

3. Minutes from May 22, 2019

Motion: To approve the minutes from the May 22, 2019 Planning Commission meeting.

Moved by: Commissioner Ali

Seconded by: Commissioner Shaffer

Vote: Dale Eyeler, aye, Jana Shannon, aye, John Shaffer, aye, Daria Ali, aye, Lorie Adams, aye, Richard Doscher, aye

The vote passed 6:0

4. Minutes from June 26, 2019

Commissioner Ali noted minor corrections on pages two and three of the minutes.

Motion: To approve the minutes from the June 26, 2019 Planning Commission meeting with noted corrections.

Moved by: Commissioner Ali

Seconded by: Commissioner Shannon

Vote: Dale Eyeler, aye, Jana Shannon, aye, John Shaffer, aye, Daria Ali, aye, Lorie Adams, aye, Richard Doscher, aye

The vote passed 6:0

Planning Manager, Vicrim Chima asked the commission if they had a preference on the number of minutes placed on an agenda for approval.

Chairperson Eyeler stated that he would like the minutes to be caught up as fast as possible started with the most recent meeting minutes.

Public Hearings

After the staff report for each agenized item, members of the public shall be allowed to address the Planning Commission regarding the item being considered. Any person wishing to testify should first state their name and address.

All interested parties are invited to attend the hearing and express their opinions on this project. If you challenge this project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

5. Use Permit (19-02) Stabler Rehab, LLC: To allow operation of a Psychiatric Health Facility (PHF) and Mental Health Rehabilitation Center (MHRC) providing therapeutic and rehabilitation services in an existing 51,000 sq. ft. structure.

Mr. Chima introduced Gary Pedroni, Contract Planner with Land Logistics.

Mr. Pedroni stated that he had worked for Mendocino County for 25 years and worked in contract planning for the last eight years. He indicated that he has been working in the city for about one month. He then provided an overview of the application and mentioned that the project is located

on a 5.46-acre parcel on Stabler Avenue. Staff is requesting a determination regarding the project being categorically exempt from CEQA due to it being an existing facility. This is allowed if there are no major changes to existing facilities. Staff believes this project qualifies. Staff is recommending approval of the use permit with conditions listed in the staff report. The general plan of the property is office/office park and the zoning is Office Commercial. The proposal includes a 56 to 60-unit facility licensed by the State of California. There are anticipated to be a maximum of 50 employees on site. There will be some out patient services on site. The facility will be locked at all times with staff on site 24/7. The two operators are Willow Glenn and North Valley Behavioral Health. They are contracting with up to 25 northern California counties. About 20% of the clientele will be from Yuba-Sutter area. Clients will arrive through a third party. The building is single story and has indoor and outdoor defined activity spaces. The site is already landscaped. He then presented the landscaping plan and tree canopy to the Commission. The landscaping appears acceptable but needs care. A five-foot fence surrounds the property and is in good condition. The property contains 137 parking stalls including seven ADA spaces which exceed code requirements. All public improvements are in place. Retail is located to the north, religious to the east, commercial to the west and retail and police to the south. The closest residence is 500 feet to the north. No general plan or zoning incompatibilities were identified by staff. In 1988 the Planning Commission approved the facility for the use as a psychiatric hospital. The structure was built in 1989. The facility closed in 2008.

He overviewed operational standards and indicated that there will only be minor facility changes to meet current codes. Lighting onsite is adequate. Security was an issue with the Planning Commission two years. The police are suggesting cameras and this was included in condition 11. He mentioned that a representative from the police department is in attendance. Staff is recommending that the Planning Commission make a finding for exemption from CEQA class one and for a use permit. He referred to five findings that need to be made regarding the CEQA exemption. Staff believes that all findings are met. He pointed out a typo on page nine, number two.

Chairperson Eyeler stated that he has asked staff to track their comments so they can be captured in the motion. He asked if there were any questions for staff.

Commissioner Doscher asked if the facility operators and police will meet one year from approval to see if police presence is needed and security is sufficient.

Mr. Pedroni replied that this is his understanding.

Mr. Chima stated that they discussed this with the police in DRC and felt that due to the track record of the other facility in Yuba City, they are comfortable meeting again in one year to discuss the conditions of approval and see if any changes would be needed.

Commissioner Doscher mentioned that Willow Glen has an impeccable track record.

Assistant Police Chief, Jeremy Garcia stated that they did discuss this item at length and are familiar with the operators and they are comfortable with the one-year period to see how the operation unfolds and the demand it places on the department.

Commissioner Shannon asked about condition 12 and why they chose to state two times the number of calls for similar uses. She believes there should be more appropriate language used "are called in excess of calls for similar uses, the use permit shall be reviewed by the Planning Commission."

Mr. Chima commented that they will modify this since this is language use for a previous project.

Commissioner Adams asked what is the goal of condition 12. She wants the facility to call police and fire without fear of losing their use permit. She asked if this will deter them and result in the facility trying to handle issues internally. She stated that she would like to add the words "revoked" so they have a hammer if this is a problem facility.

Mr. Chima invited the applicants to address this question when the public comment is opened. He provided an overview of the use permit and validity during construction.

Commissioner Shaffer asked how many calls are they anticipating during construction.

Mr. Chima noted that the one-year timeframe will begin from the start of operation. The use permit will stay in place during operation. The use permit can be reviewed at anytime one operation begins.

Commissioner Ali stated she is confused by Commissioner Adams request. She indicated that her concern is regarding the two times the calls language.

Mr. Chima stated that this will be stricken to reflect the current permit.

Chairman Eyeler opened public comment and asked those in favor of the project to speak.

Brian Holloway, Holloway Land Company, representing the Stabler Rehab LLC, stated that Jeff Payne will be the lead operator of the facility. He mentioned that that staff was very efficient and able to get them to the Planning Commission meeting within one-third the timeframe of other cities. He stated that they are in agreement with the staff report and most conditions. He noted that they are in agreement with the revised language for condition 11 and worked with the police department on this. He said that they are in agreement with condition 12. He requested condition 29 be removed because they do not provide medical treatment for addiction. They will treat people with addiction as an ancillary service but they will not provide medical service for people with addictions. He mentioned that there are three reasons for this facility including the activation of an existing facility in the center of town, the facility will provide employment with above average wages, and the facility is much needed in the region. The others are located in the Bay area and Sacramento.

Chairman Eyeler asked those opposed to the project to speak. There were none. He then asked if there were questions of the applicant.

Commissioner Shaffer commented in the project description it states that the project "may include a psychiatric health facility and mental health rehabilitation." He asked if they don't follow through on one of these uses, then what are the other options.

Jeff Payne, Executive Director of Willow Glen Care Center stated that the word they should have used is "will."

Commissioner Shaffer asked if they could give them the worst possible experience that they have had with a patient that would be housed in the facility.

Mr. Payne replied that the most challenging patient is one that is a harm to oneself. These patients are located in the 16-bed psychiatric health facility. It is rare that they cannot handle a situation through staff. He commented that they have had a patient escape but he cannot comment if someone was hurt. They have staff follow the person and try to get them to return. Law enforcement will then be called.

Brian Holloway indicated that their typical patient is someone that needs assistance due to mental health issues. The people stack up in emergency rooms if beds are not available.

Commissioner Ali indicated that she worked in this field earlier in her career. This facility will be locked. She noted that she lives within a mile of the facility and is confident it will function well.

Commissioner Adams asked if they are able to clarify regarding her question on item 12. She stated that she is asking if the condition is standard for measuring impact for their type of facility.

Mr. Holloway commented that the hospital would not hesitate to call police in fear of losing their use permit.

Commissioner Adams asked if phase two showing the pool area is a part of this use permit approval and what the patient to provider ratio would be.

Mr. Holloway clarified that the phase two shown was a part of the previous permit and should be removed from these plans.

Mr. Payne responded that the MHRC staff to patient ratio would be 1 to 5 and for the PHF would be 1 to 3. Physicians and nurses being onsite are required as part of their license.

Commissioner Ali indicated that she is confused due to condition 11 regarding the police being able to add more cameras because staff later on spoke about the police meeting with the applicant after one year of operation to talk about service levels.

Mr. Pedroni commented that condition 11 was in regards to security cameras and condition 12 is regarding the police being able to meet with the applicant to review service levels.

Commissioner Ali stated that she would like any changes to the use to come back through the Planning Commission.

Commissioner Shaffer asked what the minimum staffing level be at the facility.

Mr. Payne commented that there would be a minimum of six staff members at the MHRC and five at the PHF.

Commissioner Shannon asked if there is any language that gives Yuba-Sutter priority over other patients.

Mr. Payne commented that there is nothing in writing. They try to prioritize the host county first. This is easier to do at the mental health facility. It might be tougher at the psychiatric facility.

Chairman Eyeler asked if patients would be allowed to patron local businesses.

Mr. Payne commented that this is a residential level of care and are allowed to come and go under supervision. The psychiatric health facility and not allowed to leave.

Commissioner Adams asked Mr. Pedroni if it would be appropriate to have some language in the use permit to dictate priority to Yuba-Sutter residents.

Mr. Pedroni responded that he does not believe so since this is getting into the operations of the facility and outside the purview of code.

Mr. Holloway stated that mental health issues are considered a disability and covered under protected class under the Civil Rights Act and they do not want to provide a preference due to

location in the conditions of approval. If the operator can prioritize Yuba-Sutter residents that would be great but this should not be memorialized in the approval.

Mr. Payne stated that they have spoke with Sutter Yuba Mental Health about purchasing beds for their patients.

Commissioner Shaffer inquired about their plan to relocate the cats that are currently on their property.

Mr. Payne stated that they can get animal control out to the site to adopt out the animals.

Mr. Chima stated that he will follow up with animal control.

Assistant Police Chief, Jeremy Garcia stated that their current process for 5150 patients is to go to Yuba Sutter Mental Health or Rideout/Adventist Hospital. It is his understanding that they will not have direct transport to this facility. Patients needs a referral first from the emergency room.

Commissioner Doscher asked if the language of condition 12 comes from facilities in other areas that have used police to augment staff in medicating patients.

Mr. Garcia responded that this was one aspect of it.

Mr. Chima then reviewed the two staff recommended motions and amended conditions. He indicated that condition 12 will now simply be an analysis of the function of the use.

Commissioner Ali asked if there was an unusual amount of calls and impact would it come back to the Planning Commission.

Mr. Chima commented that it could come back if the use was deemed to overly impact police services.

Commissioner Shannon stated that the way it should read is "the facility should provide the Development Services Director with an annual report of police/fire or emergency personnel calls to the site, based on all information provided the Development Services Director shall determine if the use permit needs to be reviewed by the Planning Commission to determine if additional conditions need to be applied to the use."

Michael Rock, City Manager stated that if the Development Services Director thought the facility was not meeting the conditions of approval there are two options. The first would be to come back the Planning Commission and ask for direction on changing those conditions. The second would be to work with the applicant to see if the conditions can be met. The discretion needs to be given to the director.

Commissioner Shannon reread the condition language.

Chairman Eyeler reopened the public comment and asked the applicant if they were okay with the condition language. The applicant confirmed they were. He then closed the public comment.

Commissioner Doscher commented that this is a much-needed facility for people in need of crisis and general mental health. The parent companies such as Willow Glen are impressive facilities and do not drain public services.

Commissioner Ali noted that this is an important service for the state and community.

Motion: To find the project categorically exempt pursuant to California Environmental Quality Act Section 1530.1 for existing facilities.

Moved by: Commissioner Ali

Seconded by: Commissioner Shaffer

Vote: Dale Eyeler, aye, Jana Shannon, aye, John Shaffer, aye, Daria Ali, aye, Lorie Adams, aye, Richard Doscher, aye

Motion: To approve the use permit #19-02 based on the findings and conditions of approval attached to the staff report as well as the modified conditions of approval, condition 11 regarding security cameras, "security cameras in common areas shall include areas such as patient gathering areas, both interior and exterior, hallways of buildings, entrances, patient day rooms. The police department may reasonably request additional cameras to be placed in community areas of the premises. Additional cameras may be added at the mutual consent of the facility and police department to the extent permitted by all regulatory agencies, state and federal law." Condition 29 will be stricken from the conditions of approval as the facility does not offer said services. Rephrase condition 12 to read "the facility shall provide the Development Services Director with an annual report of police/fire emergency personnel calls to the site, based on all information provided the Development Services Director shall determine if the use permit needs to be reviewed by the Planning Commission to determine if additional conditions need to be applied to the use."

Moved by: Commissioner Ali

Seconded by: Commissioner Shaffer

Commissioner Shannon stated that she is not sure they addressed the findings A-E in the motion.

Commissioner Ali amended her motion that the findings A-E be included.

Commissioner Shaffer held his second.

