



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.

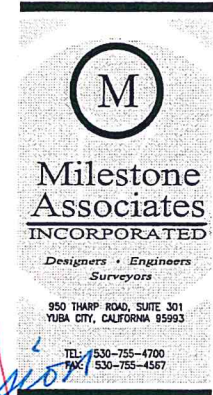
Sincerely,

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




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
INCORPORATED

*Designers • Engineers
Surveyors*

950 THARP ROAD, SUITE 301
YUBA CITY, CALIFORNIA 95993

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FAX: 530-755-4567

R. MESSNER CONSTRUCTION

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



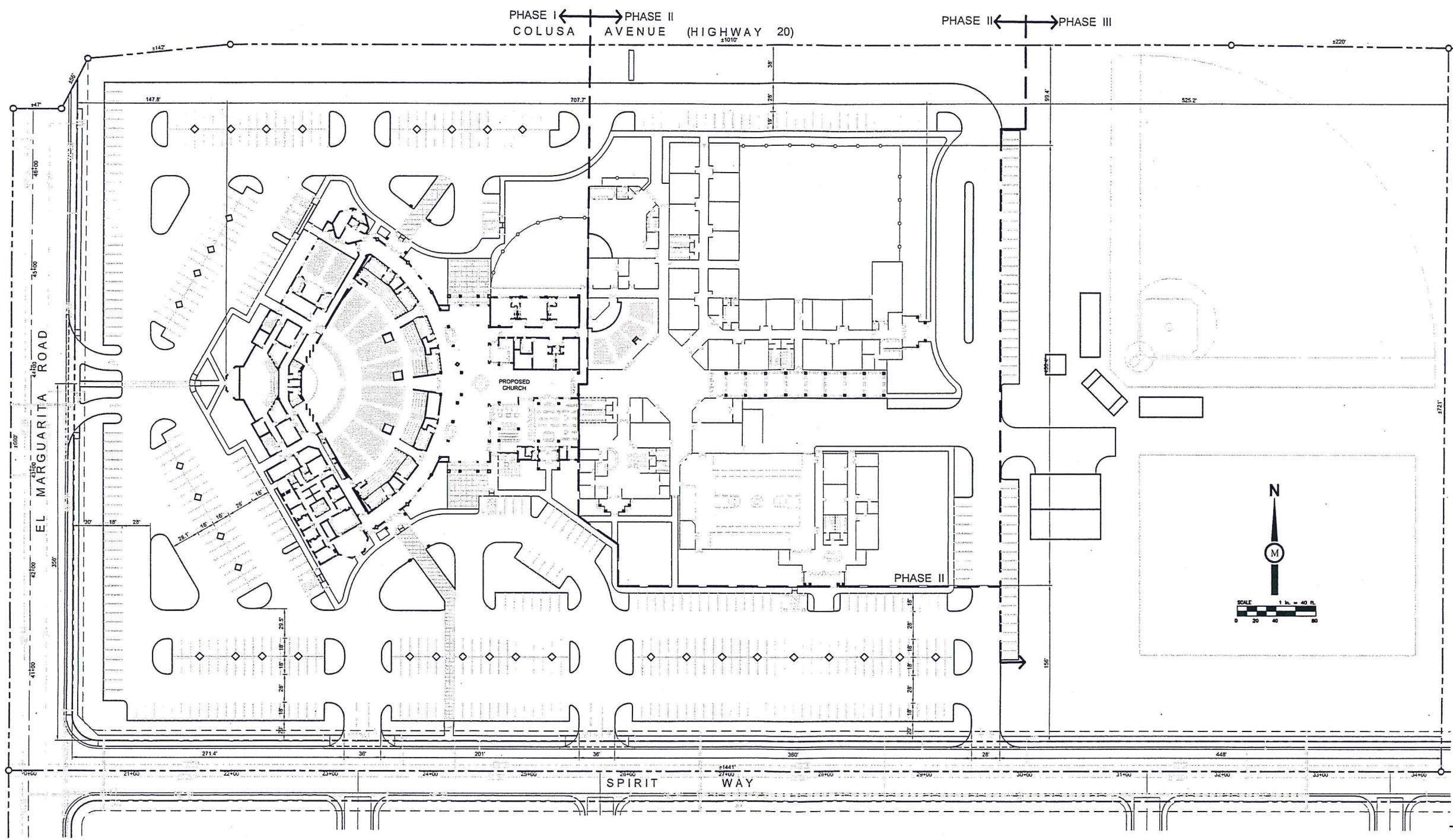
*Calvary
Christian Center*

Spirit Way
Yuba City, CA 95993
Pastor Michael Ciociola

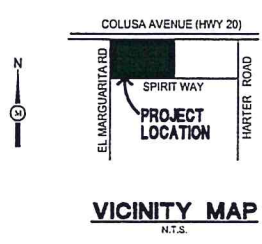
A.P.N.
63-010-090

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April 17, 2008
Job #07-620



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): 2084 SEATS / 4 SEATS = | 521 SPACES |
| ELEMENTARY SCHOOL (16,380 SF): 20 STAFF / 1 STAFF = 200 STUDENTS / 10 STUDENTS = | 20 SPACES 20 SPACES |
| BALL FIELDS: 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

