



SPECIAL NOTICE

Precautions to address COVID-19 (a.k.a. the “Coronavirus”) will apply to this meeting. See below for additional details.

JUNE 23, 2021

REGULAR MEETING OF THE PLANNING COMMISSION

The Governor has declared a State of Emergency to exist in California as a result of the threat of COVID-19 (aka the “Coronavirus”). The Governor also issued Executive Order N-25-20, which directs Californians to follow public health directives including canceling large gatherings. The Executive Order also allows local legislative bodies to hold meetings via conference calls while still meeting State transparency requirements.

The Public’s health and well-being are the top priority for the City of Yuba City and you are urged to take all appropriate health safety precautions. To facilitate this process, the meeting will be available by:

- **Web Conference:** The meeting will be conducted live over the internet by PC or Smartphone. Members of the public can join the web-based virtual meeting. (See instructions below.)
- **Email:** You can email comments to the Secretary of the Commission at **developmentsservices@yubacity.net** any time before the meeting, or before the hearing is closed on the agenda item, and your comments will be read aloud by the Secretary. Please identify the Agenda item you wish to address in your comments.

To join the web base virtual meeting please click the link to sign up for the webinar being held April 28, 2021 at 6:00pm:

https://zoom.us/webinar/register/WN_h_cc0l0jTQCHbbiP1GwKQg

or visit **www.zoom.us** and enter in the Meeting ID: **916 8314 2786**

You will need to register for the teleconference. Once registered, a confirmation email with information on how to join the webinar will be sent to you and with audio instructions.

Questions or Comments? Please email: **developmentsservices@yubacity.net**



AGENDA

WEDNESDAY, JUNE 23, 2021

REGULAR MEETING PLANNING COMMISSION CITY OF YUBA CITY

6:00 P.M. – REGULAR MEETING

CHAIRWOMAN	• Michele Blake
VICE CHAIRWOMAN	• Jackie Sillman
COMMISSIONER	• John Shaffer
COMMISSIONER	• Lorie Adams
COMMISSIONER	• Stacy Brookman
COMMISSIONER	• Bhavin Singh Dale
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
JUNE 23, 2021
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:

_____ Michele Blake
_____ Jackie Sillman
_____ John Shaffer
_____ Lorie Adams
_____ Stacy Brookman
_____ Bhavin Singh Dale
_____ 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.

3. Agenda Modifications

Approval of Minutes

4. Minutes from May 26, 2021

Business Item

5. Consideration of an 18-month time extension for Tentative Subdivision Map (SM 19-03)

Recommendation: Approve an 18-month extension of time for Tentative Subdivision Map SM 19-03 pursuant to City Municipal Code Section 8-2.610, resulting in a new expiration date of December 26, 2022.

Public Hearing Item

6. Consideration of Rezone (RZ 21-01), changing from R-2 to R-3 zoning located at 1821 Butte House Road, APN 59-020-018.

Recommendation: Item pulled from consideration based on need for further evaluation. No staff report provided at this time.

7. Outdoor Dining Ordinance Adoption

Recommendation: A. Initiate Outdoor Dining Ordinance Adoption

B. Conduct a public hearing, and then

C. Adopt a Resolution recommending the City Council of the City of Yuba City adopt an Ordinance of the City Council of the City of Yuba City updating the Yuba City Municipal Code to allow for continued use of Outdoor Dining by adding Article 49, Chapter 5 of Title 8, and amending Section 8-5.6102 of Article 61 of Chapter 5 of Title 8, of the Yuba City Municipal Code.

Future Agenda Items

Development Services Director Report

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

Adjournment

Persons dissatisfied with any decision of the Planning Commission may appeal such action to the City Council. Appeals, accompanied by a fee of \$775.74, 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
MAY 26, 2021**

6:00 P.M. – REGULAR MEETING

Link to Planning Commission meeting:

<https://www.youtube.com/watch?v=PI4H4aGfDIE>

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 ww.yubacity.net, subject to staff's availability to post the documents before the meeting.

The Planning Commission meeting began following a Housing Element / General Plan Study Session with the Planning Commission.

Call to Order

Vice Chairwoman Sillman called the meeting to order at 6:00 pm.

Roll Call

Commissioners in Attendance:

Vice Chairwoman Jackie Sillman
Commissioner John Shaffer
Commissioner Stacy Brookman
Commissioner Richard Doscher (Sutter County Representative)

Commissioners Absent:

Chairwoman Michele Blake
Commissioner Lorie Adams
Commissioner Bhavin Singh Dale

The Pledge of Allegiance was led by Commissioner Shaffer.

Public Communication

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

1. Written Requests

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

There were no written requests received.

2. Appearances of Interested Citizens

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

There were no public comments.

3. Agenda Modifications/Approval of Agenda

No agenda modifications were made.

Vice Chairwoman Sillman requested approval of the agenda:

Motion by: Commissioner Doscher

Second by: Commissioner Shaffer

Vote: The vote passed 4-0

Approval of Minutes

4. Minutes from March 24, 2021

Vice Chairwoman Sillman requested approval of the minutes:

Motion by: Commissioner Shaffer

Second by: Commissioner Brookman

Vote: The vote passed 4-0

Business Item

5. Yuba City Capital Improvement Project Budget 2021-2026.

Recommendation: Find that the projects list in the Fiscal Year 2021-2026 Yuba City Capital Improvement Project Budget is consistent with the Yuba City General Plan and forward findings to the City Council.

Item was called and staff made a presentation, followed by questions from the Commissioners to staff.

Commissioner Shaffer asked about the Bridge Street widening project. Staff explained that all real estate associated with this project has been acquired and in addition to a \$2.5 million grant it will be funded partially by registration fees.

Commissioner Shaffer then asked about the funding for the Yuba City Police Department Evidence Storage area. He enquired as to if any of this funding will go towards trainings (ie. active shooter trainings). Staff mentioned that there is funding for these types of trainings, but not from the Capital Improvements Projects Budget.

Vice Chairwoman Sillman asked about the design of the Bridge Street project. She wanted to confirm that the road would have a median, plantings, sidewalks, etc. so that it doesn't look/feel like a freeway. Staff ensured her that the plan is to continue Bridge Street (from Gray to Cooper) in a very similar manner to the roadway to the east.

Motion by: Commissioner Doscher

Second by: Commissioner Brookman

Vote: The vote passed 4-0

Future Agenda Items

Benjamin Moody provided the following potential agenda items for the upcoming Planning Commission meetings:

- June 9, 2021 – tentatively plan to cancel this meeting
- June 23, 2021 items:
 - Rezone on Butte House Road
 - Tentative Subdivision Map19-03 Extension (off of Bridge/Walton)
 - Outdoor Dining Policy

Development Services Director Reports

No report provided.

Report of Actions of the Planning Commission/Sutter County Update

Commissioner Doscher explained that there hasn't been a Sutter County Planning Commission meeting since the last Yuba City Planning Commission meeting. Their next scheduled Sutter County Planning Commission meeting is June 16, 2021.

Adjournment

Vice Chairwoman Sillman adjourned the meeting at 6:23 pm.



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

Date: June 23, 2021
To: Chairwoman and Members of the Planning Commission
From: Development Services Department
Presentation by: Ashley Potočník, Assistant Planner

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

Recommendation: Approve an 18-month extension of time for Tentative Subdivision Map SM 19-03 pursuant to City Municipal Code Section 8-2.610, resulting in a new expiration date of December 26, 2022.

Applicant/Owner: George L. Musallam / Parm Bains

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

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

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

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

Purpose:

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

Background:

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

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

“Approval of TSM 19-03 shall be null and void without further action if either the subdivision has not been recorded within two years of the approval date of TSM 19-03 or that a request for an extension of time, pursuant to Section 66452.6 and as amended, of the California Subdivision Map Act, has been submitted to the City prior to the map’s expiration date.”

The Yuba City Municipal Code Section 8-2.610 is compliant with the Map Act and therefore, the time extension can be approved. On May 20, 2021, the applicant filed a request for an 18-month time extension to allow for completion of the project final map.

Analysis:

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

Any subsequent time extension request must comply with the provisions of the Subdivision Map Act and the City’s Municipal Code.

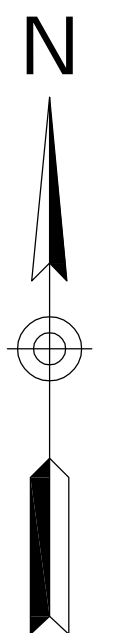
Recommended Action:

Approve an 18-month extension of time for Tentative Subdivision Map SM 19-03 pursuant to City Municipal Code Section 8-2.610, resulting in a new expiration date of December 26, 2022.