Vote: Dale Eyeler, aye, Jana Shannon, aye, John Shaffer, aye, Daria Ali, aye, Lorie Adams, aye, Richard Doscher, aye

Chairman Eyeler called for a five-minute recess. Following the recess, he called the meeting back to order.

Development Services Director Reports

Mr. Chima overviewed the new business openings. He mentioned that in October Dutch Bros Olive Garden, Round Table, Huckleberry's and Pieology will be opening. They do not have definitive dates. The building permit plan check list will be updated. He mentioned that they ran into issues with the Bogue Stewart Master Plan. Most likely the September 25th meeting will be cancelled.

Commissioner Shaffer asked about the hotel that was approved on 99 and Highway 20.

Ben Moody, Director of Public Works – Engineering, mentioned that it was approved but they have not heard anything from the developer.

Commissioner Shaffer asked regarding the hotel south of Plumas Street.

Mr. Chima stated that they have recently concluded the preliminary plan check phase. Construction documents are forthcoming. This is contingent on the LOS service and findings that

are needed by Brian Millar. The remediation process is under the control of the developer and he does not know where the developer stands in the process.

Ben stated that the developer is looking to move forward with the whole project and not just the hotel. The zoning and general plan amendment need to be approved to address the level of service on Bridge Street. The land is on hold until the project is approved and entitled. This will allow them to move forward with construction.

Chairman Eyeler asked regarding the discount clothing store.

Mr. Chima stated that he has not seen anything for a tenant improvement permit. The construction firm has been using this space as an admin office.

Commissioner Ali thanked Mr. Chima for getting the minutes completed.

Report of Actions of the Planning Commission

Commissioner Shannon stated that she toured the progress of the new shelter. They are about halfway through and will be able to accommodate six residents. She suggested that they attend the open house.

Chairman Eyeler indicated that Sutter County has not had any meetings since their last meeting. They are not planning any meetings during October as the planning director is out of the area.

Adjournment

Chairperson Eyeler adjourned the meeting.



CITY OF YUBA CITY
PLANNING COMMISSION
STAFF REPORT

Meeting Date: October 23, 2019

To: Chairperson and Members of the Planning Commission

From: Development Services Department

Presentation By: Brian Millar, Interim Development Services Director

Project: Consideration of a requested 18-month extension of time to file a Final Map for TM 17-02.

Applicant/Owner: Joe Schmidl

Project Location: The project is located on the east side of Stabler Lane, between Butte Vista Lane and Parc East Drive, east of Regency Park. (Assessor's Parcel Number 59-030-108)

Request:

The applicant has submitted a request for an 18-month extension of time in which to file a final map for TM 17-02.

Background:

Tentative Parcel Map TM17-02 was approved with an effective date of November 3, 2017, allowing the subdivision of a 1.21-acre parcel into 4 lots ranging in size from 0.16 acres to 0.31 acres.

The subdivision was approved for two years with an expiration date of November 3, 2019. Condition of Approval No. 8 of TM 17-02 states:

"Approval of Tentative Parcel Map TM 17-02 shall be null and void without further action if either the project has not been substantially commenced within two years of the approval date of the Tentative Parcel Map TM 17-02 or that a request for an extension of time, pursuant to Section 8-5.7106 of the Yuba City Municipal Code (YCMC) has been submitted to the City."

On September 25, 2019, the applicant filed a request for an 18-month time extension to allow for completion of the project Final Map. The applicant is requesting the time extension due to the recent change of ownership of the property. (See attached letter)

Staff Comments:

Public Works and Planning staff have determined that the conditions for approval of 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, if requested by the property owner, must comply with the provisions of the Subdivision Map Act and the City's Municipal Code.

Recommended Action:

Staff recommends that the Planning Commission:

1. Approve an 18-month extension of time for Tentative Subdivision Map TM 17-02 pursuant to City Municipal Code Section 8-2.610, resulting in a new expiration date of October 23, 2021.

Attachments:

1. Aerial Photo
2. Letter from Joe Schmidl requesting TM17-02 time extension
3. Approved Tentative Subdivision Map TM 17-02
4. TM17-02 Conditions of Approval

Attachment 1: Aerial Photo



Joe Schmidl

330 S. Township Road

Yuba City, CA 95993

(530) 218-0700



City of Yuba City
Development Services

September 25, 2019

City of Yuba City

Development Services Department

1201 Civic Center Boulevard

Yuba City, CA 95993

RE: TPM 17-02

Gentlemen:

As the new owner of the property of the subject Tentative Map, I am respectfully asking that your department process an extension of the expiration date of the map. Enclosed please find a check for \$366.69 to cover your fees for the processing of the extension request.

Your assistance in this matter is greatly appreciated.

Respectfully,

A handwritten signature in black ink that reads "Joe Schmidl". The signature is written in a cursive style and is positioned above a horizontal line.

Joe Schmidl

CONDITIONS OF APPROVAL
GENERAL PLAN AMENDMENT 17-03, SPECIFIC PLAN AMENDMENT SPA 17-01,
REZONE 17-02, AND TENTATIVE PARCEL MAP TM 17-02

MITIGATION MEASURES

1. Air Quality Mitigation Measure: Prior to issuance of a building or grading permit obtain a Feather River Air Quality Management District (FRAQMD) approved Fugitive Dust Control Plan.
2. Air Quality Mitigation Measure: Any wood burning devices installed in the project shall meet EPA certification standards as well as FRAQMD regulations.
3. Cultural/Tribal Resources: Should artifacts or unusual amounts of bone or shell be uncovered during demolition or construction activity, all work shall be stopped and a qualified archeologist shall be contacted for on-site consultation. Avoidance measures or appropriate mitigation shall be completed according to CEQA guidelines. The State Office of Historic Preservation has issued recommendations for the preparation of Archeological Resource Management Reports which shall be used for guidelines. If the bone appears to be human, California law mandates that the Sutter County Coroner and the Native American Heritage Commission be contacted.
4. The project shall comply with all applicable mitigation measures adopted with the Mitigated Negative Declaration EA 17-07.

GENERAL

5. Approval of Tentative Map TM-17-02 shall not be final until approval of General Plan Amendment GP 17-01 from Neighborhood Commercial to Low Density Residential, Specific Plan Amendment SPA 17-01 from Commercial to Single Family, and Rezone RZ 17-02 from C1/SP (Neighborhood Commercial/Specific Plan) to R1/SP/X (One-Family Residential/Specific Plan/Combining District) is final.
6. Approval of Tentative Parcel Map TM 17-02 may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on Tentative Parcel Map TM 17-02, the Zoning Ordinance, 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.
7. The applicant/property owner agrees to defend, indemnify and hold harmless the City, its officers, agents and employees, from any and all claims, damages, liability or actions arising out of or connected with this Agreement, except to the extent such liabilities are caused by actions of the City.

EXPIRATION AND DEVELOPMENT IMPACT FEES

8. Approval of Tentative Parcel Map TM 17-02 shall be null and void without further action if either the project has not been substantially commenced within two years of the approval date of the Tentative Parcel Map TM 17-02 or that a request for an extension of time, pursuant to Section 8-5.7106 of the Yuba City Municipal Code (YCMC) has been submitted to the City.

PLANNING DIVISION

9. Development within Tentative Parcel Map TM 17-02 shall be in compliance with the City of Yuba City Design Guidelines, Yuba City Zoning Regulations, and approved Buttes Vista Neighborhood Plan Design Standards. The approved project shall be constructed per the plans approved by the Planning Commission or City Council, except as provided by the conditions below.
10. Relinquish vehicular access rights to the streets and/or easements along Stabler Lane frontage for the following property lines: Lot 2, Lot 3, and Lot 4.
11. The residential unit on Lot 2 shall be oriented towards Parc E. Drive with a wrap-around porch on the southwesterly corner of the home. The design of the structure shall be submitted to the Development Services Director for review and approval prior to submittal of building permits.
12. Covenants:
 - a. Prior to final map approval, the owner of the subject property shall execute a "Right to Farm" covenant with the City. Said covenant is to run with the land and shall acknowledge and agree that the subject property is in or near agricultural districts and that the residents of said property should be prepared to accept the inconveniences and discomfort associated with normal farm activities. The "Right to Farm" covenant shall be recorded prior to or concurrent with the recording of the Final Map of Parcel Map No. TM 17-02.
13. Agreements. A cross access, drainage, maintenance, and shared parking covenant is required for Lots 3 and 4. All covenants or agreements will be prepared upon receipt of the fee and proper documents. The covenant shall stipulate maintenance requirements for the drive approach, wall, landscaping, automatic irrigation system, etc. Covenants must be approved by the City prior to issuance of building permits.
14. A six foot high split faced masonry wall with a decorative cap shall be constructed along the common shared property line of Lot 4 with the parcel identified as Assessor's Parcel Number 59-490.040. The wall shall begin approximately 35 feet behind the sidewalk on Butte Vista Lane.
15. A five foot landscape strip with automatic irrigation and drought resistant plants shall be installed and maintained between the access easement and six foot high wall.
16. Landscape plans and wall design plans shall be submitted for review and approval by the Development Services Director prior to issuance of building permits for either Lots 3 or 4.
17. Building elevations for the single-family units shall be submitted for review and approval by the Development Services Director prior to issuance of building permits for Lots 1, 2, 3, and 4.

18. Trash collection for Lots 1 and 2 will be from Parc E. Drive and for Lots 3 and 4 from Butte Vista Lane.

PUBLIC WORKS

19. 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.
20. Paved streets shall be swept frequently if soil material has been carried onto adjacent paved public thoroughfares from the project site. The use of a water sweeper that utilizes reclaimed water is recommended; i.e. wet broom.
21. 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.
22. Storage of construction material is not allowed in the travel way.
23. The only hard surface (concrete or pavers) that can be placed in the street planter area other than the standard driveway serving the residence is 18" wide strips to accommodate the wheel path of vehicles unless authorized/approved by the Public Works Director.

PRIOR TO ISSUANCE OF GRADING PERMIT

24. Provide evidence that a Notice of Intent has been submitted and received by the local Water Quality Control Board for a General Construction Activity Storm Water Permit. Two copies of the project Storm Water Pollution Protection Plan shall be provided to the City.
25. 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 flows onto the adjacent residential or agricultural lands, or impedes 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.
26. Existing and proposed grade elevations at perimeter of the proposed land development shall be shown on the tentative map per Section 8-2.604 of the Municipal Code. The Engineer of Record shall designate on the plans as to where any retaining walls are required, and provide details of all proposed retaining walls. The retaining wall is required where grade differences between the proposed development and the surrounding land is greater than 6" (inches). The use of any type of wood as the retaining wall is not permitted.
27. Per Government Code Section 66490, the applicant shall submit, with the first improvement plan check, to the City for review and approval, a detailed geotechnical investigation prepared

by a Civil Engineer registered in the State of California and qualified to perform geotechnical work. The grading plan shall incorporate the recommendations of the approved geotechnical investigation.

28. A master grading plan for all phases of the subdivision shall be submitted to the Public Works Department as part of the improvement plans with the first subdivision phase.

PRIOR TO APPROVAL OF IMPROVEMENT PLANS

29. An Improvement Agreement outlining any costs (hot tap, connection fee, fair share contribution, etc.) associated with the development shall be accepted by the City prior to approval of plans.
30. A streetlight shall be installed on Stabler Lane at Lot 4 (as shown on the tentative map dated June 2016) near the existing fire hydrant and dedicated to the City.
31. Obtain all necessary approvals from City, State, and Federal agencies, utilities and other effected parties that are required for the project including, but not limited to, the preparation of drawings, studies, reports and permit applications, and payment of fees. Prior to City approval of improvement plans the Developer shall provide evidence, to the satisfaction of the Public Works Department, that all such obligations have been met.
32. The contractor shall obtain an Encroachment Permit from the City prior to performing any work within public rights of way.
33. 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.
34. All ADA access ramps along frontage of property shall be modified as required to meet current standards.
35. The Developer shall be responsible for preparation of a street tree and irrigation plan that is deemed acceptable by the Community Services Director prior to entering into an Improvement Agreement with the City. Only one tree species shall be planted on any street.
36. The street landscape planters, the street trees, and street lighting are public improvements which shall meet the Parks Division Planting Standards and Yuba City Standard Details and be included in the improvement plans and specifications for the subdivision when the improvement plans are submitted for the first improvement plan check.
37. 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.

38. Required Improvement Plan Notes:

- a. "Any excess materials shall be considered the property of the contractor/owner and shall be disposed of away from the job site in accordance with applicable local, state and federal regulations."
- b. "During construction, the Contractor shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and roadways. The Contractor shall be responsible that all construction equipment is equipped with manufacturers approved muffler baffles. Failure to do so may result in the issuance of an order to stop work."
- c. "If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Sutter County Environmental Health Department, the Fire Department, the Police Department, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies."
- d. "The Contractor(s) shall be required to maintain traffic flow on affected roadways during non-working hours, and to minimize traffic restriction during construction. The Contractor shall be required to follow traffic safety measures in accordance with the CalTrans "Manual of Traffic Safety Controls for Construction and Maintenance Work Zones." The City of Yuba City emergency service providers shall be notified, at least two working days in advance, of proposed construction scheduled by the contractor(s)."
- e. "Soil shall not be treated with lime or other cementitious material without prior express permission by the Public Works Department."