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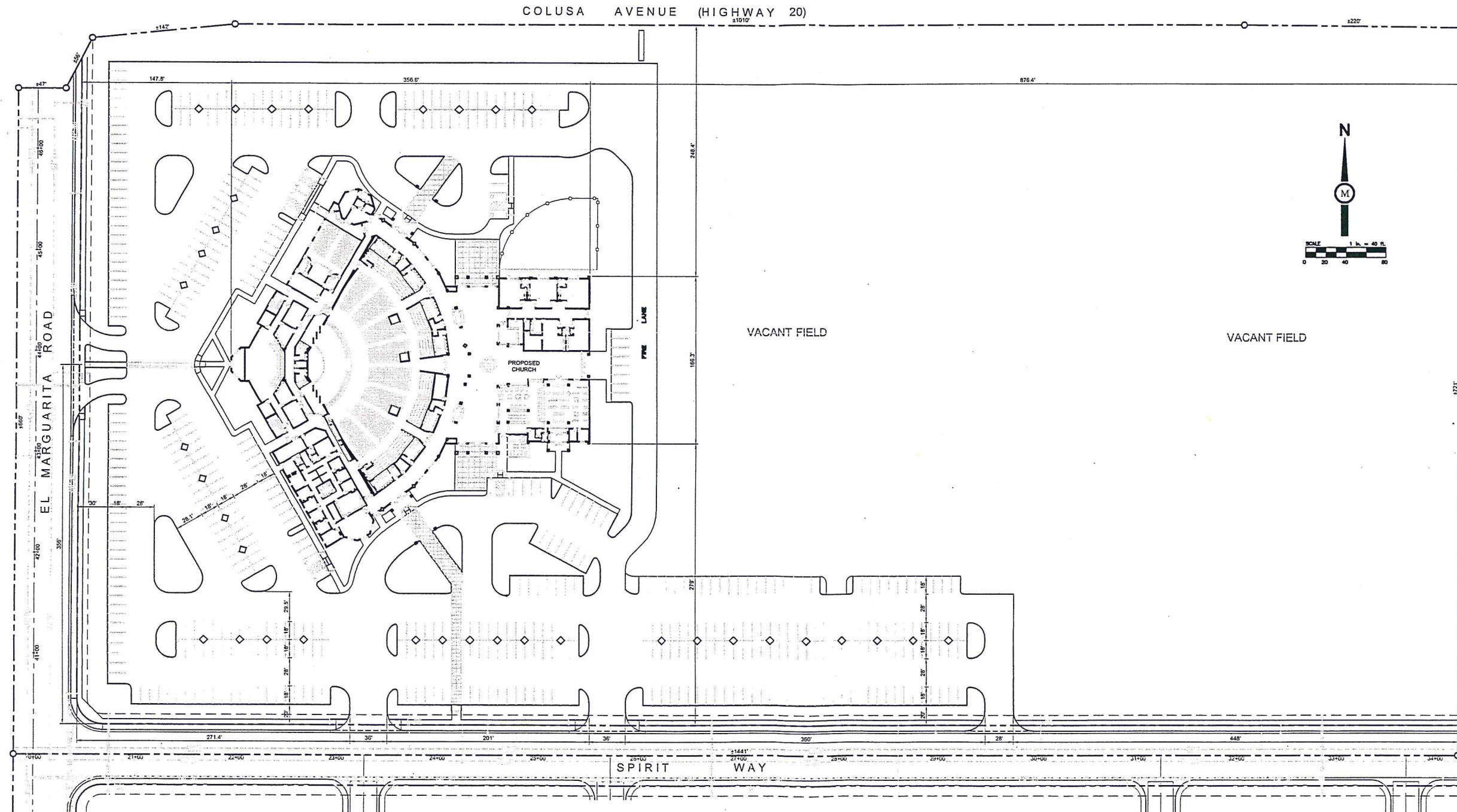
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Calvary
Christian Center
 Spirit Way
 Yuba City, CA 95993
 Pastor Michael Ciociola

A.P.N.
 63-010-090


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April 17, 2008
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SCALE: 1" = 40'