Attachments:

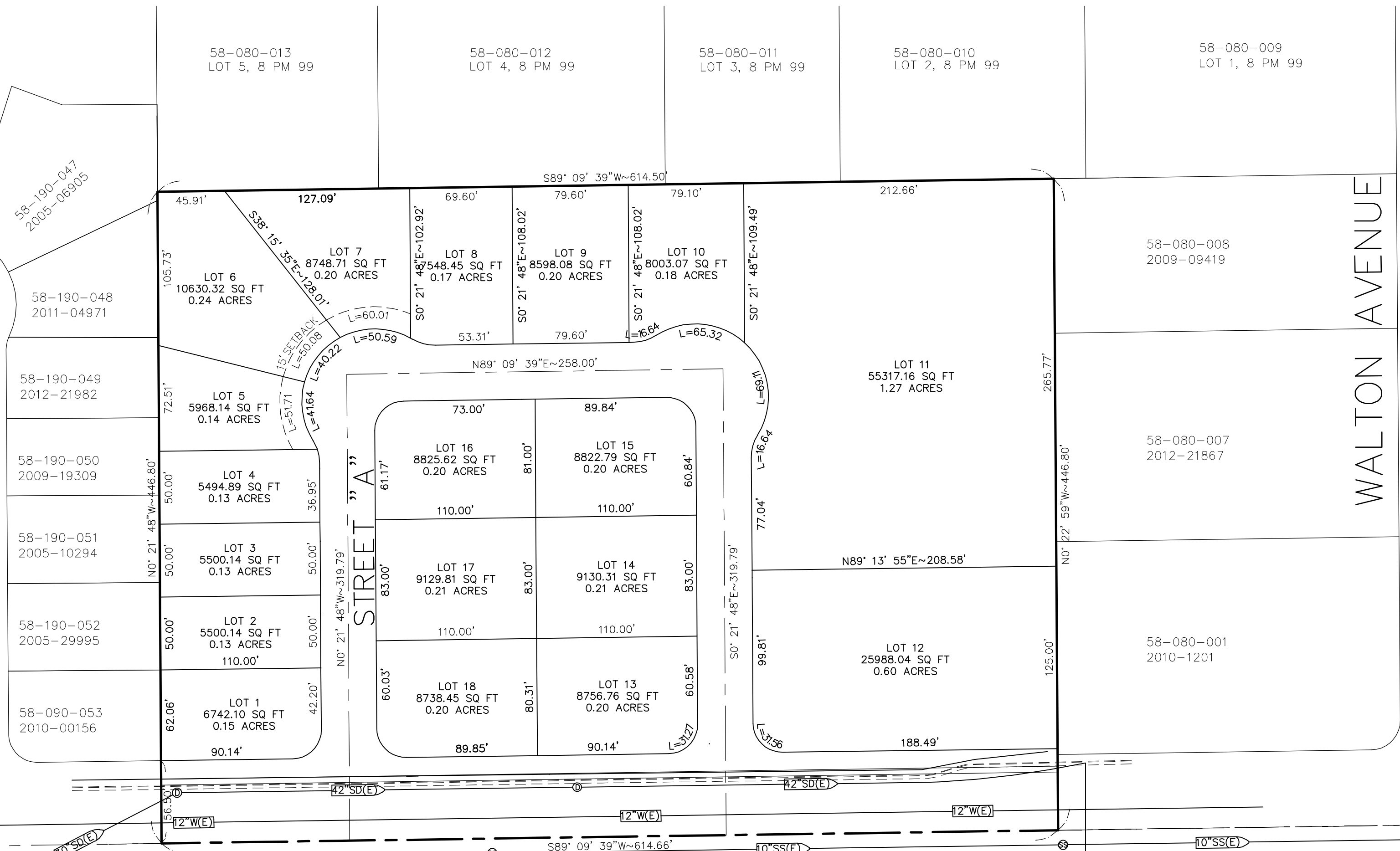
1. Subdivision Map 19-03
2. Time Extension Request Letter
3. Original Planning Commission Staff Report, *June 26, 2019*

ATTACHMENT 1



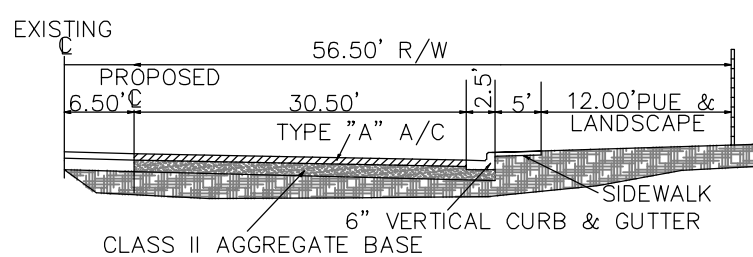
1"=60'

WILLOWBROOK DR.

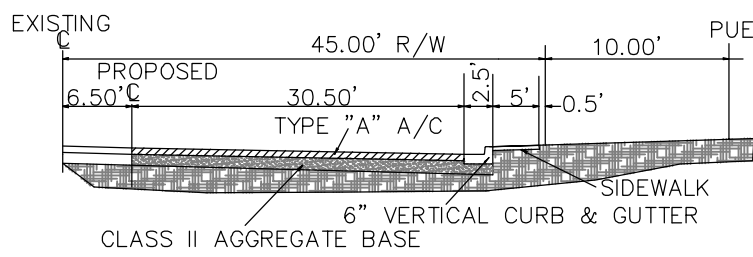
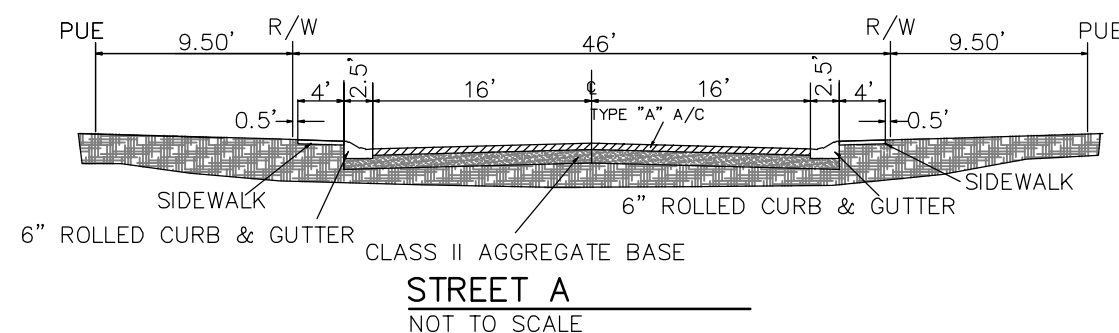


LEGEND

- EXISTING SEWER PIPE
- EXISTING WATER PIPE
- EXISTING STORM DRAIN PIPE
- EXISTING GAS PIPE
- EXISTING CURB AND GUTTER



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



BRIDGE STREET IN FRONT OF LOT 12
NOT TO SCALE

APPLICANT

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

OWNER

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

ENGINEER

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

GENERAL NOTES

WATER
EXISTING: YUBA CITY

SEWER
EXISTING: YUBA CITY

STORM DRAIN
EXISTING: YUBA CITY

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

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

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

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

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

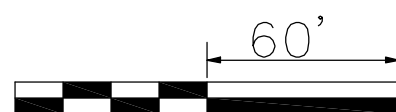
LOT DIMENSIONS
LOT AND BOUNDARY DIMENSIONS ARE APPROXIMATE
AND SUBJECT TO REVISION WITH THE FILING
OF THE FINAL MAP.

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

TENTATIVE SUBDIVISION MAP NO. -- BAINS/DHADLI SUBDIVISION

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

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



ATTACHMENT 2

Parm Bains
4142 Highway 99
Yuba City, CA 95991
(530) 218-0700

May 18, 2021

City of Yuba City
Development Services Department
1201 Civic Center Boulevard
Yuba City, CA 95993

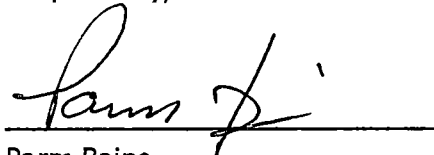
RE: Tentative Subdivision Map (TSM) 19-03

Gentlemen:

I am respectfully asking that your department process an extension of the expiration date of the referenced map. Enclosed please find a check for \$375.12 to cover your fees for processing the extension request.

Your assistance in this matter is greatly appreciated.

Respectfully,


Parm Bains

ATTACHMENT 3



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

Date: June 26, 2019

To: Chair and Members of the Planning Commission

From: Development Services Department

Presentation By: Vicrim Chima, Planning Manager

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

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

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

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

Project Proposal:

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

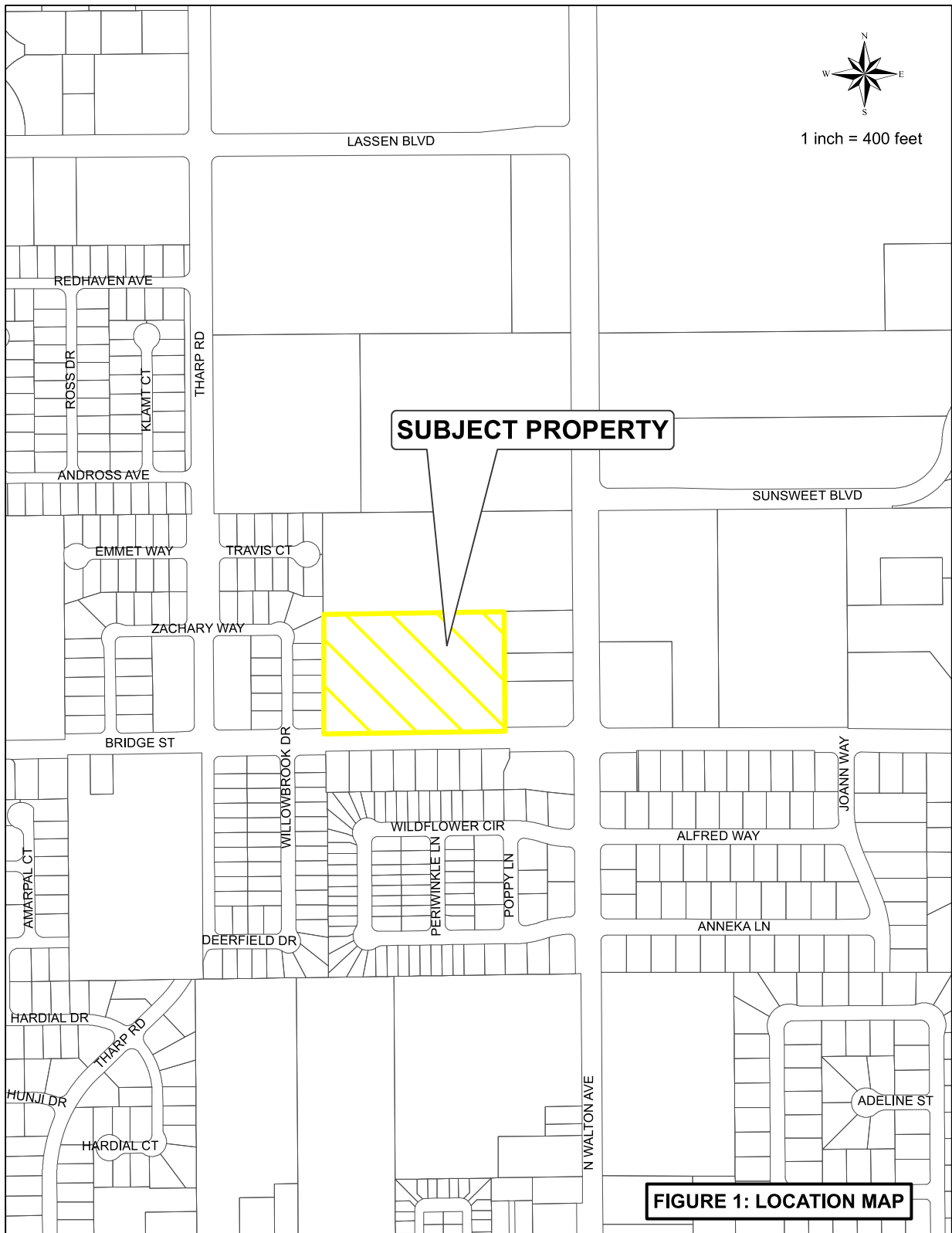
Background:

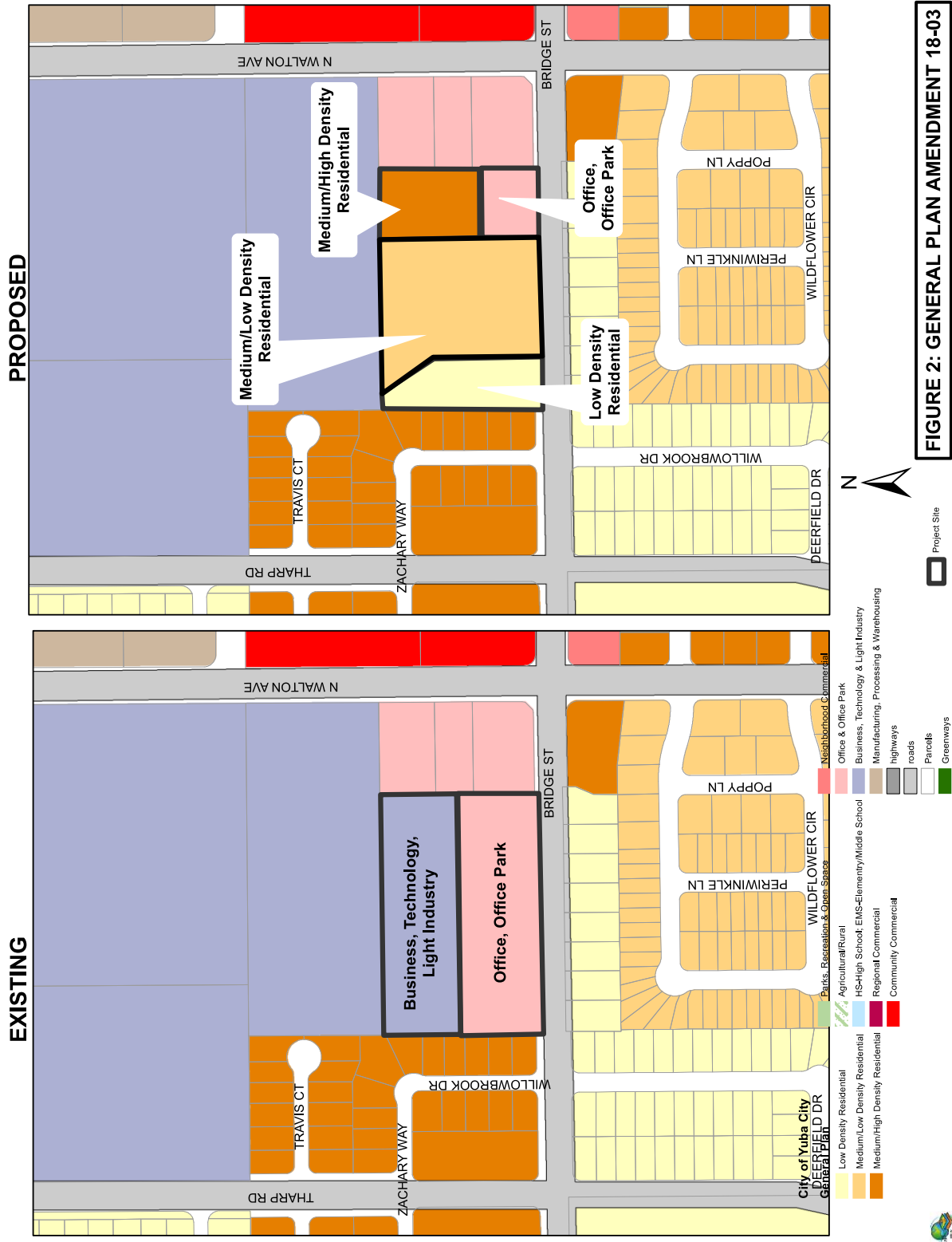
The vacant 5.73-acre property is surrounded by a variety of uses, which include single-family residences to the west, light industrial uses to the north, and a bank and office type uses to the east. It fronts on Bridge Street, which is a significant arterial in the City, and there are single-family residences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

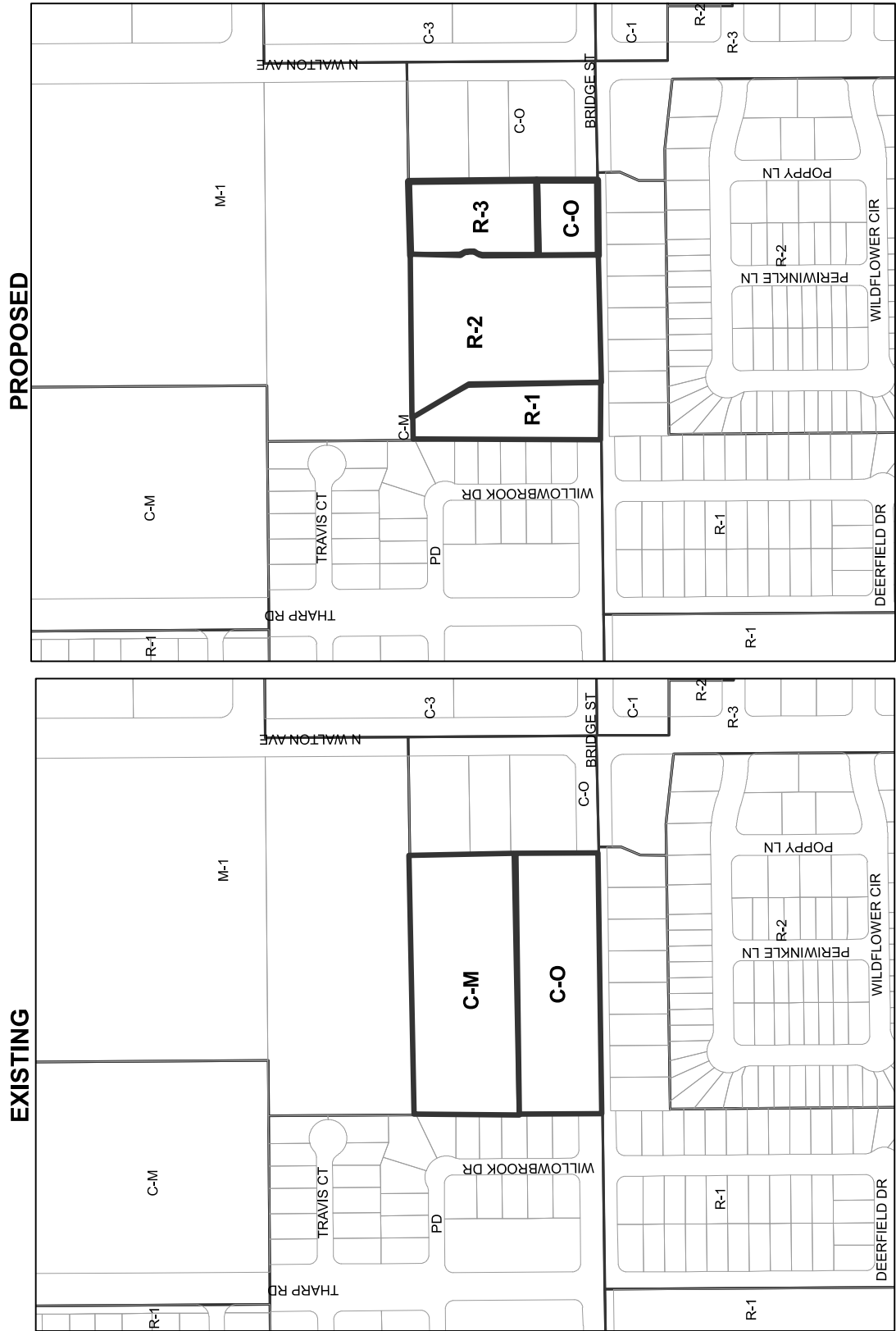
Planning Commission

June 26, 2019

Page 2







City of Yuba City
☐ Zoning
☐ Project Site
☐ Parcels

FIGURE 3: REZONING 18-02



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

Access and Public Improvements:

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

Property Description:

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

Bordering Uses:

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

General Plan Land Use Designations:

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

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

Zoning:

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

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

Previous Commission/Council Actions:

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

Staff Comments:

Compatibility with neighboring uses

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

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

Traffic and Circulation:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Availability of City Services:

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

Environmental Determination:

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

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

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

Recommended Action:

A. Adopt the following findings:

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

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

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

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

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

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

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

development standards and be consistent with the General Plan.