PRIOR TO ACCEPTANCE OF PUBLIC IMPROVEMENTS

39. At the Public Works Department's discretion, the storm sewer and sewer mains shall be re-hydroflushed.
40. 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

41. 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 Community Facilities District, by payment of cash in an amount agreed to by the City, by another secure funding mechanism acceptable to the City, or by some combination of those mechanisms. The City shall be reimbursed actual costs associated with the formation of

the district. The maximum annual assessment provided in such district or mechanism shall not be greater than \$425 per single family residential unit for the 4 single family homes.

42. All public street lighting shall be dedicated to the City of Yuba City.
43. Right of way on Stabler Lane shall be dedicated to the City, a width of 30.0 feet from centerline to 6" behind the back of curb.
44. A public utility easement shall be provided along Stabler in accordance with the approved tentative map.
45. A public utility easement shall be provided along Butte Vista Lane extending 20.0 feet from 6" behind the back of curb and along Parc East Drive extending 18.0 feet from 6" behind the back of curb.
46. The Developer shall reimburse Cresleigh Homes Corporation for the parcel's fair proportionate share of the construction of the roundabout at the intersection of Stabler Lane and Butte Vista Lane, as such roundabout is shown on Drawing No's. 4978-D and 5044-D and approved by the City Engineer. The amount to be reimbursed is \$9,100.00 as shown on City Resolution No. 07-120.
47. The developer shall comply with the Yuba City Basin Drainage Study; Draft dated December 2016.
48. The AT&T easement at the southeast corner of Lot 1 (as shown on the tentative map dated December 2014) shall be abandoned.

PRIOR TO BUILDING PERMIT

49. 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 for each phase of construction.
50. All street lighting shall be energized prior to the issuance of any building permits unless otherwise approved by the Public Works Department.

PRIOR TO CERTIFICATE OF OCCUPANCY

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.

51. Prior to the certificate of occupancy being approved for the last unit in the development the streets shall be Type II slurry sealed the full width as follows:

- b. Stabler Lane: north of the north crosswalk stripe at Parc East Drive to south of the south crosswalk stripe south of the round-a-bout.
- c. Parc East Drive: east of the new stamped sidewalk to the east end of the property.
- d. Butte Vista Lane: east of the east crosswalk stripe on Butte Vista Lane to the east end of the property.

52. Prior to the certificate of occupancy being approved for the last unit in the development any pavement marking and/or striping that was destroyed during construction shall be re-striped to meet City Standards.

53. Prior to issuance of any certificate of occupancy, all underground utilities, public improvements, and site improvements, including rough grading, shall be completed.

SCHOOLS

54. Prior to the issuance of building permits, school construction fees shall be paid to the Yuba City Unified School District in accordance with the school district's adopted schedule of fees.

UNITED STATES POSTAL SERVICE

55. Contact the United States Postal Service for the location and type of mailboxes to be installed in this subdivision.



CITY OF YUBA CITY
PLANNING COMMISSION
STAFF REPORT

Meeting Date: October 23, 2019

To: Chairman and Members of the Planning Commission

From: Development Services Department

Presentation By: Richard Larrouy, Project Planner

Project: Consideration of a requested time extension to implement UP07-13. The project provides for the construction of a new religious institution.

Applicant: Pastor Michael A. Ciociola

Owner: Calvary Christian Center

Location: Southeast corner of State Route 20 and El Margarita Road (APN 63-010-090)

Background:

The applicant has filed a request for a two-year time extension for the approved project, UP07-13. The project, originally approved by the Planning Commission on November 18, 2009, allows for construction of a religious institution consisting of a sanctuary, elementary school, and playground facilities to be developed in three phases on a 23-acre parcel, as noted in Table 1.

Table 1: Project Phases

<i>Phase I:</i> (to be commenced within 2 years)	80,000 sf, 2,084-seat sanctuary building with staff offices
<i>Phase II:</i>	16,380 sf elementary school capable of accommodating 300 students, and including indoor gymnasium
<i>Phase III:</i>	Outdoor playground facilities, baseball diamond, and soccer fields
<i>Parking:</i>	Up to 612 parking spaces

Section 8-5.7105 of the Yuba City Municipal Code states that approved Use Permits shall expire if construction has not substantially commenced within two years of the date of the approval. With respect to additional time for initiating the approved use, Section 8-5.7106 of the Code states that the body that originally considered the application may grant a two-year extension of time if the applicant has made a written request for an extension and if it is determined that conditions have not changed to the extent that would warrant denial of the extension. No public hearing is required to grant an extension of time.

It should be noted that this project was originally approved by the Planning Commission on November 18, 2009, with an expiration date of November 18, 2011. Since its original approval, the applicant has requested, and the Planning Commission has granted, four two-year extensions to allow for project implementation. This is the fifth extension request. Table 2 highlights the project timeline, including extension requests and expiration dates.

Table 2: Project Timeline

	<i>Approved</i>	<i>Expiration Date</i>
Original approval	November 18, 2009	November 18, 2011
Extension 1	January 11, 2011	November 11, 2013
Extension 2	October 9, 2013	November 18, 2015
Extension 3	December 9, 2015	December 9, 2017
Extension 4 ¹	December 13, 2017	December 13, 2019

¹ Should the current request be granted, the permit would expire on October 23, 2021

Staff Analysis:

On August 19, 2019, the applicant, Calvary Christian Center, submitted a letter requesting an additional two-year extension for Use Permit No. UP07-13. The church is currently located at 2620 Colusa Highway, located on the west side of El Margarita Road (the project site for the new church is located on the east side of El Margarita Road); the church would relocate to its new facility approved under UP07-13 when construction of the Phase I sanctuary building has been completed.

The applicant stated that the church is exploring selling the easternmost portion of the site, identified as Phase III (outdoor playground facilities and related improvements) on the approved site plan (Attachment 3). The sale price is expected to allow for pulling of building permits for the Phase I work (sanctuary building and related improvements) within one year, with construction expected to take one year. Phase II construction (school and gymnasium) would be expected to begin following Phase I construction. The applicant indicated to staff that if Phase III lands are sold, school children would utilize the indoor gymnasium and outdoor courtyard areas within phase II for physical fitness classes.

Based on the applicant's request and the above analysis, staff finds that no circumstances have occurred to necessitate any changes to the originally-approved Findings or Conditions of Approval. The Conditions of Approval and the Municipal Code do not limit the number of extensions which can be granted by the Planning Commission; approval of the current extension request is at the discretion of the Commission.

Environmental Review: A Mitigated Negative Declaration was approved by the Planning Commission on November 18, 2009. The analysis contained in that document, including mitigation measures, is still valid and no additional environmental analysis is warranted in conjunction with the subject time extension.

Staff, therefore, supports the requested action.

Recommended Action:

The Planning Division recommends that the Planning Commission take the following action:

1. Grant an extension of its approval of Use Permit No. UP 07-13 for two years with a new expiration date of October 23, 2021, subject to the adopted Conditions of Approval, with the elimination of Phase III of the project.

Commission Action

The Commission's action is final unless an appeal is filed pursuant to Section 8-5.7104(b) of the Yuba City Municipal Code.

Attachments:

1. Aerial Photo
2. Letter from Pastor Ciociola of Calvary Christian Center dated August 9, 2019, requesting a two-year time extension
3. Site Plan, including Building Elevations, and Interior Floor Plans, as approved by the Planning Commission on November 18, 2009
4. Conditions of Approval, as approved by the Planning Commission on November 18, 2009

Exhibit A: Aerial Photo





RECEIVED
AUG 19 2019
City of Yuba City
Development Services

August 12, 2019

Chairperson: Dale Eyeler
City of Yuba City
Planning Dept.
1201 Civic Center Boulevard
Yuba City, CA 95993

Dear Planning Department,

This letter is to request a two-year extension of our Use Permit #07-13 from Calvary Christian Center. We have just about come up on the point where we have adequate funding our building project on our property. In addition to putting back funds on a monthly basis, which has resulted in a substantial amount of sourcing for our new facilities, we have sold off slightly over two acres of our property to John L. Sullivan, which boosted our building fund considerably. We are currently in process with other interested buyers to sell off several more acres, which will then put us over the top and give us the green light to go ahead on our building project. We also have two very eager buyers interested in purchasing our current location, which consists of approximately 8 ½ acres. Both of these entities would like to take possession at our earliest convenience. That will give us more than enough to take care of our building needs on our new property.

I have enclosed a check as per your Planning Division fee schedule for a time extension for \$500.78. Thank you for the consideration of the extension of our Use Permit.

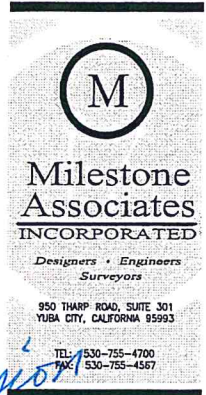
Sincerely,

A handwritten signature in black ink, appearing to read "Michael A. Ciociola", is written over a horizontal line.

Michael A. Ciociola
Lead Pastor

Calvary Christian
Center
2620 Colusa Hwy.
Yuba City, CA 95993
530.673.6035
www.cccyc.net

DESIGN DOCUMENTS FOR
Calvary Christian Center
Pastor Michael Ciociola
SPIRIT WAY
YUBA CITY, CALIFORNIA




R. MESSNER CONSTRUCTION
DON KIMBLE - ARCHITECT
3122 NORTH CYPRESS, SUITE 500
WICHITA, KANSAS 67226
PH (316) 634-1332 FAX (316) 634-1418

Calvary
Christian Center
Spirit Way
Yuba City, CA 95993
Pastor Michael Ciociola

A.P.N.
63-010-090

DD1

April 17, 2008
Job #07-620



Milestone Associates
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 950 THARP ROAD, SUITE 301
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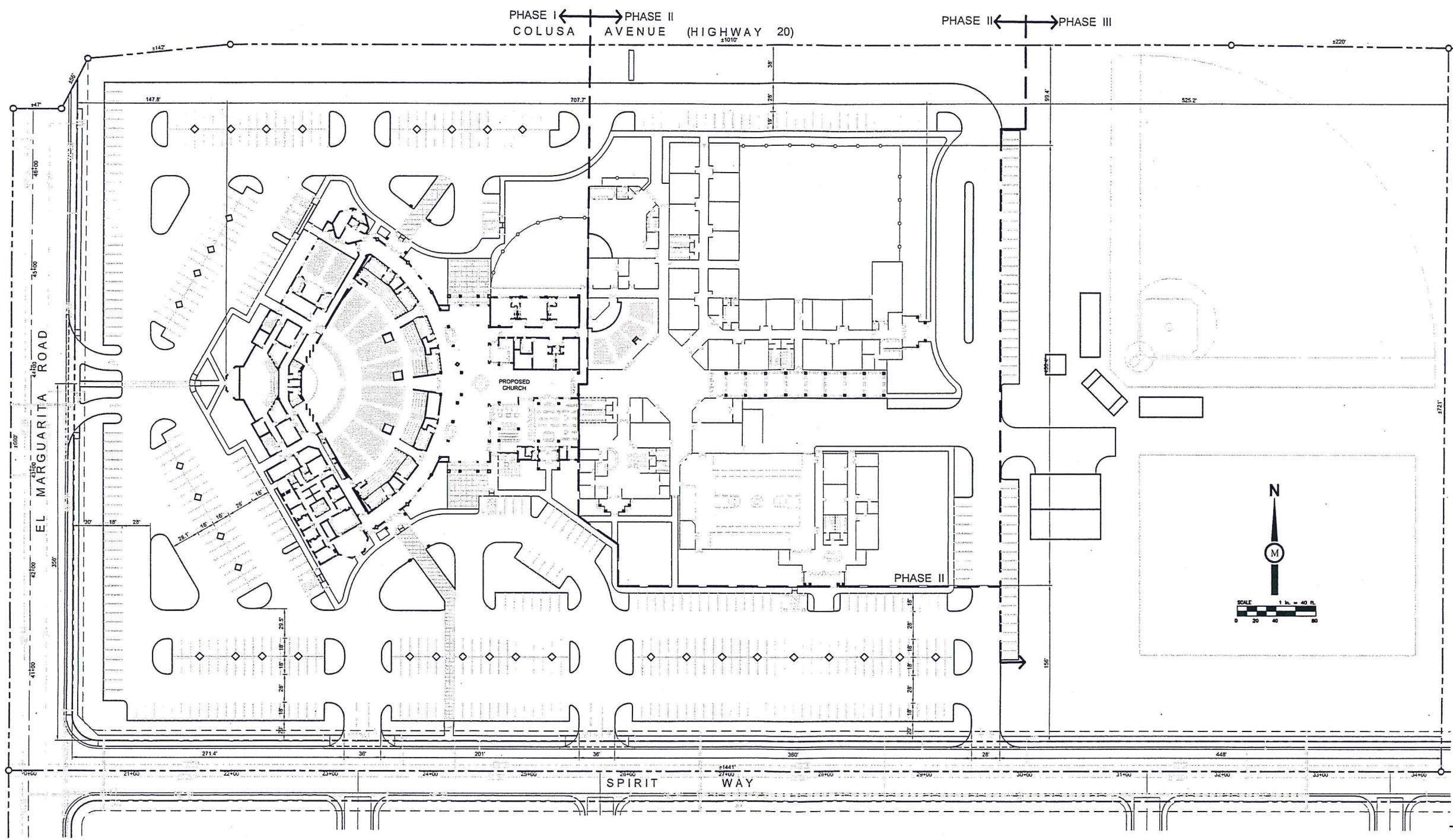
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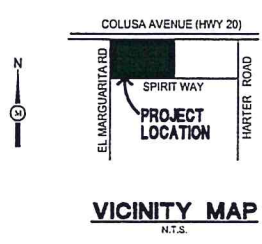
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CONCEPTUAL SITE PLAN
SCALE: 1" = 40'