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*Calvary
Christian Center*

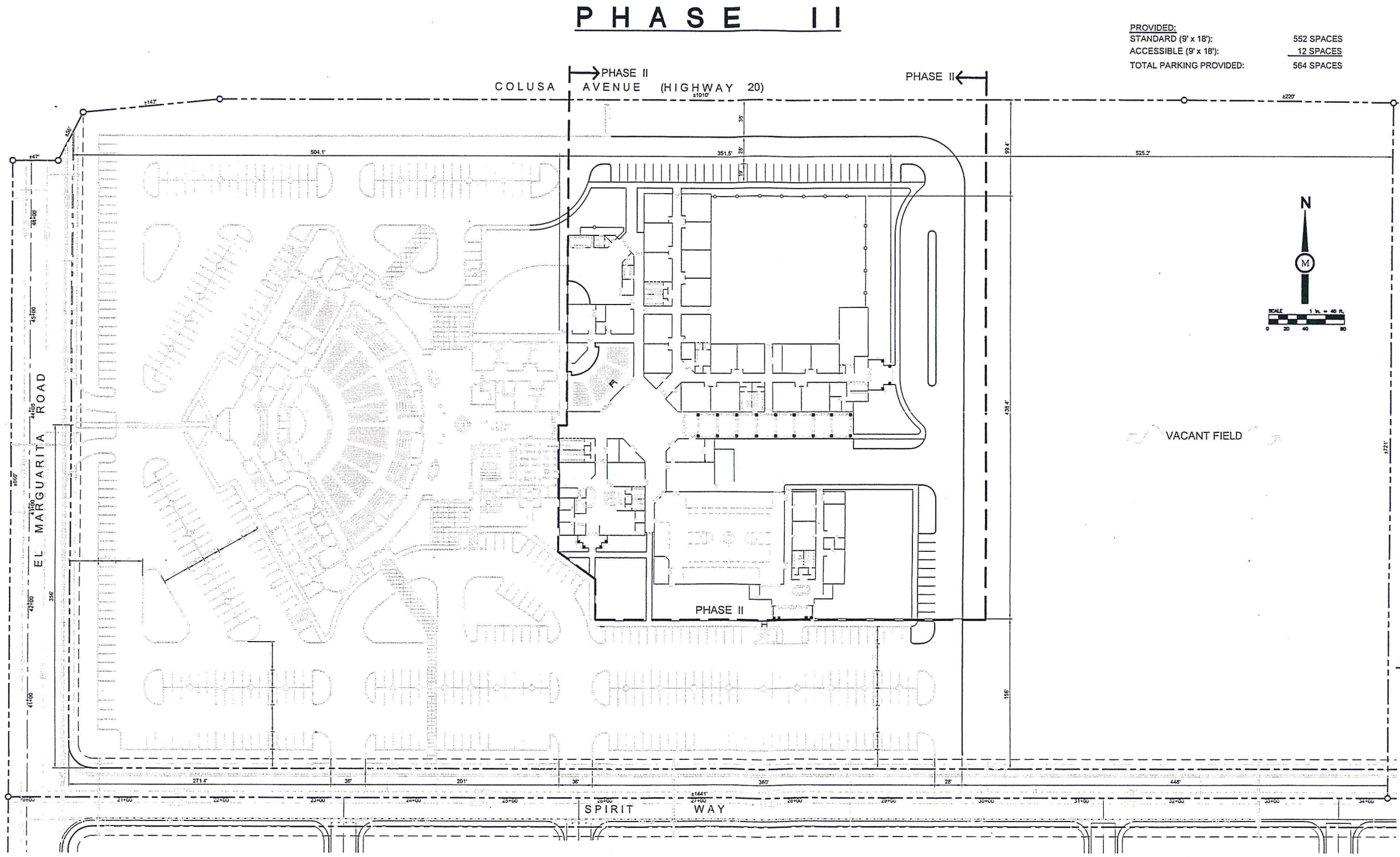
Spirit Way
Yuba City, CA 95993
Pastor Michael Ciociola

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



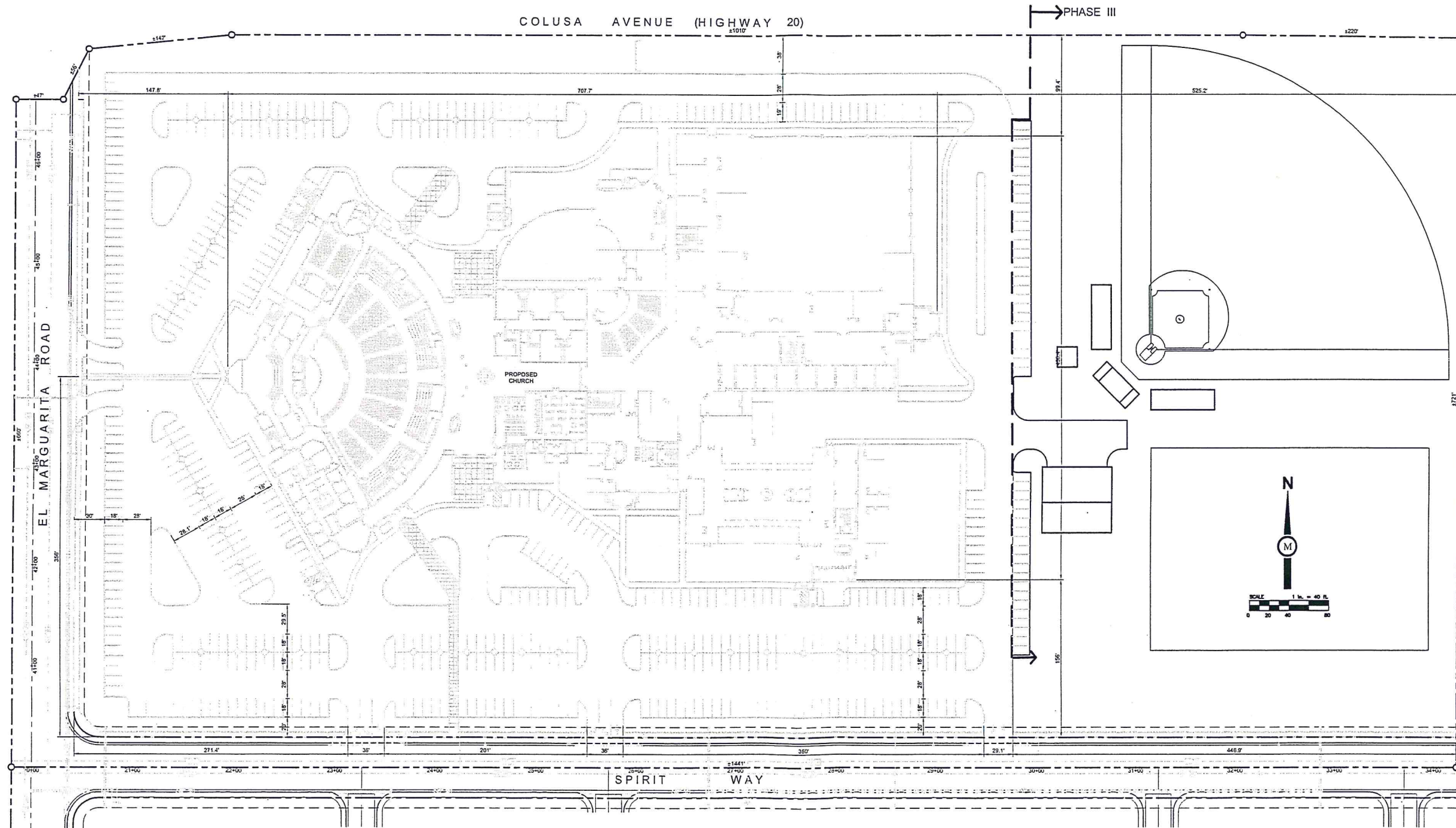
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Calvary Christian Center
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Yuba City, CA 95993
Pastor Michael Ciociola