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

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

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

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

e. That the design of the subdivision map or likely improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat:

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

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

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

g. That the design of the subdivision map or the type of improvements will conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision:

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

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

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

Attachments:

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

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

Conditions of Approval

General

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

Expiration and Development Impact Fees

4. Approval of TSM 19-03 shall be null and void without further action if either the subdivision has not been recorded within two years of the approval date of TSM 19-03 or that a request for an extension of time, pursuant to Section 66452.6 and as amended, of the California Subdivision Map Act, has been submitted to the City prior to the map's expiration date.
5. Development Impact Fees. Impact fees shall be paid pursuant to the YCMC.

Planning Division

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

Public Works Department

General

9. To help contain fugitive dust, construction sites shall be watered down during the construction phase of the project or as directed by the Public Works Department.
10. Paved streets shall be swept frequently (water sweeper with reclaimed water recommended; wet broom) if soil material has been carried onto adjacent paved, public thoroughfares from the project site.
11. The Developer, at their expense, shall be solely responsible for all quality control associated with the project. The quality control shall include, but is not limited to, the following: survey work, potholing existing utilities, all geotechnical testing, soil reports, concrete testing, asphalt testing, and any other required special testing/inspections. The City will only perform necessary testing to insure compliance.
12. Storage of construction material is not allowed in the travel way.
13. The Developer shall prepare and submit improvement plans for the construction of all public improvements including water, sanitary sewer, storm drain facilities, roadway improvements, curbs, gutters, sidewalks, parkway strips, signing, striping and streetlights.

Prior to issuance of Grading Permit

14. The improvement plans for the development of the subject property shall include all measures required to ensure that no drainage runoff resulting from the development of the property flow onto the adjacent residential or agricultural lands or impede the drainage from those properties. The rear yards and/or side yards of the lots that are created by this subdivision that are adjacent to existing residential development shall have the same finish grade elevation as those lots within tolerances as approved by the Public Works Department. If retaining walls are required, they shall be constructed of concrete or masonry block.

Prior to approval of Improvement Plans

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

17. A tunnel permit from the State Division of Occupational Safety and Health; Mining and Tunneling Unit will be required. A copy of this permit must be supplied to the City prior to approval of the improvement plans.
18. Where an excavation for a trench and/or structure is 5 feet deep or more, the contractor shall conform to O.S.H.A. requirements. The contractor shall provide a copy of the approved O.S.H.A. permit, and shoring details and calculations prepared by California licensed structural engineer to the Public Works Department.
19. Bridge Street shall be widened to a typical half-width (centerline to back of curb). Right-of-way shall be dedicated together with a 12.0-foot PUE behind the right-of-way. Frontage improvements shall include street section, curb, gutter, and a 5.0-foot wide attached sidewalk.
20. Street "A" shall be constructed to a width of 37.0 feet back of curb to back of curb with parking permitted on both sides. Right-of-way shall be dedicated to a width of 38.0 feet together with a 19.5-foot PUE behind the right-of-way. Construction shall include street section, curbs, gutters, 4.0-foot wide detached sidewalk, street trees and street lights, except as otherwise shown on the tentative map and approved by the Public Works Department.
21. The structural section of all road improvements shall be designed using a geotechnical investigation which provides the basement soils R-value and expansion pressure test results. The structural section shall be designed to the following standards:
 - a. Use 3" minimum for residential, 4" minimum for collectors and 5" minimum for arterials, of 'Type A' asphaltic concrete over Class 2 aggregate base (the thickness of the base shall be designed to the R-value of the soil):
 - b. Use a traffic index of 6 for residential streets,
 - c. Use a traffic index of 7 for collector streets,
 - d. Use a traffic index of 10 for arterial streets,A copy of the geotechnical investigation, including R-value, test locations and structural section calculations, shall also be submitted with the first improvement plan check.
22. Striping, pavement markings and traffic signage shall be provided on all streets as necessary and as required by the Public Works Department. Signage restricting parking and red painted curbing shall be installed where appropriate. Speed limit signs shall be installed at locations determined by the Public Works Department.
23. The Developer shall submit to Sutter County a drainage plan for any drainage improvements that utilize County facilities for approval by Sutter County Public Works Director.
24. The Improvement Plans shall show provisions for the placement of centralized mail delivery units in the Public Utility Easement (P.U.E.). Developers will provide a concrete base for placement of the centralized mail delivery unit. Specifications and location of such base shall be determined pursuant to the applicable requirements of the Postal Service and the Yuba City Public Works Department, with due consideration for street light location, traffic safety, security and consumer convenience.

25. As required by Section 8-5.5904(b)(4) of the Zoning Regulations, prior to recordation of the final map, a solid 6.0-foot high masonry block wall shall be constructed along the following locations (as locations are shown on the tentative map dated June 5, 2019):
 - a. Along the northerly property line of Lots 7, 8, 9, 10, and 11; and
 - b. Along the easterly and southerly line of Lot 11; and
 - c. Between Lot 11 and Lot 12.
26. A solid 6.0-foot high decorative (as approved by the Development Services Director) masonry block wall with pilasters located no more than 50 feet apart, shall be constructed along the southerly line of Lots 1, 13, 18. At the entrances to the subdivision, the block wall shall be "stepped down" in a decorative manner that is acceptable to the Public Works Director.
27. Required Improvement Plan Notes:
 - a. "Any excess materials shall be considered the property of the contractor/owner and shall be disposed of away from the job site in accordance with applicable local, state and federal regulations."
 - b. "During construction, the Contractor shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and roadways. The Contractor shall be responsible for all construction equipment to be equipped with manufacturers approved muffler baffles. Failure to do so may result in the issuance of an order to stop work."
 - c. "If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Sutter County Environmental Health Department, the Fire Department, the Police Department, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies."
 - d. "The Contractor(s) shall be required to maintain traffic flow on affected roadways during non-working hours, and to minimize traffic restriction during construction. The Contractor shall be required to follow traffic safety measures in accordance with the CalTrans "Manual of Traffic Safety Controls for Construction and Maintenance Work Zones." The City of Yuba City emergency service providers shall be notified, at least two working days in advance, of proposed construction scheduled by the contractor(s)."
 - e. "Soil shall not be treated with lime or other cementitious material without prior express permission by the Public Works Department."

Prior to acceptance of Public Improvements

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

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

Prior to Final Map Recordation

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

Prior to Building Permit

37. The Developer's Superintendent/Representative shall submit three sets of Pacific Gas and Electric approved utility plans showing joint trench locations and distribution lines prior to issuance of first building permit.
38. The applicant shall be required to pay all applicable Sutter County Water Agency connection fees and maintenance and operation fees. Fees are payable at the Sutter County Development Services Counter located at 1130 Civic Center Blvd.
39. The Developer shall enter into an agreement with Sutter County providing the following:
Participation in a zone of benefit, drainage district, agency, service area or any other public entity for the financing of construction and maintenance of a drainage system. In addition to the special assessment district or public entity referred to immediately above, the agreement shall contemplate the imposition by the district or public entity of any legally available fee, assessment or other financing mechanism to facilitate the construction and maintenance of a drainage system.
40. All street lighting shall be energized prior to the issuance of any building permits.

Prior to Certificate of Occupancy

41. The curb, gutter, sidewalk, and lot drainage shall be inspected and approved by the City. Any curb, gutter and sidewalk which is not in accord with City standards or is damaged before or during construction, shall be replaced. All sidewalks along the City right-of-way shall be free of any non-control joint cracking. In addition, any concrete with cracks, chips, blemishes, and spalling greater than an inch in diameter shall be replaced from control joint to control joint.
42. Prior to the issuance of a certificate of occupancy, all reduced pressure backflow preventers shall be tested and a back-flow preventer certification performed by an AWWA licensed tester shall be submitted to the Public Works Department.
43. Prior to issuance of any certificate of occupancy, all underground utilities, public improvements, and site improvements, including rough grading, shall be completed.

Mitigation Measures

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

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

Cultural Resources Mitigation 3: Should artifacts or unusual amounts of bone or shell be uncovered during demolition or construction activity, all work shall be stopped and a qualified archeologist shall be contacted for on-site consultation. Avoidance measures or appropriate mitigation shall be completed according to CEQA guidelines. The State Office of Historic Preservation has issued recommendations for the preparation of Archeological Resource Management Reports, which shall be used for guidelines. If a bone appears to be human, California law mandates that the Sutter County Coroner and the Native American Heritage Commission be contacted.