PROPERTY OWNER/ APPLICANT
 CALVARY CHRISTIAN CENTER
 SPIRIT WAY
 YUBA CITY, CA 95993
 CONTACT: PASTOR MICHAEL CIOCIOLA
 PHONE: (530) 673-6035

PROJECT COORDINATOR
 MILESTONE ASSOCIATES, INC.
 950 THARP ROAD, SUITE 301
 YUBA CITY, CA 95993
 CONTACT: JULIO TINAJERO
 PHONE: (530) 755-4700

UTILITIES	
WATER:	CITY OF YUBA CITY
SANITARY SEWER:	CITY OF YUBA CITY
STORM DRAINAGE:	CITY OF YUBA CITY
FIRE:	CITY OF YUBA CITY
POLICE:	CITY OF YUBA CITY
GAS:	PACIFIC GAS & ELECTRIC
ELECTRIC:	PACIFIC GAS & ELECTRIC
TELEPHONE:	SBC
PARKS & RECREATION:	CITY OF YUBA CITY
SCHOOL:	YUBA CITY UNIFIED SCHOOL DISTRICT

PARKING DATA	
REQUIRED:	
SANCTUARY BUILDING (80,018 SF):	521 SPACES
2084 SEATS / 4 SEATS =	
ELEMENTARY SCHOOL (16,380 SF):	20 SPACES
20 STAFF / 1 STAFF =	20 SPACES
200 STUDENTS / 10 STUDENTS =	
BALL FIELDS:	48 SPACES
48 SPACES	48 SPACES
TOTAL PARKING REQUIRED:	609 SPACES
PROVIDED:	
STANDARD (9' x 18'):	600 SPACES
ACCESSIBLE (9' x 18'):	12 SPACES
TOTAL PARKING PROVIDED:	612 SPACES

SIGN DATA	
ALLOWABLE AREA:	1.5 SF / LINEAL FOOT OF BLDG FRONTAGE (1,100 SF)
PROPOSED AREA:	1,650 SF

LOT DATA	
A.P.N.:	63-010-090
ZONED:	C-O x19 OFFICE COMMERCIAL DISTRICT
EXISTING USE:	VACANT - UNDEVELOPED
PROPOSED USE:	CHURCH / SCHOOL
LOT AREA:	±1,020,276 SF (±23.4 AC)

PHASE I

PARKING DATA

REQUIRED:
 SANCTUARY (80,018 SF):
 2084 SEATS / 4 SEATS =
 (1 SPACE PER 4 SEATS)
 TOTAL PARKING REQUIRED: 521 SPACES

PROVIDED:
 STANDARD (9' x 18'):
 ACCESSIBLE (9' x 18'):
 TOTAL PARKING PROVIDED: 518 SPACES
 10 SPACES
 528 SPACES

M
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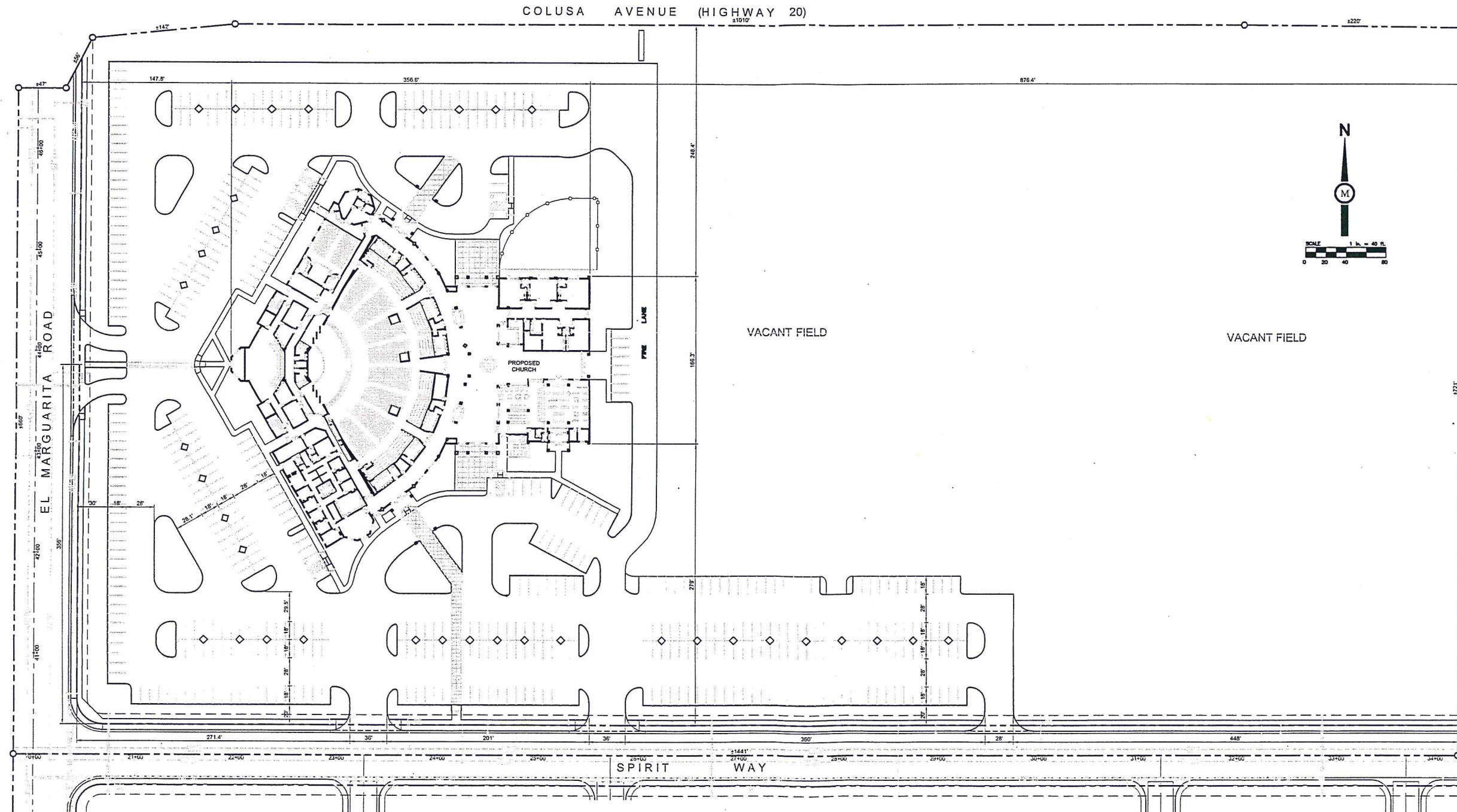
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CONCEPTUAL SITE PLAN

SCALE: 1" = 40'



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*Calvary
Christian Center*

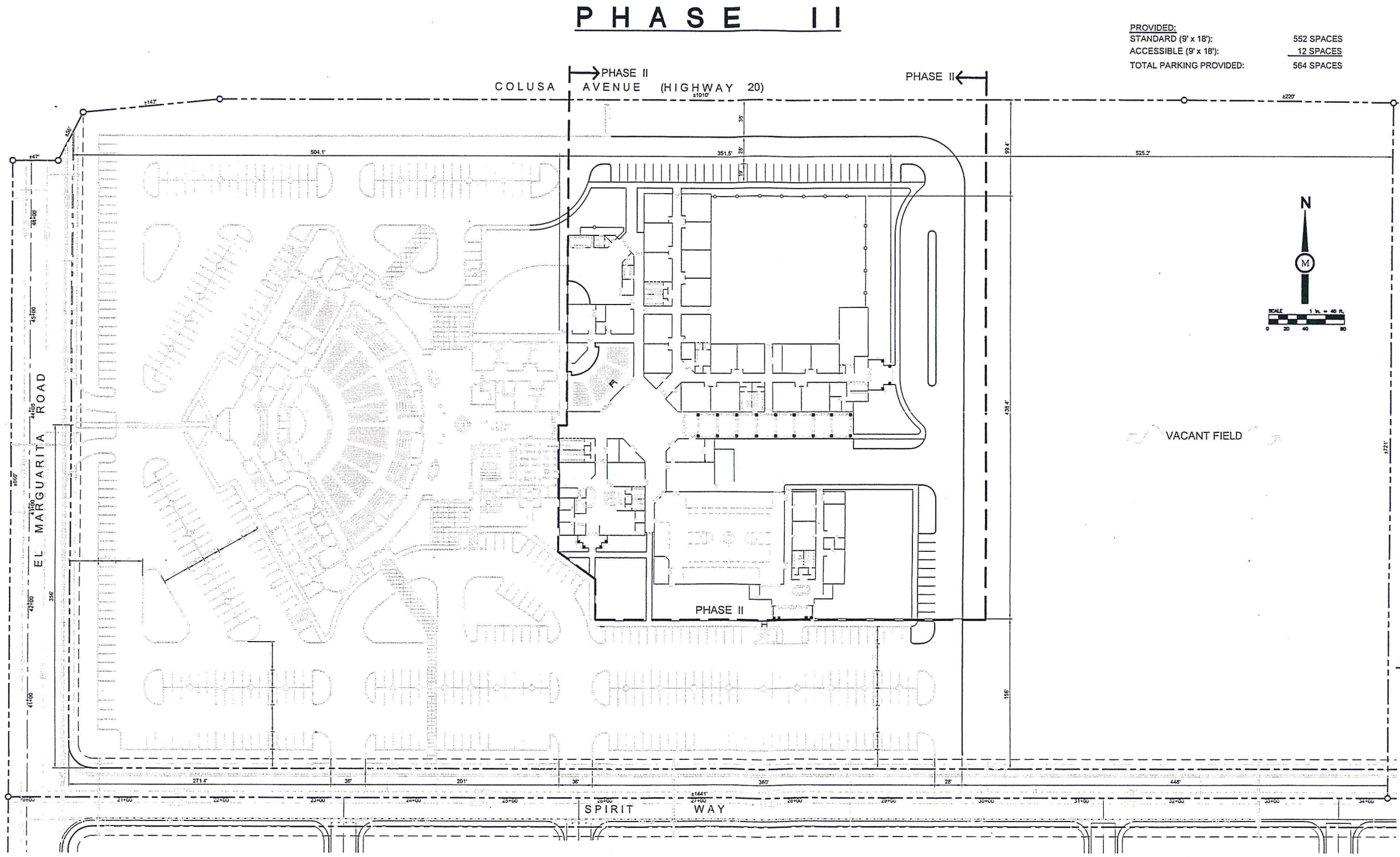
Spirit Way
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Pastor Michael Ciociola

A.P.N.
63-010-090

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April 17, 2008
Job #07-620

PARKING DATA		
<u>REQUIRED:</u>		
SANCTUARY BUILDING (80,018 SF):		
2084 SEATS / 4 SEATS =	521 SPACES	
ELEMENTARY SCHOOL (16,380 SF):		
20 STAFF / 1 STAFF =	20 SPACES	
200 STUDENTS / 10 STUDENTS =	20 SPACES	
TOTAL PARKING REQUIRED:	561 SPACES	
<u>PROVIDED:</u>		
STANDARD (9' x 18'):	552 SPACES	
ACCESSIBLE (9' x 18'):	12 SPACES	
TOTAL PARKING PROVIDED:	564 SPACES	



CONCEPTUAL SITE PLAN

SCALE: 1" = 40'