A.P.N.
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April 17, 2008
Job #07-620



CONCEPTUAL SITE PLAN

SCALE: 1" = 40'



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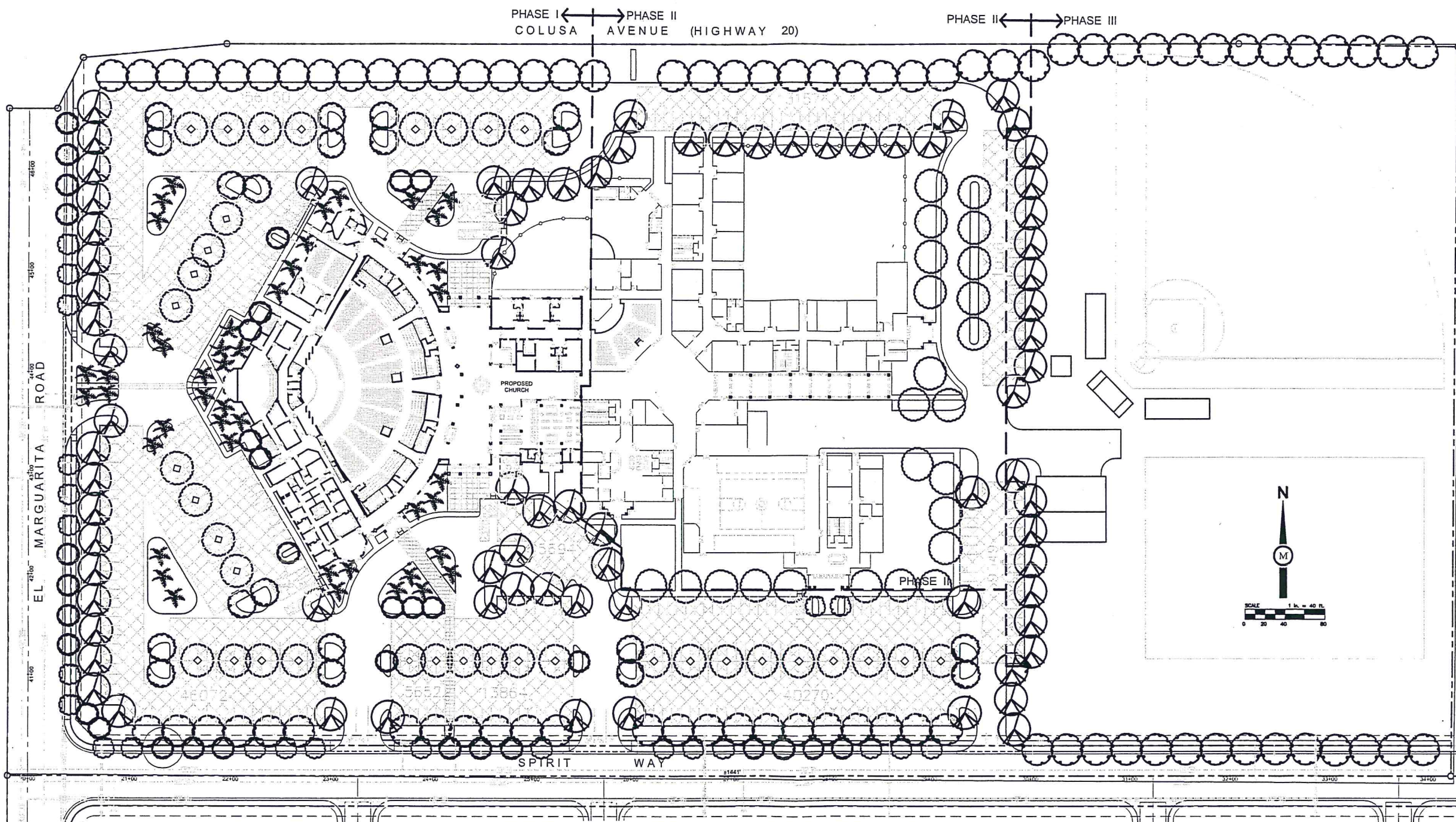




