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

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

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

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

ITEM 6: Rezone 21-01
1821 Butte House Road

Item pulled from consideration based on need for further evaluation. No staff report provided at this time.



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

Date: June 23, 2021
To: Chairwoman and Members of the Planning Commission
From: Development Services Department
Presentation by: Benjamin Moody, Development Services Director

Subject: **Outdoor Dining Ordinance Adoption**

Recommendation: A. Initiate Outdoor Dining Ordinance Adoption
B. Conduct a public hearing, and then
C. Adopt a Resolution recommending the City Council of the City of Yuba City adopt an Ordinance to update the Yuba City Municipal Code to allow for continued use of Outdoor Dining by adding Article 49, Chapter 5 of Title 8, and amending Section 8-5.6102 of Article 61 of Chapter 5 of Title 8, of the Yuba City Municipal Code.

Purpose:

To update the Yuba City Municipal Code to allow for continued outdoor dining by adding Article 49, Chapter 5 of Title 8 to the Municipal Code and associated amendments.

Background:

During the COVID-19 pandemic the City utilized its emergency powers to temporarily allow expanded outdoor dining for local businesses on an emergency basis under an Outdoor Dining Policy. The Outdoor Dining Policy was successful and well received by the community. However, with the pending end of the of the City's declaration of a local emergency, outdoor dining would no longer be allowed under the City's emergency powers. Additionally, even with the formal end of the declaration of a local emergency, the economic and social impacts are still being felt by local businesses and the community, including those impacts that could be mitigated by the continued use of outdoor dining. To help address these issues, staff are proposing to formally codify the Outdoor Dining Policy by adding Article 49 (Outdoor Dining) to the Yuba City Municipal Code.

The proposed ordinance allows expanded outdoor dining for eating and drinking establishments including but not limited to restaurants, coffee shops, bars, ice cream, lounges, or similar uses as determined by the City's Development Services Director.

Outdoor dining would be permitted on the dining establishment's private property, such as in parking lots. Outdoor dining would also be allowed in certain public areas, such as portions of sidewalks, if in compliance with ordinance requirements. The ordinance includes protections to ensure parking and traffic standards, fire safety, ADA access, compliance with ABC licensure, and other public health and safety considerations. The proposed ordinance will apply City-wide where dining is an authorized use consistent with the City's zoning ordinance.

Proposed Ordinance:

The proposed ordinance outlines the process for utilizing outdoor dining on private and public property. All business who wish to have outdoor dining facilities must obtain an Administrative Permit through the Planning Division. Those who wish to have outdoor dining in public spaces (i.e. sidewalk areas) would also be required to obtain an encroachment permit through the Public Works Department.

Outdoor dining would be permitted subject to the following parameters:

- An over-the-counter application for ministerial approval of an administrative permit;
- Review would include pedestrian and vehicle access and safety;
- Outdoor dining space of up to 1,000 square feet. Larger spaces will require a conditional use permit and Planning Commission review;
- The space must be located within 30 feet of the business;
- Operations must be consistent with the hours of operation for the existing business, and must be between the hours of 7:00 am to 10:00 pm (11:00pm on Thursday, Friday, and Saturday if 400 feet or more from a residential district);
- No additional parking requirements if standards are met;
- Site furnishing design review, including materials and lighting;
- Requirements for site cleanliness and public health compliance;
- Semi-permanent structures, facilities, fixtures or buildings may be allowed in a portion of the public right of way (i.e., sidewalk area) upon approval. Permanent structures only allowed through separate review via applicable building codes;
- Obligations to repair and maintain use of public right of way, and to provide protection for City interests and immediate access for public utility and related uses;
- Compliance with all applicable federal, state, and local laws, including the Building, Fire, and Electrical Codes; Americans with Disabilities Act (ADA) regulations; California Department of Alcoholic Beverage Control (ABC) regulations; regulations governing the sale and service of food and beverages to the public; and nuisance and threat to public health and safety prohibitions; and
- Mechanisms to ensure compliance, including suspension, termination, and revocation proceedings.

Applicants who wish to have more outdoor dining space than permitted can do so through the Use Permit process as outlined in the Yuba City Municipal Code. In addition, applicants who wish to have temporary or permanent structures (tents, awnings, etc) must obtain a Yuba City building permit.

Environmental Determination:

City staff has performed a preliminary environmental assessment and have determined that the adoption of this Ordinance is not a “project” for the purposes of the California Environmental Quality Act (CEQA) Guidelines Section 15378, as the proposed ordinance maintains the current practice and regulations regarding outdoor dining, and as such does not result in either in direct or indirect physical changes in the environmental baseline. Further, even if this matter were a “project” for the purposes of CEQA, it would be exempt per CEQA Guidelines Section 15061(b)(3) as there is not a reasonable possibility that this project may have a significant adverse effect on the environment given the current baseline and allowed use. Therefore, this matter is not subject to CEQA.

Alternatives:

1. Deny recommendation of the Outdoor Dining Ordinance.
2. Provide staff with direction on modifications to the proposed Ordinance.

Recommended Action:

- A. Initiate Outdoor Dining Ordinance Adoption
- B. Conduct a public hearing, and then
- C. Adopt a Resolution recommending the City Council of the City of Yuba City adopt an Ordinance to update the Yuba City Municipal Code to allow for continued use of Outdoor Dining by adding Article 49, Chapter 5 of Title 8, and amending Section 8-5.6102 of Article 61 of Chapter 5 of Title 8, of the Yuba City Municipal Code.

Attachments:

1. Resolution of the Planning Commission of the City of Yuba City Recommending the City Council Adopt an Ordinance to Update the Yuba City Municipal Code to Allow for Continued Use of Outdoor Dining by Adding Article 49, Chapter 5 Of Title 8, and Amending Section 8-5.6102 of Article 61 of Chapter 5 of Title 8, of the Yuba City Municipal Code.

Exhibit A: An Ordinance of the City Council of the City of Yuba City for Outdoor Dining

ATTACHMENT 1

PLANNING COMMISSION RESOLUTION NO. _____

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YUBA CITY RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE TO UPDATE THE YUBA CITY MUNICIPAL CODE TO ALLOW FOR CONTINUED USE OF OUTDOOR DINING BY ADDING ARTICLE 49, CHAPTER 5 OF TITLE 8, AND AMENDING SECTION 8-5.6102 OF ARTICLE 61 OF CHAPTER 5 OF TITLE 8, OF THE YUBA CITY MUNICIPAL CODE

WHEREAS, the City periodically assesses the Yuba City Municipal Code to ensure efficient use of City resources and streamlining to promote the public health, safety and welfare; and

WHEREAS, in response to the COVID-19 pandemic, the City enacted emergency orders and policies to minimize impacts on the community and local businesses, including those related to outdoor dining; and

WHEREAS, the City's outdoor dining policy and other measures to help protect local businesses and provide them with flexibility given mandatory State and other regulations outside of the City's jurisdiction and control; and

WHEREAS, with the local emergency drawing to a close, the City is proposing to continue to allow for expanded outdoor dining for eating and drinking establishments including but not limited to restaurants, coffee shops, bars, ice cream, lounges, or similar uses as determined by the City's Development Services Director; and

WHEREAS, with this additional flexibility, there will remain protections to ensure parking and traffic standards, fire safety, ADA access, compliance with ABC licensure, and other public health and safety considerations as set forth in the proposed ordinance; and

WHEREAS, outdoor dining will continue to promote the economic viability of local businesses, which are essential to maintain the City's financial ability to provide emergency, first responder, and other services, thereby benefiting the public health, safety, and welfare; and

WHEREAS, as part of this process, on June 23, 2021, the Planning Commission initiated an amendment to the Yuba City Municipal Code to allow for outdoor dining ("proposed Ordinance" or "Outdoor Dining Ordinance"); and

WHEREAS, the Planning Commission held a duly noticed public hearing on June 23, 2021, to consider the update to the Yuba City Municipal Code initiated by Planning Commission, including whether the project was subject to the California Environmental Quality Act (CEQA); and

WHEREAS, after considering all information provided to it, and providing an opportunity to the public to provide public testimony, the Planning Commission recommends the City Council adopt the proposed Ordinance and make an associated determination the proposed Ordinance is not a “project” for the purposes of the California Environmental Quality Act (CEQA) or is otherwise exempt per CEQA Guidelines Section 15061(b)(3).

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

1. Recitals: The Planning Commission hereby finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.
2. CEQA Findings: The Planning Commission recommends the City Council find that the adoption of this Ordinance is not a “project” for the purposes of the California Environmental Quality Act (CEQA) Guidelines Section 15378, as the proposed Ordinance maintains the current practice and regulations regarding outdoor dining, and as such does not result in either direct or indirect physical changes in the environmental baseline. Further, even if this matter were a “project” for the purposes of CEQA, it would be exempt per CEQA Guidelines Section 15061(b)(3) as there is not a reasonable possibility that this project may have a significant adverse effect on the environment given the current baseline. Therefore, this matter is not subject to CEQA.
3. General Plan Consistency. The Planning Commission finds the proposed Outdoor Dining Ordinance complies with the policies of the City’s General Plan.
4. Public Benefits. The Planning Commission finds the proposed Outdoor Dining Ordinance is a public benefit.
5. No Detrimental Impact. The Planning Commission finds that with the protections provided within the Outdoor Dining Ordinance, the proposed Ordinance will not be detrimental, or cause adverse effects, to adjacent property owners, residents, or the general public.
6. Recommendation of Approval of Outdoor Dining Ordinance. Based on the information provided above, the Planning Commission recommends to the City Council of Yuba City adopt an Outdoor Dining Ordinance as set forth in Exhibit “A.”
7. Effective Date of Resolution. This Resolution shall become effective immediately.