PHASE III

PARKING DATA

REQUIRED:

SANCTUARY BUILDING (80,018 SF):
2084 SEATS / 4 SEATS = 521 SPACES

ELEMENTARY SCHOOL (16,380 SF):
20 STAFF / 1 STAFF = 20 SPACES
200 STUDENTS / 10 STUDENTS = 20 SPACES

BALL FIELDS:

48 SPACES

TOTAL PARKING REQUIRED: 609 SPACES

PROVIDED:

STANDARD (9' x 18'): 600 SPACES
ACCESSIBLE (9' x 18'): 12 SPACES
TOTAL PARKING PROVIDED: 612 SPACES



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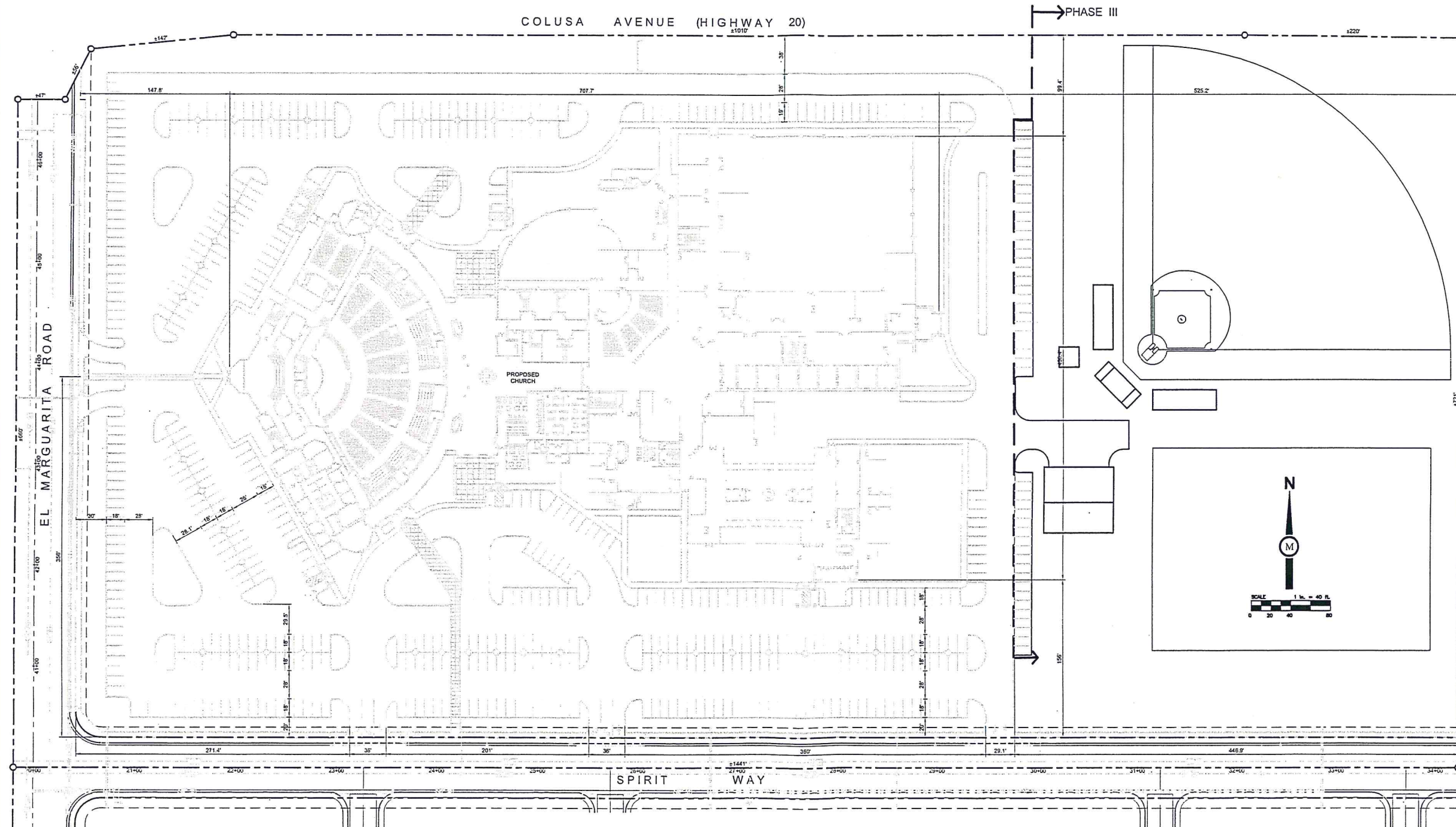
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CONCEPTUAL SITE PLAN

SCALE: 1" = 40'



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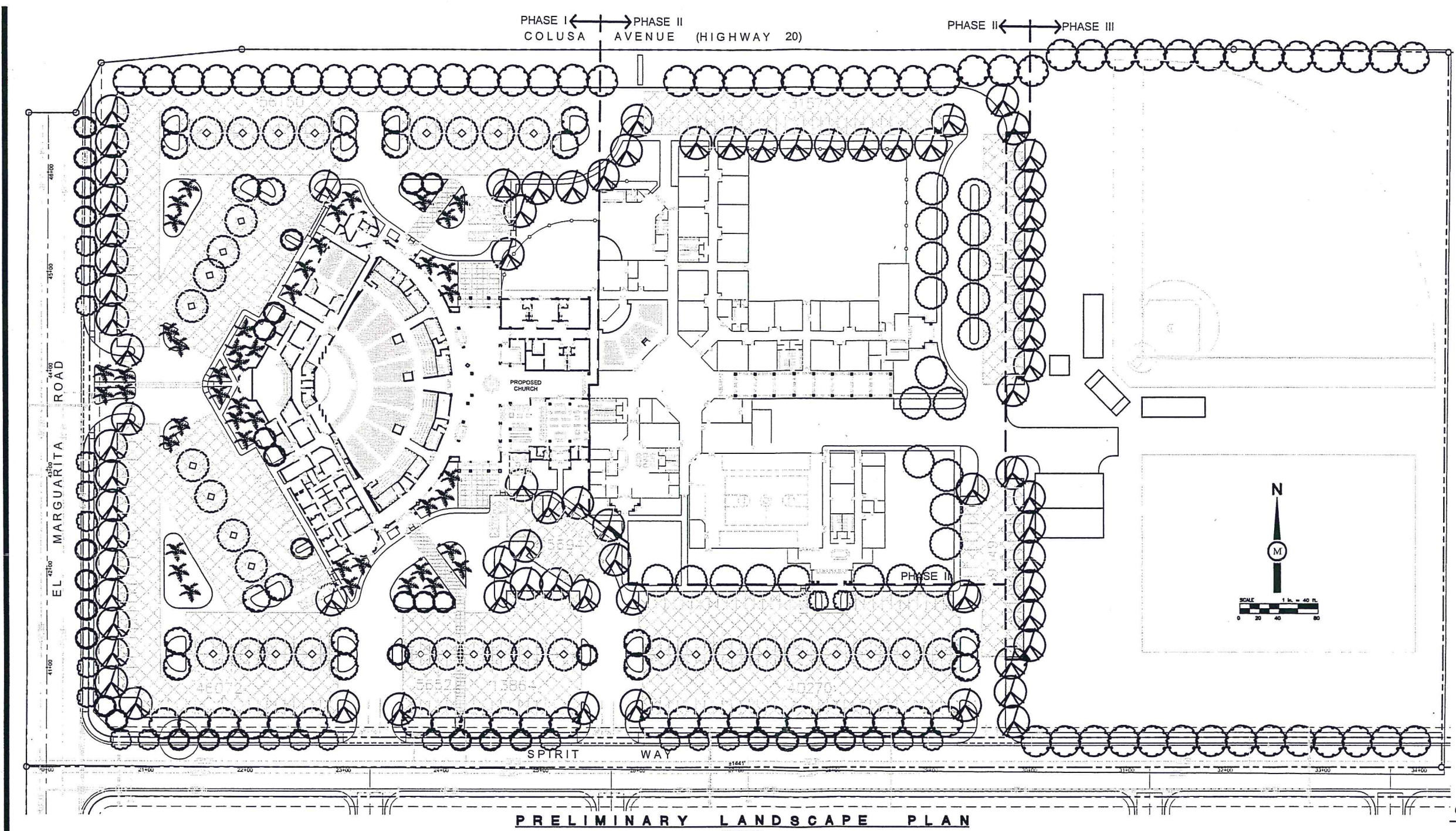
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

















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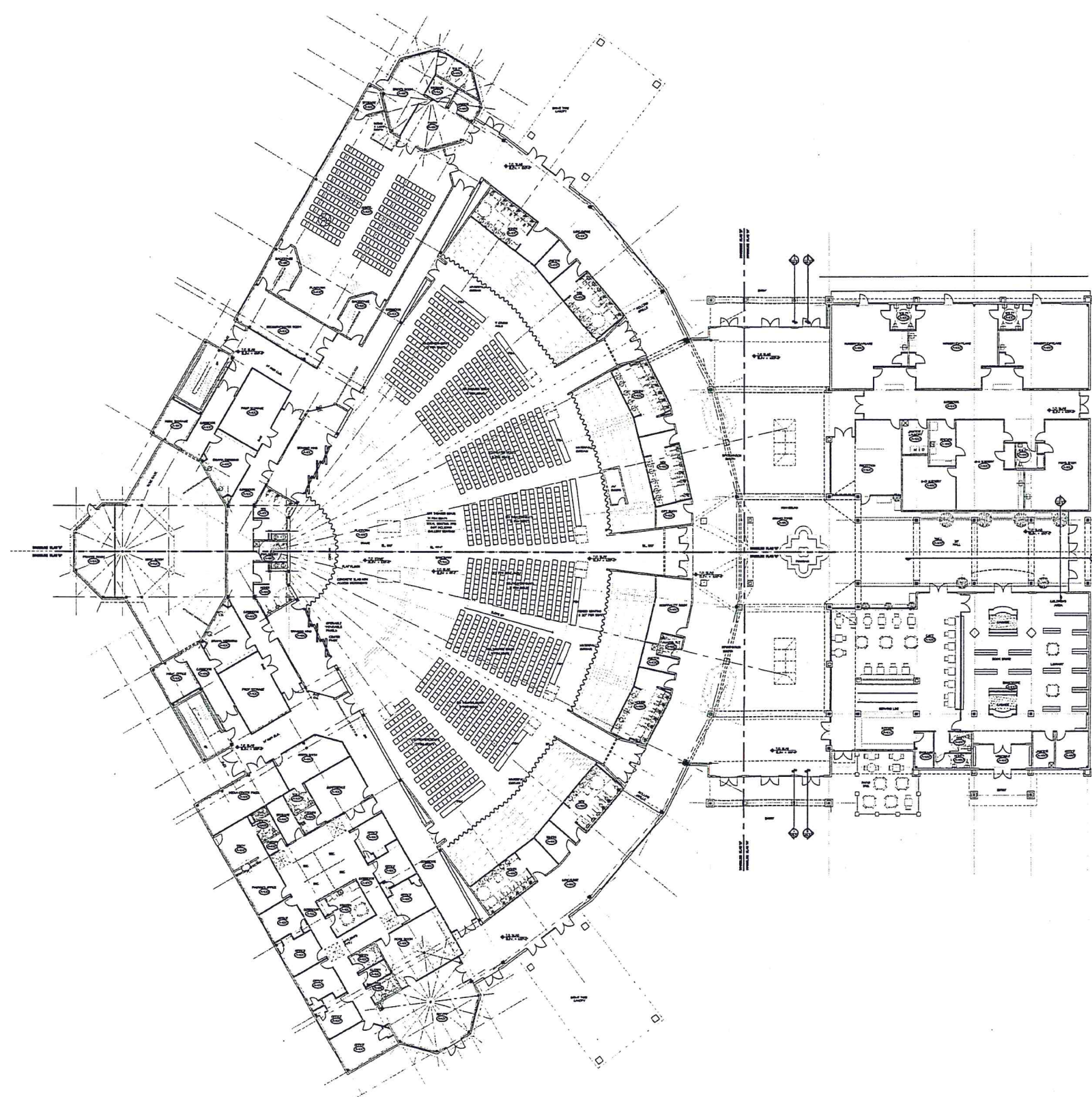