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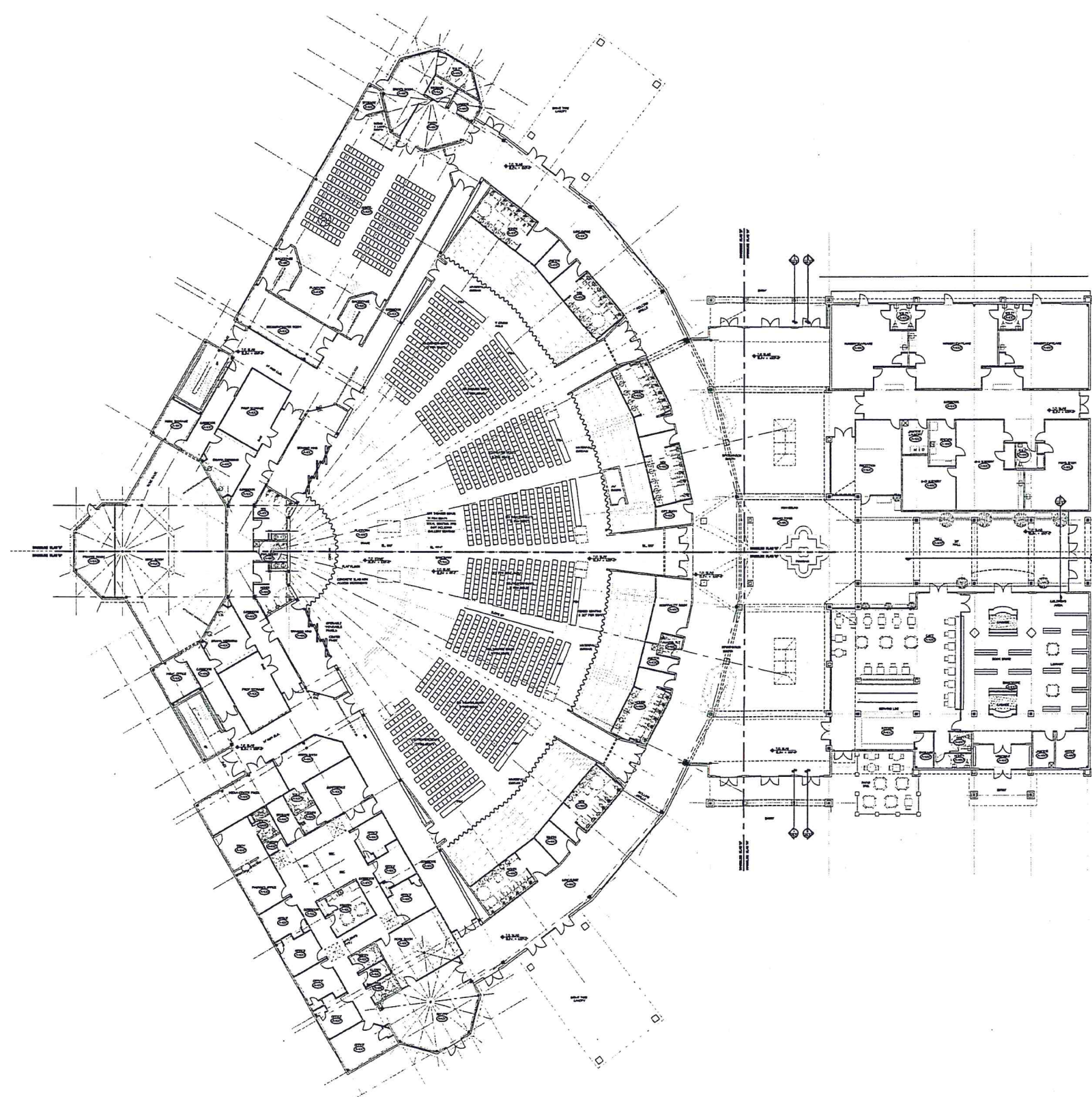
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Nece Landscape Architecture
 Karen Brummett Nece
 CA LA No. 4280
 5518 Creechway Hwy
 Orem, UT 84057
 (801) 225-8255
 (801) 225-8255 fax
 knece@necelandscape.net



| PLANTING LEGEND | | | | | | | | | | | | | | | | | |
|---|--|---------|----------|------------|--------|---|---|-------|----------|---------|--------|---|--|-------|----------|---------|--------|
| SYMBOL | TYPE | SIZE | QUANTITY | SPACING | WATER | SYMBOL | TYPE | SIZE | QUANTITY | SPACING | WATER | SYMBOL | TYPE | SIZE | QUANTITY | SPACING | WATER |
|  | TREES | | | | |  | SHRUBS | | | | |  | GROUND COVER | | | | |
|  | CELTIS OCCIDENTALIS COMMON HACKBERRY | 15 GAL | 59 | 35' OC | LOW |  | CARPENTENIA CALIFORNICA BUSH ANEMONE | 1 GAL | - | 5' OC | LOW |  | HYPERICUM CALYCEINUM 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.