The foregoing Resolution was duly and regularly introduced, passed and adopted by the

Planning Commission of the City of Yuba City at a regular meeting thereof held on June 23, 2021 by the following vote:

Ayes:

Noes:

Absent:

Recused:

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

Michele Blake, Planning Commission
Chair

ATTEST:

Benjamin Moody, Secretary to the Planning Commission

Exhibit A: An Ordinance of the City Council of the City of Yuba City updating the Yuba City Municipal Code to allow for continued use of outdoor dining by adding Article 49, Chapter 5 of Title 8, and amending Section 8-5.6102 of Article 61 of Chapter 5 of Title 8, of the Yuba City Municipal Code

Exhibit A

ORDINANCE NO. _____

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
UPDATING THE YUBA CITY MUNICIPAL CODE TO ALLOW FOR
CONTINUED USE OF OUTDOOR DINING BY ADDING ARTICLE 49,
CHAPTER 5 OF TITLE 8, AND AMENDING SECTION 8-5.6102 OF
ARTICLE 61 OF CHAPTER 5 OF TITLE 8, OF THE YUBA CITY
MUNICIPAL CODE**

WHEREAS, the City Council periodically assesses the Yuba City Municipal Code to ensure efficient use of City resources and streamlining to promote the public health, safety and welfare; and

WHEREAS, in response to the COVID-19 pandemic, the City enacted emergency orders and policies to minimize impacts on the community and local businesses, including those related to outdoor dining; and

WHEREAS, the City's outdoor dining policy and other measures to help protect local businesses and provide them with flexibility given mandatory State and other regulations outside of the City's jurisdiction and control; and

WHEREAS, with the local emergency drawing to a close, the City is proposing to continue to allow for expanded outdoor dining for eating and drinking establishments including but not limited to restaurants, coffee shops, bars, ice cream, lounges, or similar uses as determined by the City's Development Services Director; and

WHEREAS, with this additional flexibility, the City Council desires to add protections to ensure parking and traffic standards, fire safety, ADA access, compliance with ABC licensure, and other public health and safety considerations as set forth in the proposed ordinance; and

WHEREAS, the City Council desires to continue to promote the economic viability of local businesses, which are essential to maintain the City's financial ability to provide emergency, first responder, and other services, thereby benefiting the public health, safety, and welfare; and

WHEREAS, the City Council desires to provide additional outdoor dining opportunities to its citizens, which can promote public health, safety, and welfare; and

WHEREAS, as part of this process, on June 23, 2021, the Planning Commission initiated an amendment to the Yuba City Municipal Code to allow for outdoor dining (proposed Ordinance); and

WHEREAS, after initiation, the amendments were assessed by City Staff and provided to the Planning Commission for review and assessment; and

WHEREAS, the Planning Commission held a public hearing on June 23, 2021, to consider the update to the Yuba City Municipal Code initiated by Planning Commission, including whether the project was subject to the California Environmental Quality Act (CEQA); and

WHEREAS, after considering all information provided to it, and providing an opportunity to the public to provide public testimony, the Planning Commission [did OR did not] find i) the proposed amendments were consistent with the General Plan; ii) the amendments were in the public interest; and iii) the amendments were not a “project” under CEQA Guidelines Section 15378(b)(3), as the proposed ordinance maintains the current practice and regulations regarding outdoor dining such that it will not result in direct or indirect physical changes in the environmental baseline; and

WHEREAS, after due consideration of all the items before it, the Planning Commission then [did OR did not] recommend the City Council adopt the proposed Ordinance and make an associated determination the proposed Ordinance was not a “project” for the purposes of CEQA; and

WHEREAS, the proposed Ordinance was presented to the Council for a public hearing and consideration at its regular meeting of July 6, 2021; and

WHEREAS, after receiving the recommendation of the Planning Commission and considering all public testimony and presentation by City Staff, the City Council waived the first reading and introduced the proposed Ordinance by title only; and

WHEREAS, the proposed Ordinance was again presented to the City Council for a public hearing and consideration at its regular meeting of _____, 2021; and

WHEREAS, the City Council now desires to waive the second reading and adopt this Ordinance by title only.

NOW, THEREFORE, the City Council of the City of Yuba City does ordain as follows:

Section 1. The City Council of the City of Yuba City finds that the adoption of this Ordinance is not a “project” for the purposes of the California Environmental Quality Act (CEQA) Guidelines Section 15378, as the proposed ordinance maintains the current practice and regulations regarding outdoor dining, and as such does not result in either direct or indirect physical changes in the environmental baseline. Further, even if this matter were a “project” for the purposes of CEQA, it would be exempt per CEQA Guidelines Section 15061(b)(3) as there is not a reasonable possibility that this project may have a significant adverse effect on the environment given the current baseline. Therefore, this matter is not subject to CEQA.

Section 2. The Council further finds and determines that adoption of the Ordinance is in the public interest, is consistent with the City's General Plan, and promotes the public health, safety and welfare.

Section 3. Article 49 (Outdoor Dining) of Part III (Special Provisions) of Chapter 5 (Zoning) of Title 8 (Planning and Zoning) of the Yuba City Municipal Code is added to read as follows:

Sec. 8-5.4901. – Outdoor Dining.

This Article shall be known as the "Outdoor Dining Ordinance." The purpose of this Article is to allow for the expansion and use of certain outdoor dining areas, without requiring a special permit, to promote business, revitalization, and public safety.

Sec. 8-5.4902. – Definitions.

For the purpose of this Article:

- (a) "Encroachment Area" shall mean that portion of the Outdoor Dining area authorized to use a portion of the City's public right of way.
- (b) "Sidewalk Area" shall mean that portion of the City's right of way typically located between the building wall and the curb and gutter.
- (c) "Outdoor Dining" shall refer to a delineated area within a parcel, including patios and similar areas, located outside of and adjacent to a building used for consuming food or beverages at a table with chairs, a portion of which must be within 20 feet of said building, or up to 30 feet if there are unusual circumstances as determined by the Development Services Director. "Outdoor Dining" shall not include food preparation areas, but may include outdoor spaces including parking areas.

Sec. 8-5.4903. – Applicability.

This Article shall apply to restaurants, coffee shops, delicatessens, cafeterias, bars and drinking establishments (including sport bars, taverns, pubs, brew pubs, and similar establishments per Section 8-5.8004a), lounges (including cocktail lounges), ice cream stores, food courts, bakeries, eating and drinking establishments (including nightclubs) and similar uses as may be determined by the Development Services Director. This Article shall also apply to nightclubs with dancing prohibited in the Outdoor Dining area. This Article shall not apply to mobile and open air vending operations.

Sec. 8-5.4904. – General Requirements for Outdoor Dining Areas.

- (a) No site plan, conditional use permit, or amendment to an existing permit is required for expansion into an Outdoor Dining area if the proposed use is existing and authorized for any portion of the applicant's property, use of the Outdoor Dining area does not obstruct vehicular circulation, and Outdoor Dining use is not expressly prohibited by a condition of an existing site plan, conditional use permit, approved parcel or tract map, zoning action, or other entitlement. Instead, an over-the-counter application shall be submitted to the Development Services Director for ministerial approval of an administrative permit consistent with this Article prior to use of the Outdoor Dining area. The application shall include a scaled exhibit depicting the location of the Outdoor Dining area (including proposed structures and barriers, locations of tables and chairs, and existing structures on the parcel), designate access points for unimpeded ingress and egress, be signed by one or more of the record owners of the parcel of property, and contain any other information required by the Development Services Director. The Development Services Director shall provide a copy of approved applications to the Police Department and Fire Department. Semi-permanent and permanent structures, facilities, fixtures or buildings are allowed consistent with Title 7 (Building Regulations) and may require a building or other permit.
- (b) Use of the Outdoor Dining area shall be subject to the same hours of operation as the existing authorized use for the property.
- (c) If an Outdoor Dining use offers alcoholic beverage service, such use operator shall be duly licensed by the State Department of Alcoholic Beverage Control and shall conform to the requirements of such license. Notwithstanding Section 5-6.02, it shall not be unlawful to consume alcoholic beverages within the designated Outdoor Dining area where expressly permitted pursuant to the terms of a license issued by the ABC and consistent with the administrative permit and requirements of this Article.
- (d) Multiple Outdoor Dining areas may be used. The total area of the Outdoor Dining area shall not exceed 1,000 square feet. Additionally, the total Outdoor Dining area cannot exceed the total size of the existing buildings on the property for an over the counter (administrative) application. A conditional use permit is required for all other Outdoor Dining uses.
- (e) The Outdoor Dining area must maintain and allow for at least four feet of available and usable travel space for all walkways, sidewalks, entrances and exits. The Outdoor Dining area must not obstruct direct access or egress from any entrance or exit. Travel space between the Outdoor Dining area and the building used for consuming food and beverages cannot cross an area where vehicular traffic is allowed, and a 10-foot visibility triangle must be maintained at all driveways and vehicular entrances. An Outdoor Dining area adjacent to a roadway or vehicular

travel area must be located at least six feet from the edge of curb. If the Outdoor Dining area would cause the total building occupancy to exceed 49 people, the building must have at least two unobstructed exits consistent with the Building Code.