PLANTING LEGEND																	
SYMBOL	TYPE	SIZE	QUANTITY	SPACING	WATER	SYMBOL	TYPE	SIZE	QUANTITY	SPACING	WATER	SYMBOL	TYPE	SIZE	QUANTITY	SPACING	WATER
	<u>TREES</u> CELTIS OCCIDENTALIS COMMON HACKBERRY	15 GAL	59	35' OC	LOW		<u>SHRUBS</u> CARPENTENIA CALIFORNICA BUSH ANEMONE	1 GAL	-	5' OC	LOW		<u>GROUND COVER</u> HYPERICUM CALYCNINUM CREEPING ST. JOHNSWORT	1 GAL	-	3' OC	MEDIUM
	CERCIS RAVADENSIS EASTERN REDBUD	15 GAL	33	SHOWN	LOW		CISTUS SALVIFOLIUS SAGELEAF ROCKROSE	1 GAL	-	6' OC	LOW		LAWN	SEED	-	-	HIGH
	LAGERSTROMIA INDICA GRAPE MYRTLE	15 GAL	23	SHOWN	LOW		DODONAEA VISCOSA 'PURPUREA' PURPLE HOPSEED BUSH	5 GAL	-	12' OC	LOW		MACFADYENA UNGUIS-CATI CAT'S CLAW	1 GAL	-	6' OC	LOW
	PLATANUS ACERIFOLIA LONDON PLANE TREE	15 GAL	79	30"-35' OC	LOW		KNIPHOFIA UVARIA RED HOT POKER	1 GAL	-	4' OC	LOW		OENOTHERA SPECIOSA 'ROSEA' MEXICAN EVENING PRIMROSE	FLATS	-	3' OC	LOW
	QUERCUS COCCINEA SCARLET OAK	15 GAL	80	30"-35' OC	MEDIUM		LAVANDULA AUGUSTIFOLIA 'TWICKEL PURPLE' ENGLISH LAVENDER	1 GAL	-	3' OC	LOW		ROSMARINUS OFFICINALIS 'PROSTATUS' DWARF ROSEMARY	1 GAL	-	6' OC	LOW
	QUERCUS ILEX HOLLY OAK	15 GAL	20	30' OC	LOW		MYRTUS COMMUNIS TRUE MYRTLE	1 GAL	-	5' OC	LOW		TRACHELOSPERMUM JASMINOIDES STAR JASMINE	1 GAL	-	6' OC	MEDIUM
	WASHINGTONIA ROBUSTA MEXICAN FAN PALM	24" BOX	46	20' OC	MEDIUM		PENNISETUM SETACEUM 'CUPREUM' FOUNTAIN GRASS	1 GAL	-	4' OC	LOW		VERBENA PERUVIANA PURPLE VERBENA	FLATS	-	3' OC	LOW
							PHORMIUM TENAX NEW ZEALAND FLAX	5 GAL	-	7' OC	LOW		VINCA MAJOR PERIWINKLE	FLATS	-	3' OC	MEDIUM
							PITTOSPORUM TOBIRA "WHEELER'S DWARF" DWARF MOCK ORANGE	1 GAL	-	5' OC	MEDIUM						
							STRELITZIA REGINAE BIRD OF PARADISE	5 GAL	-	6' OC	MEDIUM						

SHADE ANALYSIS				
TREE	100%	75%	50%	25%
35' TREES	(962) x 37 = 35549	(722) x 6 = 4332	(481) x 108 = 51948	(240) x 2 = 480
30' TREES	(708)	(531) x 5 = 2655	(354) x 15 = 5310	(177)
20' TREES	(314) x 2 = 628	(236)	(157) x 10 = 1570	(79)
TOTALS	36177 SF	6987 SF	58828 SF	480 SF
AREA OF PAVING	204008 SF			
SHADING REQUIRED (50%)	102004 SF			
SHADING PROVIDED (50.223%)	102472 SF			
AREA USED FOR SHADE CALCULATIONS				

NOTE:
 PLANTINGS SHOWN FOR TREES AND SHADING
 REQUIREMENTS ONLY. PLANTING LEGEND IS
 LISTING OF PROPOSED PLANTINGS ONLY.

Landscape Design • Project Coordination • CAD Services
Nece Landscape Architecture
 Karen Brummett Nece
 CA LA No. 4280
 5555 Creechway Hwy
 Orem, UT 84057
 (801) 225-8555
 (801) 225-8556
 (801) 225-8557



PHASE I
OVERALL FLOOR PLAN
 1/8" = 1'-0"

PROPOSED BUILDING	
FIRST FLOOR	70,704
SECOND FLOOR	5,341
GALLERY MEZZANINE	3,973
TOTAL	80,018
SEATING SCHEDULE	
SANCTUARY	1078
TIERED SEATING	1044
CHOIR/ORCH.	100
ADA	14
TOTAL	2,084



PRIMARY DOORS TO
BE KEYLESS ENTRY

SANCTUARY DOORS
TO BE LOCKABLE

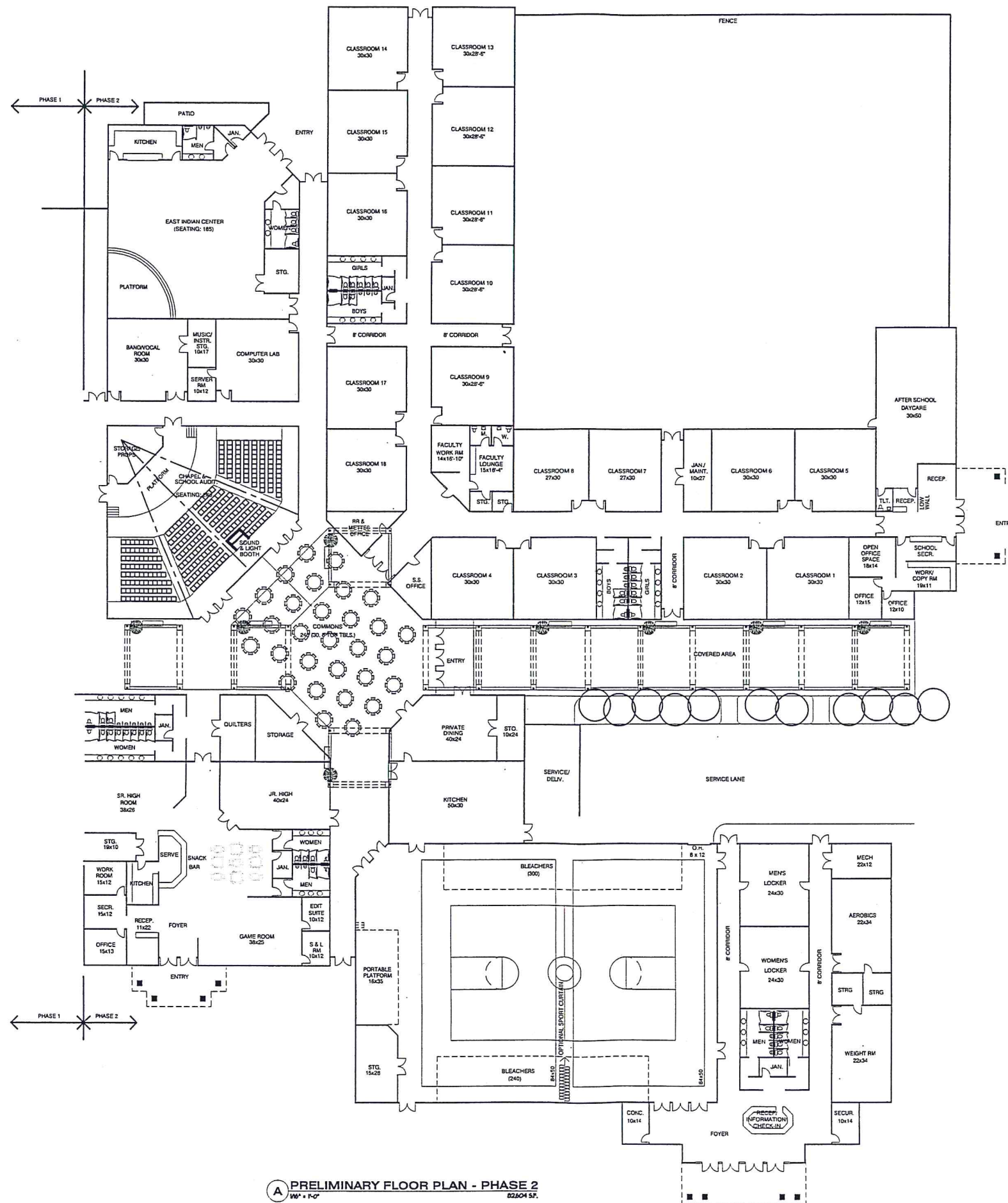
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 Job #07-620



A PRELIMINARY FLOOR PLAN - PHASE 2
1/4" = 1'-0" 82404 SF.


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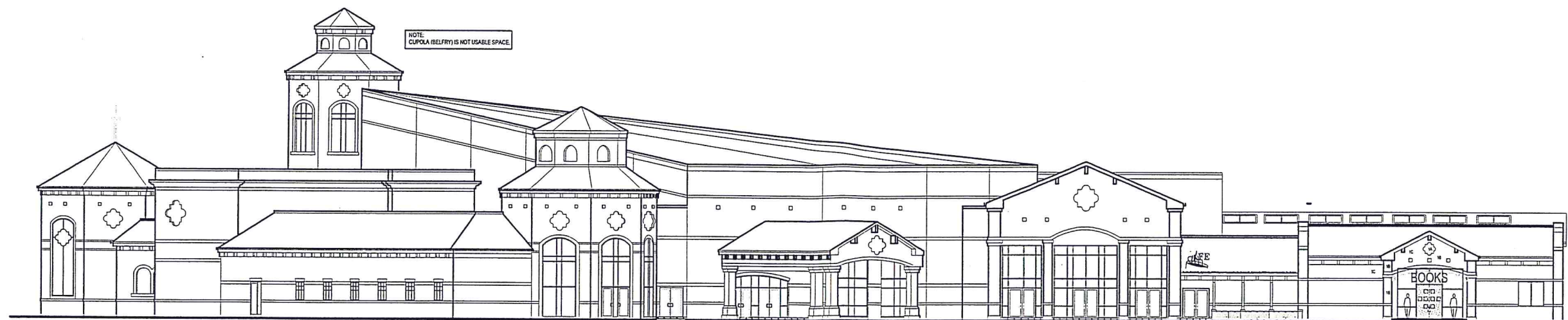

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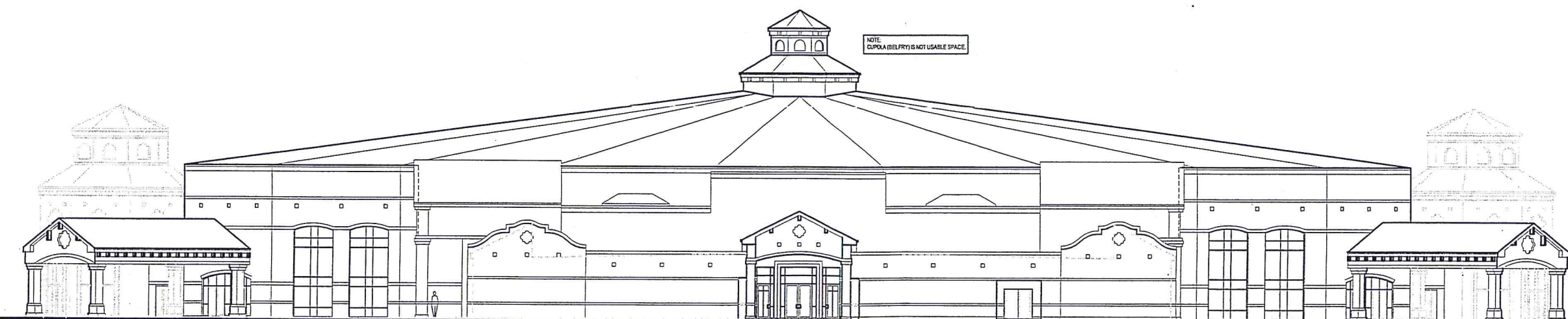
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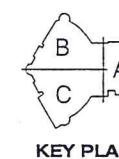
A SOUTH ELEVATION
1/8" = 1'-0"