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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 April 17, 2008
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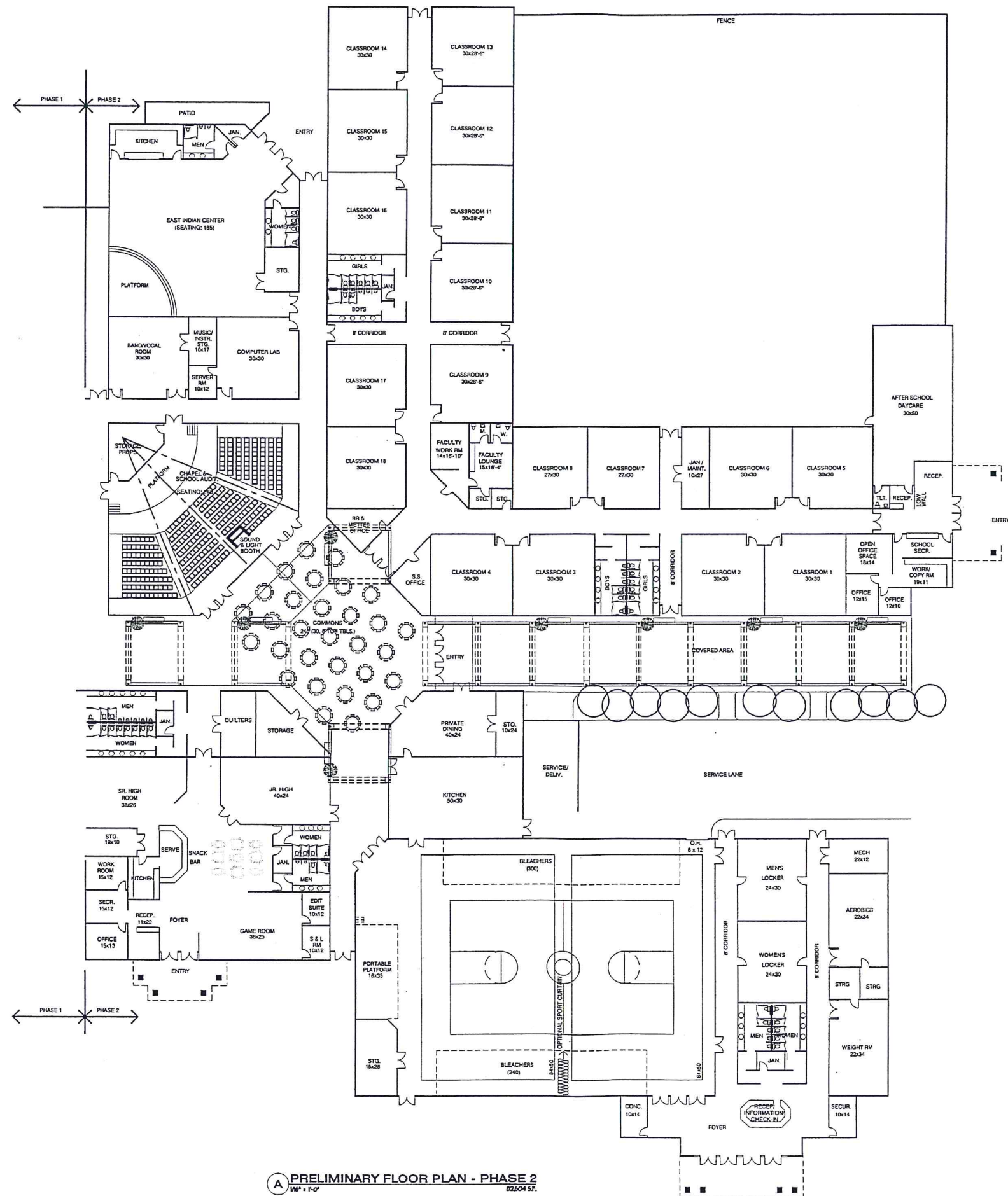
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63-010-090

April 17, 2008
Job #07-620



(A) PRELIMINARY FLOOR PLAN - PHASE 2
1/8" = 1'-0" 02.604 S.F.

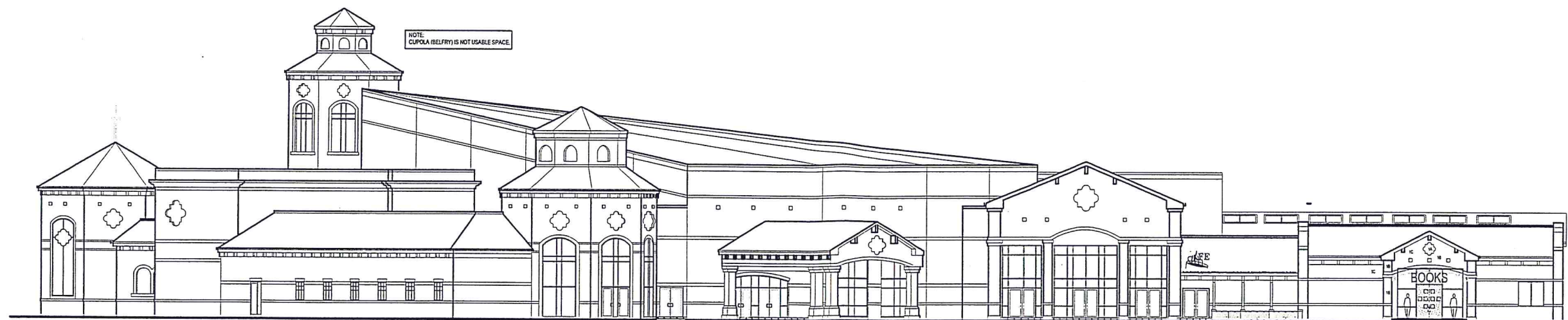
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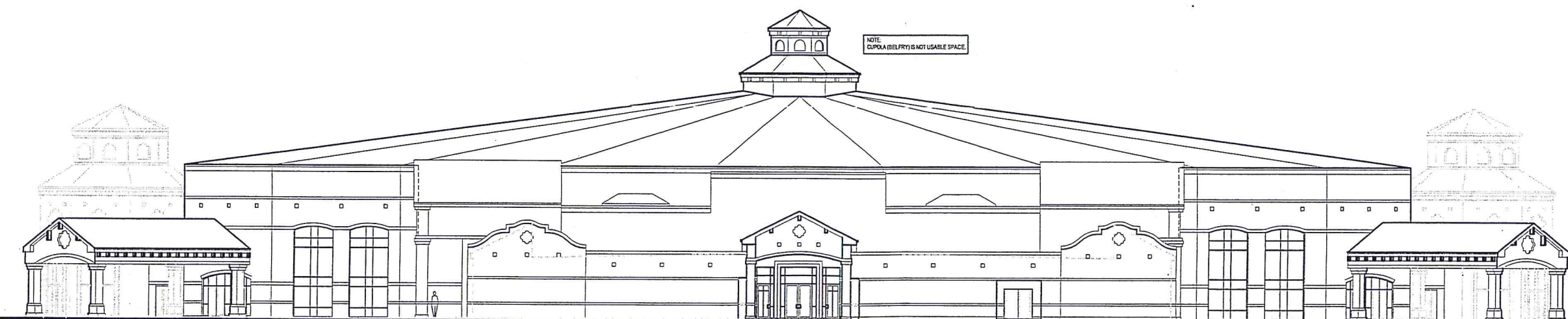
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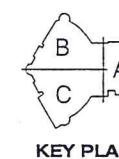
A SOUTH ELEVATION
 1/8" = 1'-0"