- (f) No additional parking is required when the Outdoor Dining area is less than 1,000 square feet as long as either i) the on-site parking requirements of Section 8-5.6102 are met before the addition of the Outdoor Dining area; and ii) there is enough parking remains to facilitate parking needs as determined by the Development Services Director.
- (g) Use of the Outdoor Dining area shall comply with the Noise Ordinance per Chapter 17 of Title 4 of this Code. Use of the Outdoor Dining area is prohibited before 7:00 a.m. and after 10:00 p.m. For locations located more than 400 feet from residential or other sensitive uses, Outdoor Dining may occur on Thursday, Friday and Saturday nights until 11:00 p.m.
- (h) Barriers around Outdoor Dining areas are not required, but are allowed subject to this Code if not more than four feet in height and maintain at least 50% transparency to the outdoor elements. Barriers cannot block or enclose existing ingress or egress to a structure absent prior authorization from the Building Official or designee. Barriers can be permanent or temporary, and may include moveable stanchions and similar items. All barriers must have at least one direct exit made by either providing a gap in the barrier, or with a door or gate that swings in the direction of egress travel equipped with panic hardware and having an operating force of no more than five pounds, or as otherwise required by accessibility regulations. Door or gate swing shall not intrude into any travel or related area, nor shall it intrude into any parking space. An Outdoor Dining area, where alcoholic beverages are consumed, must comply with barrier requirements as may be established by the California Department of Alcoholic Beverage Control.
- (i) Furnishings and structures shall comply with the following:
 - (1) Furnishings and material are required to be sturdy, durable, and attractive.
 - (2) Allowed furnishings may include tables, chairs, umbrellas (including table center and free-standing umbrellas), landscape pots, wait stations, planters, benches, waste receptacles, and similar items that help to define pedestrian and other use of the outdoor dining areas. Materials must be of wood, metal, stone, terra cotta, cast stone, hand-sculpted concrete, a solid surfacing material, or plastic. Plastic resin furnishings are prohibited unless made of commercial-grade materials; chain linked fencing is prohibited.

- (3) No signs shall be affixed to or supported by the furnishings or fixtures except as authorized by Article 63 (Signs), Chapter 5, of Title 8.
 - (4) Permanent fencing, barriers, lighting, heating, cooling or other fixtures are allowed with a building permit; portable heaters are subject to review and approval by the Fire Department.
 - (5) Individual table umbrellas may be used; roof coverings, canopies, tents, structures, or similar items require a building permit and are subject to approval by the Fire Department.
 - (6) Table coverings must be in compliance with public health regulations. Vinyl tablecloths are not permitted. Tablecloths shall be brought indoors nightly and shall be clean when placed outside each day.
 - (7) All Outdoor Dining area and furnishings shall be kept clean and litter-free, and must be kept in a safe condition at all times.
 - (8) Furnishings such as tables and chairs, and fixtures such as portable heaters, shall not be stored in such a way as to be visible from the street for more than 72 hours. Furnishings and fixtures ready for use may remain in the outdoor dining area at all times even if visible from the street.
 - (9) Lighting is permitted during hours of operation to provide for a warm glow (2700 to 3200 degrees Kelvin), and not result in offsite glare.
 - (10) Furnishings and decorations shall not encroach beyond the designated area or overhang pedestrian or vehicular paths of travel outside of the Outdoor Dining Area.
- (j) Outdoor Dining shall comply with all applicable federal, state, and local laws, including Title 7 (Building Regulations), including the Building, Fire, and Electrical Codes; Americans with Disabilities Act (ADA) regulations; California Department of Alcoholic Beverage Control regulations; regulations governing the sale and service of food and beverages to the public; and shall not be a nuisance or constitute a threat to public health and safety.
- (k) Suspension, termination, and revocation:
- (1) The administrative permit issued pursuant to this Article may be suspended by the Development Services Director for up to 30 days for each occurrence of the following i) failure to comply with the requirements of this Article; or ii) failure to comply with the requirements of the administrative permit. Unless the failure to comply poses an immediate risk to public health and safety, an oral or written warning of the violation may be provided by the Director. The Director's determination of suspension must be in writing, list the specific violation, identify the duration of the suspension, when it will go into effect, and provide notice of the opportunity to appeal. The affected party may file a written appeal to the Director within five business days. The Director shall then review the initial

determination, and then issue a final decision on the appeal within three business days.

- (2) The administrative permit issued pursuant to this Article shall automatically terminate and be of no further force or effect upon the occurrence of any of the following: i) the failure to maintain a business license for more than 60 days; ii) transfer or sale of more than 50% of ownership; iii) cessation of operations for 90 days; or iv) modification of an approved site plan or layout of the property that is not reflected in the application for the administrative permit.
- (3) In addition to any other remedies authorized by law, including citation, the City may revoke the approval following the process set forth in Section 8-5.7109, except that the matter shall be heard by the Planning Commission instead of the Council. Any subsequent appeal of the determination of the Planning Commission shall be filed with the City Clerk within 10 days, after which the City Council shall consider the appeal and approve, approve with modifications, or deny the appeal.

Sec. 8-5.4905. – Use of City Right of Way.

Use of City street easement or right-of-way (such as a sidewalk area) for Outdoor Dining purposes may be approved at the discretion of the Development Service Director after consultation with the Department of Public Works. Said use shall be subject to the following requirements in addition to those required by Section 8-5.4904 except as noted:

- (a) A valid encroachment permit is required as defined by Section 7-16.58, and a zoning clearance as required by Section 8-5.7002.
- (b) Use of the encroachment area for Outdoor Dining shall be subject to the following:
 - (1) No rent shall be charged for use of the encroachment area.
 - (2) The applicant, at applicant's sole cost, expense, and liability, shall use the encroachment in the Outdoor Dining area solely for purposes of this Article.
 - (3) Use of the encroachment area shall not cause the encroachment area, or adjacent property or right-of-way to become out of compliance with any applicable federal, state or local law including this Code.
 - (4) Applicant shall maintain the encroachment area, promptly dispose of trash and keep it in a clean at all times, and repair it consistent with City standards and at applicant's sole cost and expense. If the applicant fails to reasonably repair any damage to the encroachment area or caused by the applicant or applicant's use of the encroachment area, the City may repair at the sole cost, expense, and liability of applicant.

- (5) To minimize litter and debris, where table wait service is provided or food is served to the customer on a tray to be taken and eaten on site in the outdoor dining area, the plates, glasses, cups, and utensils must be made of permanent (non-disposable) materials such as glass, ceramic, and metal, and high-quality (non-disposable) napkins used.
 - (6) Applicant's use of the encroachment area shall be secondary and subject to any other use of the encroachment area by the City, any easement holder, or provider of utilities including those for water, sewer, electricity, communications, etc. Upon oral or written request by the City, any easement holder, or any provider, applicant shall immediately move or remove any furnishings or structures from any portion of the encroachment area as requested.
 - (7) Applicant shall defend, hold harmless, and indemnify the City regarding applicant's use of the encroachment area.
 - (8) Upon any revocation or termination of the encroachment permit, applicant shall, at its sole cost, expense and liability, remove the any and all furnishings and appurtenant structures and equipment located in the encroachment area, restore the encroachment area to substantially the same condition it was in prior to applicant's use, and surrender to the City all possession, use and occupation of the encroachment area. Upon any revocation or termination of the encroachment permit, applicant shall, at its sole cost, expense and liability, remove the any and all furnishings and appurtenant structures and equipment located in the encroachment area, restore the encroachment area to substantially the same condition it was in prior to applicant's use, and surrender to the City all possession, use and occupation of the encroachment area.
- (c) Semi-permanent structures, facilities, fixtures or buildings are allowed consistent with Title 7 (Building Regulations), but are not required. Such semi-permanent items in the Outdoor Dining area shall be subject to this Code and require an encroachment permit, and potentially a building permit, as well as approval by both the Development Services Director and the Public Works Director. Permanent changes to any sidewalk or public right of way shall require prior approval from either the Development Services Director or Public Works Director. Permanent structures within the City's right of way are not allowed.
- (d) Furnishings and structures shall comply with the following:
- (1) All outdoor dining furnishing shall be of high quality, commercial grade, and designed for outdoor use, and must be approved by the Development Services Director prior to use.
 - (2) Tables and seating shall comply with the following standards:
 - (i) Table and seating framework shall be wrought iron, fabricated steel, cast aluminum, cane or teak.