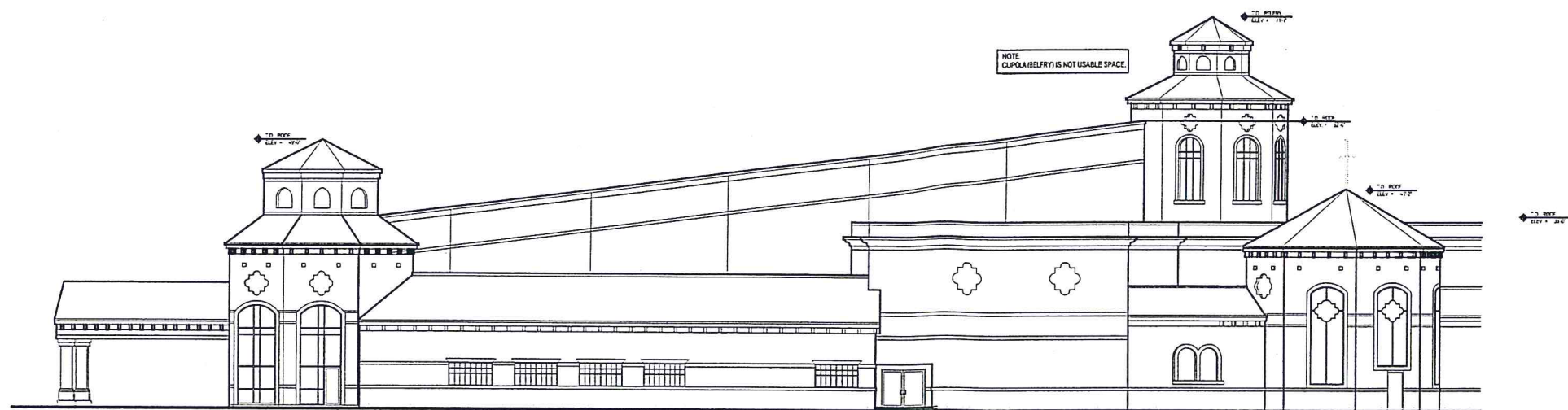
B EAST ELEVATION
1/8" = 1'-0"



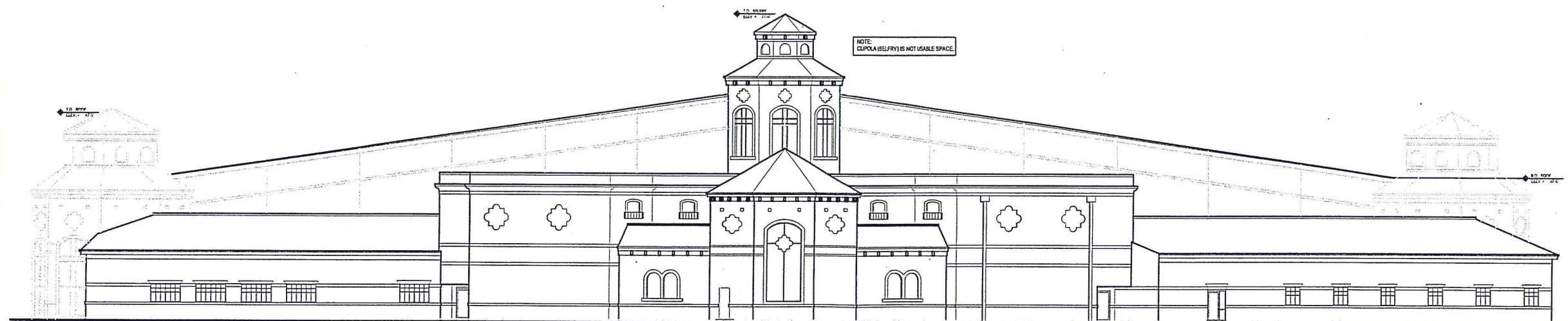
C NORTH ELEVATION
1/8" = 1'-0"



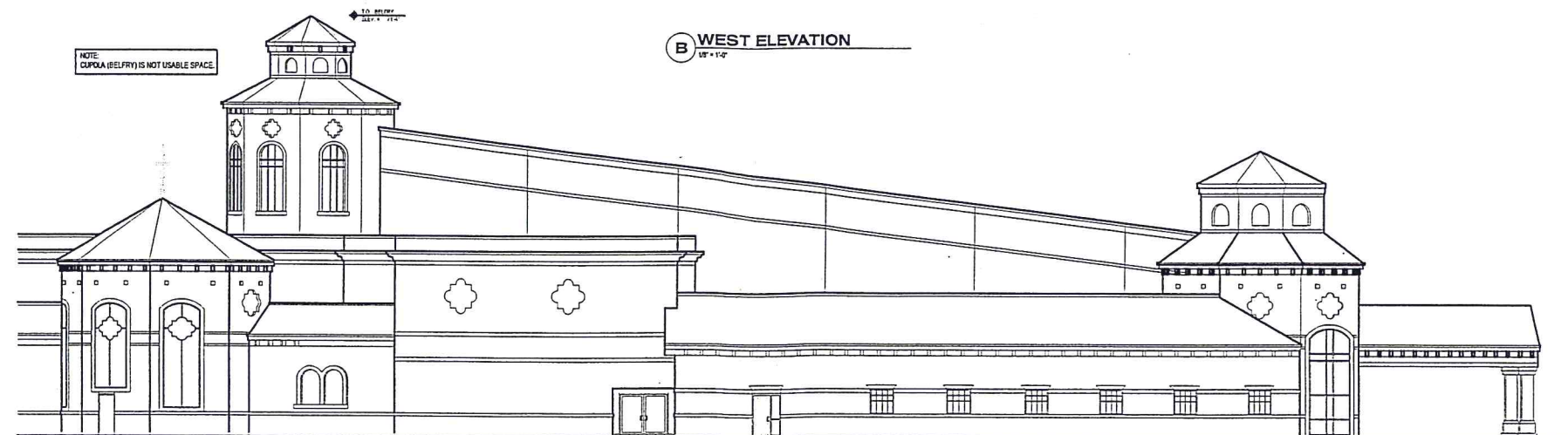
KEY PLAN



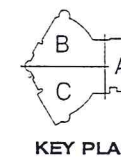
A SOUTHWEST ELEVATION
1/8" = 1'-0"



B WEST ELEVATION
1/8" = 1'-0"



C NORTHWEST ELEVATION
1/8" = 1'-0"



KEY PLAN

**Calvary
Christian Center**

Spirit Way
Yuba City, CA 95993
Pastor Michael Ciociola

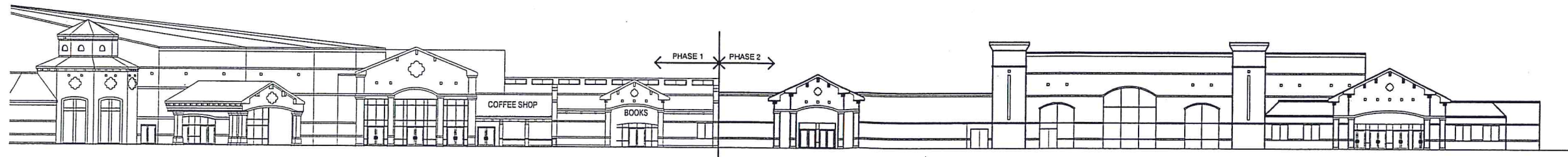
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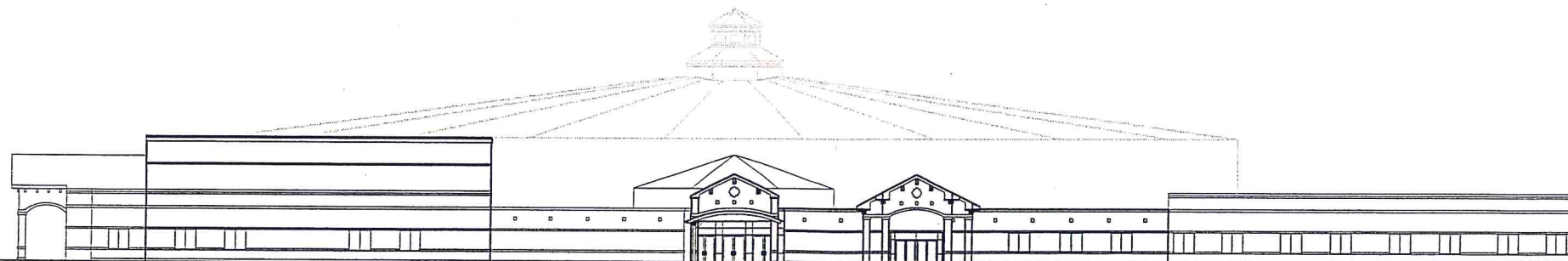
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Job #07-620

M
**Milestone
Associates
INCORPORATED**
Designers • Engineers
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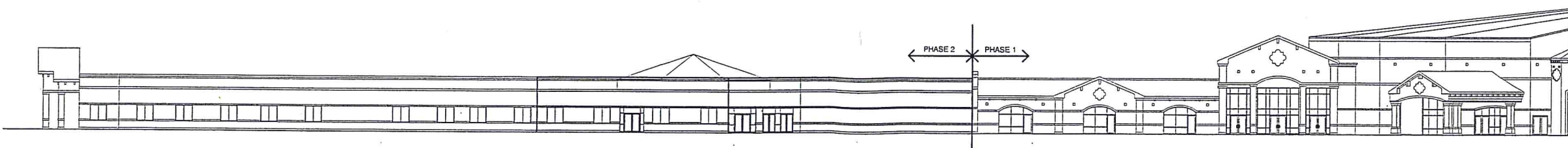
R. MESSNER CONSTRUCTION
DON KIMBLE - ARCHITECT
3122 NORTH CYPRESS, SUITE 500
WICHITA, KANSAS 67226
PH (316) 634-1332 FAX (316) 634-1418



A SOUTH ELEVATION - PHASE II
1/8" = 1'-0"



B EAST ELEVATION - PHASE II
1/8" = 1'-0"



C NORTH ELEVATION - PHASE II
1/8" = 1'-0"



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**Calvary
Christian Center**
Spirit Way
Yuba City, CA 95993
Pastor Michael Ciociola

A.P.N.
63-010-090

DD5.2
April 17, 2008
Job #07-620

CONDITIONS OF APPROVAL
USE PERMIT #UP 07-13 – CALVARY CHRISTIAN CHURCH
November 18, 2009

General

1. Use Permit UP 07-13 is approved as described and conditioned herein and as shown in Exhibits A-C.
2. Approval of Use Permit UP 07-13 shall be null and void two years from the date of approval, or on November 18, 2011, if construction of the project has not substantially commenced, as described in Section 8-5.7105 of the Yuba City Zoning Regulations.
3. The Conditions of Approval shall be attached to, and be made an integral part of, the improvement plans.

Planning Division

4. The height of the building shall not exceed the height limitations established by the Yuba City Zoning Regulations.
5. Should artifacts or unusual amounts of bone or shell be uncovered during demolition or construction activity, all work shall be stopped and a qualified archeologist shall be contacted for on-site consultation. Avoidance measures or appropriate mitigation shall be completed according to CEQA guidelines. The State Office of Historic Preservation has issued recommendations for the preparation of Archeological Resource Management Reports which shall be used for guidelines. If the bone appears to be human, California law mandates that the Sutter County Coroner and the Native American Heritage Commission be contacted. *(Mitigating Measure)*
6. The applicant shall implement a Fugitive Dust Control Plan that meets the requirements of the Feather River Air Quality Management District. *(Mitigating Measure)*
7. All construction equipment shall be properly tuned and shall not exceed FRAQMD Regulation III, Rule 3.0 for exhaust emissions. *(Mitigating Measure)*
8. Implement a vehicle idling policy requiring all vehicles, including construction equipment, to adhere to a 5-minute idling policy. *(Mitigating Measure)*
9. Electrical outlets shall be installed on the exterior walls to promote the use of electric landscape maintenance equipment. *(Mitigating Measure)*
10. Paints and finishes used in all buildings shall be of low Volatile Organic Compound (VOC) type. *(Mitigating Measure)*

11. Existing power sources or clean fuel generators shall be used, rather than temporary generators. *(Mitigating Measure)*

Engineering Division

12. 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
13. All design and construction shall conform to the latest edition of the City of Yuba City Standard Specifications and Details, State of California Standard Specifications for Construction of Local Streets and Roads (May 2006), AASHTO Policy on Geometric Design of Streets and Highways for local roads, and FHWA Manual on Uniform Traffic Control Devices for Streets and Highways (2003 edition).
14. Traffic control construction signs shall be installed/erected per City of Yuba City Standards and Details, Caltrans Standards and Details, and the Manual of Uniform Traffic Control Devices. The signs shall be maintained throughout the project duration.
15. In the event that the City is forced to condemn or acquire off-site property interest in connection with required off-site improvements, the developer shall fund the cost of condemnation or acquisition, including but not to be limited to the amounts necessary to purchase the easement or fee simple interest, document preparation, and severance or other damages payable to the owners of the land upon which the improvements are to be located, the actual cost and acquisition and all fees, including attorney's fee and/or other expenses necessary to prosecute the condemnation action, including expert witness and appraisal fees. In the event that the City elects to proceed with acquisition or condemnation pursuant to Government Code Section 66462.5, the developer shall, within 60 days of written notice by the City, deposit with the City, as an advance, the full estimated cost of such acquisition
16. All grading operations on the project shall be suspended as directed by the Feather River Air Quality Management District when winds exceed 20 miles per hour or when winds carry dust beyond the property line despite implementation of all feasible dust control measures. An operational water truck shall be onsite at all times to assist in dust control. *(Mitigating Measure)*
17. Onsite dirt piles or other stockpiled particulate matter shall be covered, wind breaks installed, and water and/or soil stabilizer employed to reduce wind blown dust emissions. Incorporate the use of approved non-toxic soil stabilizer according to manufacturers' specifications to all previously-graded construction areas that have been inactive for 96 hours. Contractor to provide the specifications to the City Inspector. *(Mitigating Measure)*
18. To help contain fugitive dust, construction sites shall be watered down during the construction phase of the project as directed by the Public Works Department. All

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

19. Temporary silt fencing shall be erected during construction and permanent fencing shall be completed prior to occupancy so that transport of construction debris can be retained on-site. *(Mitigating Measure)*
20. Open burning is a source of fugitive gas and particulate emissions, which shall be prohibited at the project site. No open burning of vegetative waste (natural plant growth wastes) or other legal or illegal burn materials (trash, demolition debris, et. al.) shall be conducted at the project site. Vegetative wastes should be chipped or delivered to waste facilities (permitted biomass facilities), mulched, composted, or used for firewood. It is unlawful to haul waste materials offsite for disposal by open burning. *(Mitigating Measure)*
21. To prevent track-out, wheel washers shall be installed where project vehicles and/or equipment exit onto paved street from unpaved roads. Vehicles and/or equipment shall be washed prior to each trip. Alternatively, a gravel bed may be installed as appropriate at vehicle/equipment site exit points to effectively remove soil buildup on tires and tracks to prevent/diminish track-out. *(Mitigating Measure)*
22. Paved streets shall be swept frequently (a water sweeper with reclaimed water and a wet broom is recommended) if soil material has been carried onto adjacent paved, public thoroughfares from the project site. *(Mitigating Measure)*
23. Provide temporary traffic control as needed during all phases of construction to improve traffic flow, as deemed appropriate by the Department of Public Works and/or Caltrans, and to reduce vehicle dust emissions. An effective measure is to enforce vehicle traffic speeds at or below 15 mph. *(Mitigating Measure)*
24. Reduce traffic speed on all unpaved surfaces to 15 mph or less and reduce unnecessary vehicle traffic by restricting access. Provide appropriate training, onsite enforcement, and signage. *(Mitigating Measure)*
25. 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. *(Mitigating Measure)*
26. During construction, the Contractor shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and roadways. Contractor shall be responsible that all construction equipment is equipped with manufacturers approved muffler's baffles. Failure to do so may result in the issuance of an order to stop work. *(Mitigating Measure)*

27. The Developer's Superintendent/Representative shall be onsite when contractor is working and be available to the City's Inspectors assigned to the project. The Developer shall be responsible for making sure that the contractor is working from signed improvement plans, signed special provisions, signed storm water pollution prevention plan, and the approved project agreement conditions.
28. The Developer's Superintendent/Representative shall ensure that all private vehicles be either parked off-site or outside of construction areas. All vehicles, construction equipment, and construction material related to the project shall be organized in such a manner to provide emergency vehicle access to the entire project.
29. Sidewalks, within and adjacent to the construction area, shall be kept clean and remain accessible for American Disability Act compliance.
30. Storage of construction material is not allowed in the travel way.
31. The Developer and/or the Developer's Superintendent/Representative shall have a pre-construction meeting with the City prior to commencing construction of public improvements. The Developer shall notify the City of the meeting no less than two working days in advance of such meeting. Those in attendance at the meeting shall include: the City, the Developer and/or the Developer's Superintendent/Representative, the Contractor, the Design Engineer, the Developer's safety representative, the Developer's SWPPP representative.
32. No street parking will be permitted on either El Margarita Road or Spirit Way.

Prior to issuance of Grading Permit

Engineering Division

33. On proposed developments that are larger than one acre, provide evidence that a Notice of Intent has been submitted and received by the local Water Quality Control Board for a General Construction Activity Storm Water Permit. Two copies of the project Storm Water Pollution Protection Plan shall be provided to the City.
34. 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. If retaining walls are required they shall be constructed of concrete or masonry block.
35. Existing and proposed grade elevations at perimeter of the proposed land development shall be shown on the grading plans. The Engineer of Record shall designate on the plans as to where any retaining walls are required and provide details of all proposed retaining walls. The retaining wall is required where grade differences between the proposed

development and the surrounding land is greater than 6" (inches). The use of any type of wood as the retaining wall is not permitted.

36. The applicant shall submit, with the first improvement plan check, to the City for review and approval, a detailed geotechnical investigation prepared by a Civil Engineer registered in the State of California and qualified to perform geotechnical work. The grading plan shall incorporate the recommendations of the approved geotechnical investigation.
37. The Developer shall be responsible for implementing the Storm Water Pollution and Prevention Plan (SWPPP) through the use of Best Management Practices (BMP). The Developer shall be responsible for maintaining the SWPPP. The SWPPP shall conform to the provisions in Section 7-1.01G, "Water Pollution," of the Caltrans Standard Specifications for construction of streets and local roads dated May 2006, the requirements in the Manuals, and the requirements of the Permits. The Developer shall be responsible to include provisions for SWPPP requirements on the contract documents for the work under the proposed development. These provisions shall direct the successful contractor to develop a SWPPP document per the directions on the Caltrans website at <http://www.dot.ca.gov/hq/construc/stormwater/stormwater1.htm>. The Contractor shall submit the SWPPP document within the time lines set forth on the development's special provisions and allow 15 days for the City of Yuba City to review and approve or return the document for revisions. *The developer/Contractor shall not start any work until the SWPPP document has been approved by the City of Yuba City.* Should the Developer fail to ensure satisfactory compliance with the SWPPP, the City Inspector may issue a stop work order until compliance is achieved.
38. The following minimum Best Management Practices (BMPs) shall be required during construction:
 - a. Construction crews shall be instructed in preventing and minimizing pollution on the job.
 - b. Stabilize construction entrance/exit to prevent tracking onto roadway. Only one stabilized construction entrance/exit will be allowed per site. Vehicles entering and leaving construction sites spread pollutants such as sediment, gravel, and other loose particles onto adjacent roads. Pollutants are washed into roadside ditches and are a nuisance to drivers and may cause damage to vehicles.
 - c. Protect exposed slopes from erosion through preventative measures. Cover slopes to avoid contact with storm water by hydro-seeding, mulch, use of plastic sheeting or other approved means.
 - d. Use brooms and shovels when possible to maintain a clean site. Use of a hose is not recommended. Introducing water as a cleanup method adds to water pollution.
 - e. Designate a concrete washout area, as needed, to avoid wash water from concrete tools or trucks from entering storm drain systems. Maintain washout area and dispose of concrete waste on a regular basis.
 - f. Establish a vehicle storage, maintenance, and refueling area, as needed, to minimize

the spread of oil, gas, and engine fluids. Use of oil pans under stationary vehicles is strongly recommended.

- g. Protect drain inlets from receiving polluted storm water through the use of filters such as fabrics, gravel bags or straw wattles.
- h. Be prepared for rain and have the necessary materials onsite before the rainy season.
- i. Inspect all BMPs before and after each storm event. Maintain BMPs on a regular basis and replace as necessary, through the entire course of construction.
- j. Contractor is to comply with the Storm Water Pollution and Prevention Plan.

Prior to issuance of Building Permit

- 39. The driveway on El Margarita Road shall be limited to right turns only.
- 40. In conjunction with the development of Phase 1, the applicant shall be responsible to construct exclusive northbound left-turn and right-turn lanes at the State Route 20/El Margarita Road intersection.
- 41. The project's proportionate share of the following traffic signals shall be paid:
 - a. Harter Parkway/State Route 20 - \$30,072 per Harter Parkway/State Route 20 Intersection Improvement Reimbursement Agreement (October 2, 2007).
 - b. Harter Parkway/Spirit Way - \$51,000 based on 17% of \$300,000.
 - c. El Margarita Road/State Route 20 - \$20,000 based on 8% of \$250,000.
- 42. The applicant shall enter into a Deferred Improvement Agreement to construct an exclusive southbound right-turn lane at the Spirit Way/Harter Parkway intersection. Construction of the intersection is required in conjunction with Phase 2 of the development.

Prior to approval of Improvement Plans

Engineering Division

- 43. An Improvement Agreement outlining any costs (hot tap, connection fee, fair share contribution, etc.) associated with the development shall be accepted by the City prior to approval of plans.
- 44. Obtain all necessary approvals from City, State, and Federal agencies, utilities and other affected parties that are required for the project including, but not limited to, the preparation of drawings, studies, reports and permit applications, and payment of fees. Prior to City approval of improvement plans, the developer shall provide evidence, to the satisfaction of the Public Works Department, that all such obligations have been met.
- 45. An encroachment permit from the State of California Department of Transportation will be required for all work to be done within any State Highway right-of-way.

Encroachment Permit staff can be reached at (530) 741-4403. A copy of this permit must be supplied to the City prior to approval of the improvement plans.

46. Sidewalks along El Margarita Road and Spirit Way shall be detached with a landscape planter between the back of curb and face of sidewalk.
47. The contractor shall obtain an Encroachment Permit from the City prior to performing any work within public rights of way.
48. 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.
49. Improvement plans shall be approved by the Yuba City Fire Department.
50. 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.
51. All service laterals (water, sewer, irrigation, fire suppression), along with required meters, are to be shown on the civil improvement plans.
52. All domestic, landscape, and fire service lines shall have reduced pressure backflow preventers.
53. The Developer shall be responsible for preparation of a street tree and irrigation plan that is deemed acceptable by the Director of Parks and Recreation prior to entering into an Improvement Agreement with the City.
54. The fire suppression system(s) that will be servicing the property shall tie-in directly to the City water main. Hot tap fees shall apply.
55. The street landscape planters, the street trees, and street lighting are public improvements which shall meet the Parks Division Planting Standards and Yuba City Standard Details and be included in the improvement plans and specifications for the development when the improvement plans are submitted for the first improvement plan check. The plans shall reflect street tree placement so that no interference with streets, streetlights, and driveways will occur.
56. The street trees proposed by the Developer shall be a minimum of 15 gallon in size with a one-inch dbh (diameter at breast height). The tree species shall be a shade type approved by the City Arborist and the Public Works Department. Only one tree species shall be planted on any street.

57. The final improvement plans shall reflect street tree placement so that no interference with streets, streetlights, and driveways will occur to the satisfaction of the Public Works Department.
58. All landscaping shall be irrigated. The existing well may be used for irrigation purposes only. If City water is used for landscape irrigation, a separate meter shall be installed on the landscape service. More than one meter may be required. The Developer shall pay all applicable fees.
59. 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.
60. The Developer shall be required to pay any applicable Sutter County Water Agency drainage fees. The Developer shall provide the City with a copy, prior to the recordation of the final map, of the receipt indicating that the fees have been paid.
61. Required Improvement Plan Notes:
- a. "Any excess materials shall be considered the property of the contractor or owner and shall be disposed of away from the job site in accordance with applicable local, state and federal regulations."
 - b. "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)."
 - c. "Soil shall not be treated with lime or other cementitious material without prior express permission by the Public Works Department."

Prior to Certificate of Occupancy

Engineering Division

62. If sufficient rights of way do not already exist, additional rights of way and/or public utility easements shall be deeded in fee to the City of Yuba City to provide the specified one-half widths of the following indicated roads:

Spirit Way 30.0' R/W + 10.0' P.U.E.

El Margarita Road 62.0' R/W + 10.0' P.U.E.

63. With the exception of the pole located at the southeast corner of El Margarita Road and State Route 20, all existing overhead utilities (of 26,000 volts or less) and proposed utilities, both onsite and along all project frontages (El Margarita Road and Spirit Way) shall be placed underground. The undergrounding shall go from the next pole beyond the project frontage, across the frontage and then to the next pole beyond the project boundary. This does not include surface mounted transformers, pedestal mounted terminal boxes and meter cabinets. Appropriate easements shall be obtained by the Developer to facilitate these installations.
64. The curb, gutter, and sidewalk, 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. 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.
65. The Developer's Superintendent/Representative shall submit three sets of Pacific Gas and Electric approved utility plans showing joint trench locations and distribution lines.
66. Property shall participate in an Assessment District for maintenance of the streets (if public) and shall participate in City's Community Facilities District for police and fire services.
67. The property shall petition for formation of a Zone of Benefit of the Yuba City Landscaping and Lighting District for the purpose of maintaining street trees, which are to be planted along all streets, and for the purpose of maintaining the street lights. The Engineering Division shall be reimbursed for actual costs associated with the formation of the district.
68. All street lighting shall be dedicated to the City of Yuba City.
69. All street lighting shall be energized.
70. The City reserves the right to direct the Developer to hydroflush all storm drain mains and all sewer mains.
71. 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.
72. By seeding and watering, ground cover shall be reestablished as soon as possible.
(Mitigating Measure)