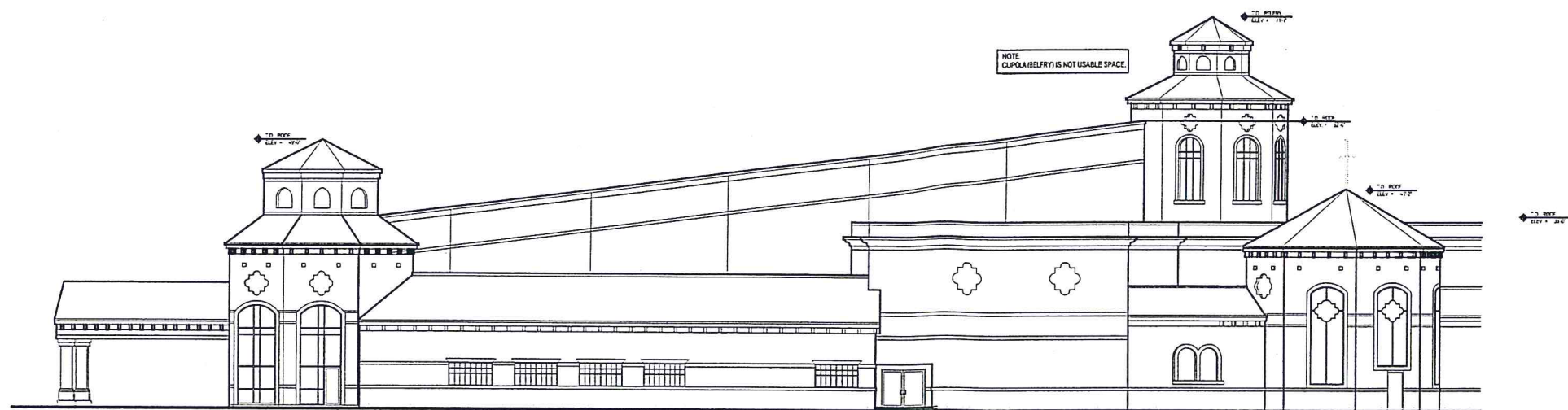
B EAST ELEVATION
 1/8" = 1'-0"



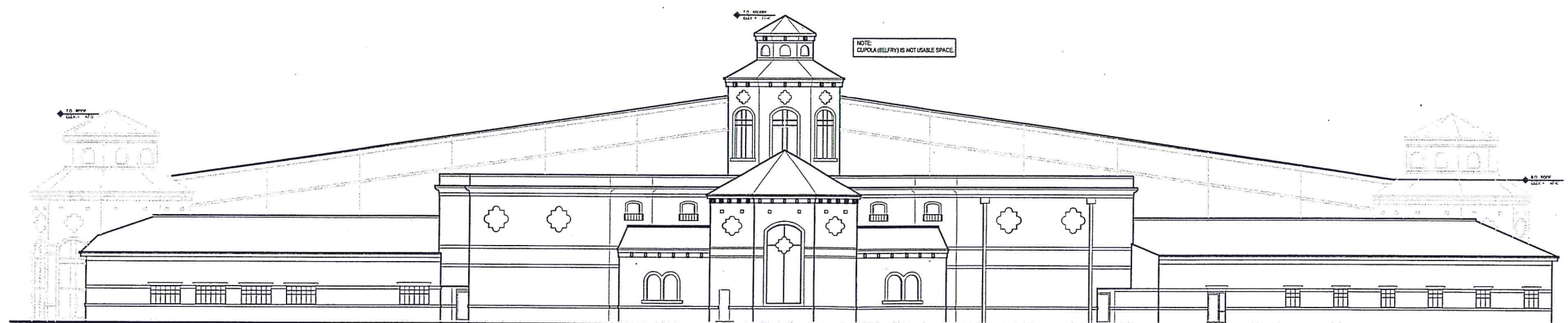
C NORTH ELEVATION
 1/8" = 1'-0"



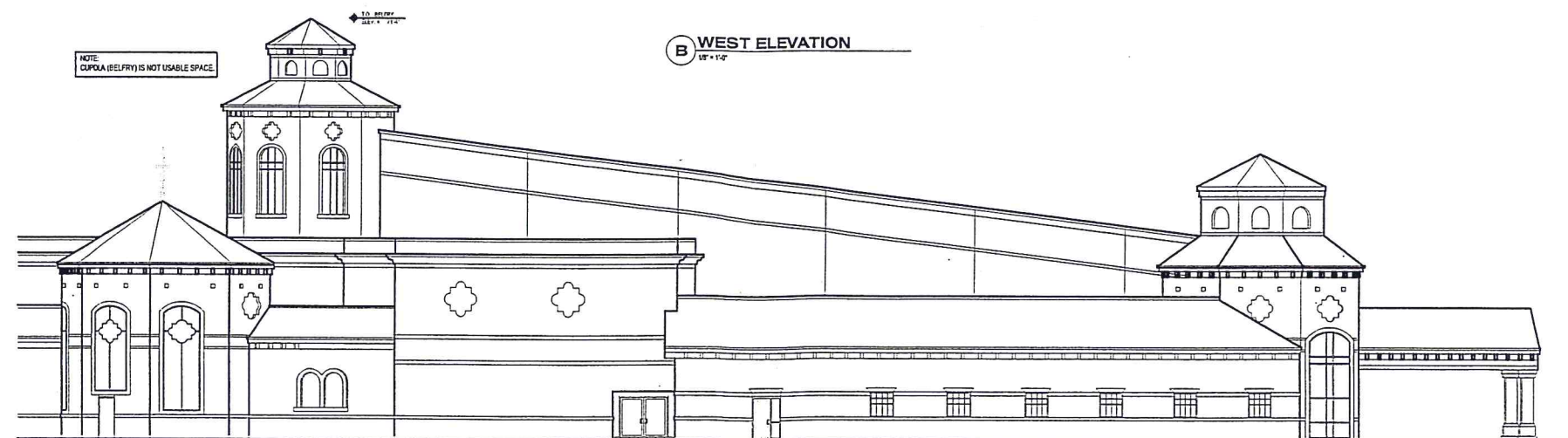
KEY PLAN



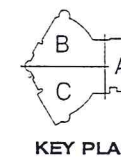
A SOUTHWEST ELEVATION
1/8" = 1'-0"



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
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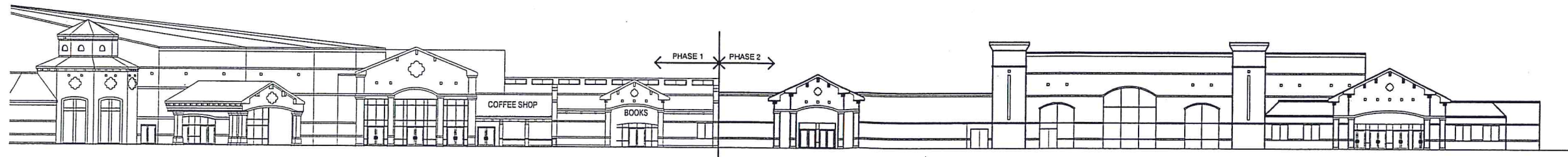
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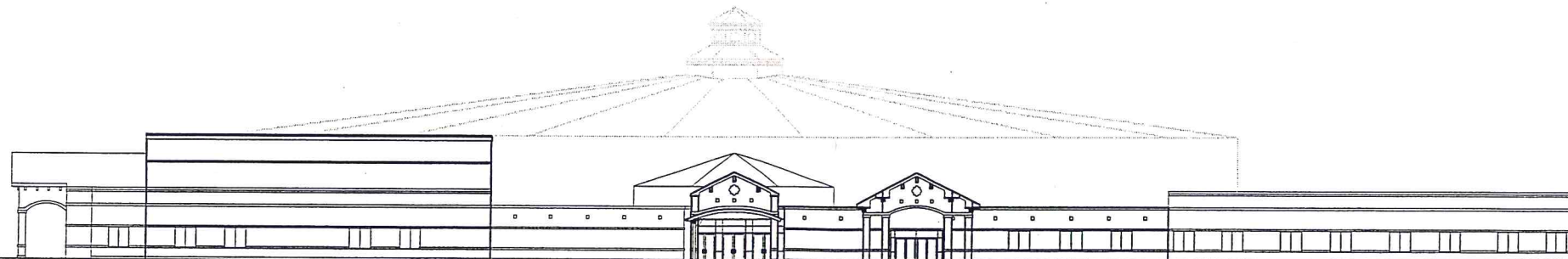
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TEL: 530-755-4700
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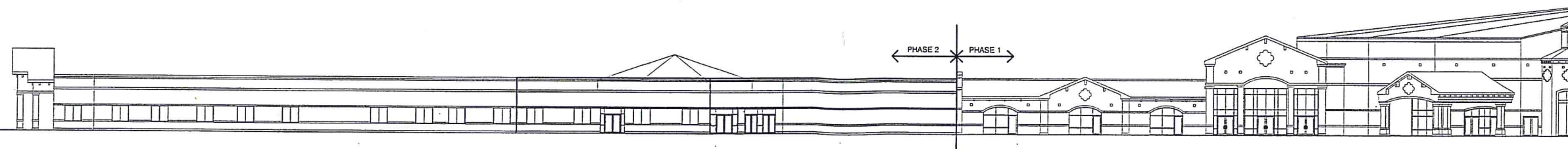
R. MESSNER CONSTRUCTION
DON KIMBLE - ARCHITECT
3122 NORTH CYPRESS, SUITE 500
WICHITA, KANSAS 67226
PH (316) 634-1332 FAX (316) 634-1418



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)