- (ii) The seat of chairs and other seating shall be wrought iron, fabricated steel, cast aluminum, cane, teak or rattan.
 - (iii) Table tops shall be slate, marble, granite, faux stone, wrought iron, embossed aluminum, teak, tempered glass, and mesh tops of wrought iron and aluminum are permitted. Plastic, resin, and plain metal table tops are not permitted.
 - (iv) Tables and seating shall be of the same or of consistent and compatible design. All furnishings shall be properly maintained and cleaned regularly.
- (3) The following standards shall apply to umbrellas and similar shading furnishings:
 - (i) Umbrellas must be removed from the encroachment area when windspeed or gusts speeds are greater than or equal to 20 mph.
 - (ii) The canopy must be made of canvas; vinyl or plastic umbrellas are prohibited.
 - (iii) Stands must be made of cast aluminum, wrought iron, fabricated steel, or wood.
 - (iv) All umbrella panels shall be of the same solid color. A complementary solid color may be used for trim (such as piping). Patterns (floral, stripes, etc.) and fluorescent colors are prohibited.
- (4) Standing portable propane heaters are permitted, subject to review and approval by the Fire Department. All other types of heaters, including electric or fuel heaters other than propane, are prohibited.
- (5) Sidewalk furnishings that are permitted to be stored outside include planters, casters, and counter-top tables. All furnishings being stored outside shall be locked together each evening and stored in front of the business in a way that does not affect ingress/egress to the building. Any other furnishings must be stored indoors at close of business or 10 p.m. each day, whichever is earlier.
- (6) Furnishings shall be removed immediately upon the change or use or permanent closure of the associated business.
- (e) An applicant shall be required by the permit to maintain the encroachment area free of any nuisance in fact or in law. The applicant shall also be solely responsible for operation, maintenance and repair of the encroachment area, and shall at all times provide and maintain insurance acceptable to the City. Use of the encroachment on the City's property is a non-exclusive, revocable use. The City, in its sole discretion, may revoke the encroachment permit upon determination by the Public Works Director that the use of any portion of the encroachment area is required for any municipal or public utility purpose, or is detrimental to or not in furtherance of the public health, safety, welfare and interest. The encroachment permit may also be revoked, upon determination by the Public Works Director, that the applicant has failed to comply with one or more of the terms, conditions, or restrictions of the encroachment permit

or this Article. The revocation of an encroachment permit issued under this Section is not subject to Section 8-5.7109.

- (f) The addition of lighting shall require approval of Development Services Director or Public Works Director. Permitted lighting is to provide for a warm glow, light sources shall be of warm white light (2700 to 3200 degrees Kelvin). Lighting not approved by the City shall be removed immediately.
- (g) No additional parking shall be required for use of the encroachment area for Outdoor Dining; the parking requirements of Section 8-5.4904g and 8-5.6102 are not applicable to this Section.

Sec. 8-5.4906. – Termination.

No vested or any other property right is created by the approval of this Article or by any use, or construction of any structures, facilities, fixtures, or buildings, authorized by this Section. Should the City repeal or amend this Article, no claim for loss of property rights or due process of any kind shall be maintained against the City.

Section 4. Section 8-5.6102 (Number of parking spaces required) of Article 61 (Off-Street Parking and Loading) of Chapter 5 (Zoning) of Title 8 (Planning and Zoning) of the Yuba City Municipal Code is amended to read as follows:

Sec. 8-5.6102. Number of parking spaces required.

- (a) On-street parking adjacent to commercial and industrial properties in the C and M Districts may be counted towards the amount of required on-site parking. If provided parking exceeds by 10% or more the amount of parking required for the use then orchard parking at a ratio of one tree for each four parking spaces shall be installed. Fractional space requirements shall be rounded to the nearest whole space. The following minimum number of on site parking spaces shall be provided for each use.

Note: "sf." refers to square ft. and "gfa." refers to gross floor area.

<i>Residential</i>	<i>Number of Spaces</i>
One-family residence	2 spaces per unit.
Two-family residence	2 spaces per unit.
Mobile home parks	2 spaces (may be tandem) per unit. Plus 1 space for each 5 units for guest parking.
Multiple-family residences	1 space per studio apartment or 1 bedroom dwelling unit; 1.5 spaces per 2 bedroom dwelling unit; and 2 spaces per 3 or more bedroom dwelling unit. Plus 1 guest space for each 10 units.

Rooming houses, boarding houses, and bed and breakfast facilities	2 spaces, plus 1 space per room for rent.
Second one-family residence in the R-1 District:	
Housing with at least 1 resident required to be 62 years of age or older	1 space.
Containing only 1 bedroom	1 space.
Containing two or more bedrooms	2 spaces.
Senior citizen housing projects	.6 of a space per dwelling unit for those projects restricted to tenants who are either 62 years of age or older, or are handicapped; or Senior citizen congregate care facility parking requirements may be adjusted on an individual project basis, subject to a parking study based on project location and proximity to services for senior citizens, including, but not limited to, medical offices, shopping areas, transit availability, etc.
<i>Commercial</i>	<i>Number of Spaces</i>
Amusement/recreational facilities:	
Billiard/pool parlor	2 spaces for each table.
Bowling alley	3 spaces for each lane, plus as required for incidental uses (i.e., pro shop, coffee shop, etc.).
Miniature golf course	1 space per hole, plus as required for incidental uses (i.e., food services, game room, etc.).
Movie theater	1 space for each 4 seats.
Tennis/racquetball/health club	1 space for each 400 sf. of gfa., plus 1.5 spaces per tennis court.
Theme/amusement park, recreational, go carts, etc.	To be determined at time of project review.
Video game arcade	1 space for each 200 sf. of gfa.
Automotive related repair shops	1 space for each 400 sf. of gfa.
Bank	1 parking space for each 175 sf. of gfa. or 1 parking space for each employee at maximum

	employment plus 1 parking space for each 250 sf. of gfa., whichever is greater.
Dance halls and exhibition halls	1 parking space for each 100 sf. used for assembly, skating or dancing area.
Day care center	1 space for each teacher, plus 1 space for each 400 sf. of the structure used by the children.
Laboratory, medical and dental	1 space for each 400 sf. of gfa.
Mortuaries and funeral homes	1 parking space for each 40 sf. of gfa. for assembly rooms used for services, but in no case less than 10 spaces.
Motels and hotels	1 parking space per unit, plus 1 space for each 2 employees, plus as required for associated facilities.
Office, business	1 parking space for each 300 sf. of gfa.
Office, medical and dental	1 space for each 200 sf. of gfa. or 5 spaces for each doctor, whichever is the greater.
Outdoor sales (auto sales, boat sales, and other uses not contained in a building or structure, except for equipment storage yards)	1 space for each 500 sf. of gfa. for office, showroom, vehicle repair and parts department, plus 1 space per 10,000 sf. of outdoor display area.
Personal services (beauty parlor, barber shop, dog grooming, nail care, tanning salon, massage parlor, etc.)	1 space for each 150 sf. of gfa.
Retail	
Food stores	1 space for each 150 sf. of retail floor area, plus 1 space for each 500 sf. of storage, office space, etc.
Large appliance/furniture stores	1 space for each 1,000 sf. of sale floor display area, office, etc., plus 1 space for each 2,000 sf. of warehouse storage.
Retail stores and shopping centers	1 space for each 250 sf. of gfa., excluding food stores, see above.
Retail nursery/garden shop	1 space for each 250 sf. of indoor retail sales area, office, etc., plus 1 space for each 500 sf. of indoor plant display area, plus 1 space for each 2,500 sf. outdoor plant display area.
Restaurant, <u>coffee shops</u> , and cocktail lounges ⁽¹⁾	1 space for each 3 seats, plus 1 space for 50 sf. of dance floor or assembly area without fixed seats. No parking is required for outdoor

	seating when seats provided equal 50% or less of total indoor seating.
Service stations	1 space for every 3,000 sf. of land area.
Schools (business and trade)	1 space for each 150 sf. of gfa., or 1 space per 1.5 students and staff at design capacity, whichever is greater.
<i>Institutional</i>	<i>Number of Spaces</i>
Churches, stadiums, arenas, assembly halls, clubs and auditoriums	1 parking space for each 4 fixed seats. Where fixed seats consist of pews or benches, seating capacity shall be computed at 20 in. of lineal length for each seat. For those uses without fixed seats, 1 space for each 40 sf. of assembly seating area.
Hospitals	1 space for each bed, plus 1 space for each 300 sf. of area used for office, clinics, testing, research, administration and similar activities associated with the principal use.
Libraries, museums, art galleries	1 space for each 300 sf. of gfa.
Rest rooms, residential care facilities for 7 or more individuals, convalescent hospitals, and sanitariums	1 space for each 2 beds.
Schools:	
Nursery/pre-school	1 space for each staff member, plus 1 space for each 10 children.
Elementary/junior high	2 spaces for each classroom.
High School	7 spaces for each classroom.
Community college/university	10 spaces for each classroom.
<i>Industrial</i>	<i>Number of Spaces</i>
Auto dismantling/junkyards/recycling centers	1 space for each 500 sf. of gfa., plus 1 space for each .5 acre of gross outdoor use area.
Manufacturing	1 parking space for each 2 workers, based on the work shift with the largest number of expected employees.
Mini-storage facilities	1 space per 300 sf. of office area, plus 4 spaces for customer parking.
Warehouse and wholesale storage	1 parking space for each 2,000 sf. of gfa.

(1) Outdoor dining allowed in accordance with the Outdoor Dining Ordinance per Article 49 (Outdoor Dining) of Chapter 5 (Zoning) of Title 8 (Planning and Zoning).

- (b) Requirements for uses not specifically set forth in the article shall be determined by the Planning Director based upon the requirements for comparable uses.

Section 5. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

Section 6. The City Clerk shall certify to the adoption of this Ordinance and cause it to be published, in accordance with Government Code, Section 36933, or as otherwise required by law.

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Section 7. This ordinance shall take effect and be in full force and effect from and after 30 days after its final passage and adoption.

Introduced and read at a regular meeting of the City Council of the City of Yuba City on the 6th day of July, 2021, and passed and adopted at a regular meeting held on the _____th day of _____, 2021.

AYES:

NOES:

ABSTAIN:

ABSENT:

By: _____
Marc Boomgaarden, Mayor

ATTEST:

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY:

By: _____
Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP