
TO ADDRESS THE COMMISSION
PLEASE STEP TO THE ROSTRUM &
STATE YOUR NAME & ADDRESS

Regular Meeting
February 14, 2007 - 7 p.m.
City Hall Council Chambers
1201 Civic Center Boulevard

YUBA CITY PLANNING COMMISSION
AGENDA

Commissioner Satwant Takhar
Commissioner Preet Didbal
Commissioner John Dukes

Commissioner John Sanbrook
Commissioner Craig Starkey
Commissioner Mike Tomlinson

Roll Call

Pledge of Allegiance

Approval of minutes from meeting held on January 10, 2007

Appearance of Interested Citizens*

Correspondence: None

Election of Officers: Election of Chairman, Vice Chairman and appointment of City Planning Commission Representative for Sutter County Planning Commission

Public Hearings:

1. Public Hearing: Use Permit #UP 06-06, City of Yuba City Utilities Department; Proposal to construct a 3.59-acre solar array to provide solar electricity to the Wastewater Treatment Facility; located at the Stormwater Detention Basin on the south side of the Wastewater Treatment Facility; APN 54-010-038; Property Owner/Applicant, City of Yuba City.
2. Public Hearing: General Plan #GP 06-03 and Rezone #RZ 06-07. Proposal to amend the General Plan designation from Low/Medium Density Residential to Office and Office Park, and proposal to amend the Zoning Designation from R-3 (Multiple-Family Residential District) to C-O (Office Commercial District); located at 1185 and 1189 Live Oak Boulevard; APN 51-540-110 and 51-540-111; Property Owner, Bart Panu; Applicant, Dan Cucchi.
3. Public Hearing: Rezone #RZ 06-08 and Subdivision Map #SM 06-08. RZ 06-08 to change a portion of the existing pre-annexation zoning on parcels 20-360-019, 20-360-042, and 20-360-020 from R-3 to R-1. SM 06-08 to subdivide parcel 20-360-019 into ten single-family lots. Property owners/project proponents are S.E. Caminito Corporation, Floyd Jones, and Fred Dewart.
4. Public Hearing: Subdivision Map #SM 05-06 and Rezone #RZ 06-01 (Walnut Park West); Tentative Map proposes creation of a subdivision totaling 277 lots for single-family residential development on a 39.18-acre project site, and will also will include development of nine small lots that will be landscaped. In addition to the Tentative Map, there is a proposed

Rezoning from the current One Family Residence, Special Standards Combining District (R-1-X₂₃) to a Planned Development District for a portion of the Walnut Park West subdivision; a proposed Development Agreement with the City and a developer-prepared Township Road Area Technical Master Plan; located on the east side of Township Road; APN #17-090-008, 014, 015. Applicant, A&G Montna Properties, LP

5. Public Hearing: Subdivision Map #SM 05-03; (Talavera); Subdivision Map #SM 06-01 and Rezone #RZ 06-02 (Monticello); Two Tentative Maps that propose creation of a subdivision totaling 672 lots for single-family residential development on a collective 184-acre project site, and includes development of several small lots that will be landscaped. In addition to the Tentative Map, there is a proposed Rezoning from the current One Family Residence, Special Standards Combining District (R-1-X₂₂) to a Planned Development District for a portion of the Monticello subdivision; a Development Agreement with the City; and a developer-prepared North Township Road Area Technical Master Plan; located on the east side of Township Road; APN# 17-080-031, 17-020-033, 040. Applicant, Reynen & Bardis Communities.

Commission Consideration: - None

Commission Discussion: - None

Other Business: 1. Discuss moving the March 14th Commission meeting up to March 7th.
2. Overview of Master Plan Process

Report on Actions of the City Council

Adjournment

Persons dissatisfied with any decision of the Planning Commission may appeal such action to the City Council. Appeals, accompanied by a fee of \$753 (\$363 if the project concerns a single-family residence), 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 Commission action becomes final. The exception to this is rezonings--please check with the Planning Department, 1201 Civic Center Boulevard, Yuba City 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.

If you require auxiliary aids or services (e.g., signing services) to make a presentation to the Planning Commission, the City will be glad to assist you. Please contact the City offices (530/822-4601) at least 72 hours in advance so such aids or services can be arranged. City Hall TDD: 530/822-4732.

*Members of the public may address the Planning Commission on items of interest that are within the City's jurisdiction whether or not such items of interest are on the agenda for this meeting. Members of the Commission will respond as best as they can to public comments but cannot take action or enter into a discussion on items not contained on the agenda. Public comment on public hearing agenda items will be permitted during the hearing.



City of Yuba City
Planning Division Agenda Report
Planning Commission Meeting

February 14, 2007

DATE: February 8, 2007
TO: Yuba City Planning Commission
FROM: Brian Trudgeon, Principle Planner
SUBJECT: Agenda Report – Meeting of February 14, 2007

- 1. PUBLIC HEARING: USE PERMIT #UP 06-06 FOR CONSTRUCTION OF A 775 kWp SOLAR ELECTRIC SYSTEM LOCATED AT THE YUBA CITY WASTEWATER TREATMENT FACILITY, 302 BURNS DRIVE; APPLICANT: YUBA CITY DEPARTMENT OF UTILITIES; PROPERTY OWNER: CITY OF YUBA CITY**

Project Description:

The proposed project is to construct a 775 kilowatt peak (kWp) solar electric array on approximately 3.6 acres of the existing storm water detention basin on the south side of the Wastewater Treatment Facility. (Please see Attachment 1, “Aerial Photo”.) The project consists of multiple rows of solar panels positioned on concrete piers; the top edges of the panels will be approximately 5 feet above the top of the detention basin. The electrical equipment will be located under an awning on a 360 square-foot concrete pad north of the detention basin.

Property Description:

The solar electric facility will be located on the eastern half of the existing storm water detention basin on the south side of the Wastewater Treatment Facility. The detention basin is approximately 8 feet below the surrounding grade.

General Plan Designation:

Parks, Recreation, and Open Space

Zoning Classification:

R-1, One-Family Residence District

Surrounding Land Use:

The Wastewater Treatment Facility is located north, vacant industrial land is located east, vacant commercial land and Garden Highway is located west, and single-family residences on River Oaks Drive are located south of the proposed solar array. The new solar array will back up to approximately 12 single-family residences. All 12 residences are single-story, and therefore, people residing in those houses will not be able to see the solar array which will be at a lower height than the backyard fences of the neighboring residences. The only two-story residence located in the vicinity is at 379 River Oaks Drive, approximately 200 feet from the western edge of the proposed solar array.

Previous Actions and/or Policies:

On October 10, 2006, the City Council approved an agreement to purchase energy generated by the solar array from Solar Star YC, LLC. The agreement states that Solar Star YC, LLC, will install, maintain, and operate the solar array for 20 years, after which time the City will own the array.

Environmental:

A Negative Declaration was prepared for the project and is attached for Commission review and consideration. No adverse impacts were identified. Staff requests that the Planning Commission adopt the attached Negative Declaration.

Staff Comments:

The Utilities Department conducted a public meeting at 6:00 p.m., on January 18, 2007, at the Wastewater Treatment Facility to answer questions regarding the proposed solar project from neighboring property owners and residents. No interested citizens attended this meeting.

According to the Utilities Department, construction of the solar array will not adversely affect the storage capacity of the storm water detention basin.

According to Section 8-5.502 of the Zoning Regulations, Public Utilities are permitted in the R-1 District with the issuance of a use permit. According to Section 8-5.7003(D) of the Zoning Regulations, a use permit may be approved when certain findings can be made. Below is a list of the findings followed by a brief staff analysis of each.

- 1) The proposal is consistent with the General Plan.

Staff analysis: Although the site of the project has a General Plan designation of Parks, Recreation, and Open Space, the storm water detention basin has never been used as a park or open space. The project site has a Zoning designation of R-1, which allows a public utility with the issuance of a use permit.

- 2) The site for the proposed use is adequate in size and shape to accommodate said use, public access, parking and loading, yards, landscaping and other features required by this chapter.

Staff analysis: The project site is large enough to accommodate the solar array. The Zoning Regulations do not require any specific features for solar arrays.

- 3) The streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.

Staff analysis: The proposed solar array is not anticipated to generate any additional traffic. As such, the streets serving the site are adequate for the proposed use.

- 4) The site design and the size and design of the buildings will complement neighboring facilities.

Staff analysis: Because the solar array will be located in the existing storm water detention basin, it will not be visible to surrounding residents who live in single-story homes. The only two-story dwelling located in the vicinity of the project site is approximately 200 feet from the western edge of the solar array. The project will have minimal visual impacts on the neighborhood. As is stated in the attached Mitigated Negative Declaration, the solar array is intended to absorb, not reflect, sunlight. According to the manufacturer's specifications, the array will not create any light or glare that would adversely impact the surrounding properties.

- 5) The establishment of the use or building applied for will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the vicinity of the proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

Staff analysis: The proposed solar array will not be detrimental to the general welfare of persons residing or working in the vicinity of the project.

Staff supports the Utilities Department's request for a use permit to construct the 3.6 acre solar array in the storm water detention basin.

Recommended Actions:

A. Adopt the following findings:

1. Following review and consideration of the attached negative declaration and any comments received, find there is no substantial evidence that the project will have a significant impact on the environment.
2. The proposed construction of a solar array is consistent with the designation Parks, Recreation, and Open Space as shown on the Land Use Map of the General Plan.
3. The site is of adequate size to accommodate the proposed solar array.

4. The existing public improvements serving the site are adequate to carry the amount of traffic generated by the proposed solar array.
 5. The site design will complement neighboring facilities.
 6. Approval of the use permit for a 3.6-acre solar array in the storm water detention basin at the Wastewater Treatment Facility will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the vicinity of the proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.
- B. Adopt the Negative Declaration.
- C. Approve Use Permit #UP 06-06 for the construction of a 3.6-acre solar array in the storm water detention basin at the Wastewater Treatment Facility in the R-1 District.
- 2. PUBLIC HEARING: GENERAL PLAN AMENDMENT GP 06-03 RE-DESIGNATING TWO PARCELS FROM MEDIUM DENSITY RESIDENTIAL TO OFFICE AND OFFICE PARK AND REZONE RZ 06-07 TO CHANGE THE ZONING FROM R-3, MULTIPLE-FAMILY RESIDENCE DISTRICT TO C-O, OFFICE COMMERCIAL DISTRICT; LOCATION: 1185 AND 1189 LIVE OAK BOULEVARD; ASSESSOR'S PARCEL NUMBERS: 51-540-110 AND 51-540-111; APPLICANT: DAN CUCCHI; PROPERTY OWNER: BHARTPAL "BART" PANU**

Project Description:

The proposed project is to change the General Plan designation for 2.06 acres located at 1185 and 1189 Live Oak Boulevard from Medium Density Residential to Office and Office Park and to change the Zoning classification from R-3, Multiple-Family Residence District, to C-O, Office Commercial. The applicant intends to construct a small office park on the two parcels. However, there is no application for a development plan or for building permits at this time. Depending on the size of any future project, staff, the Planning Commission, or the City Council would review any future application for compliance with the Zoning Regulations and Design Guidelines.

Property Description:

The project is located on two parcels totaling 2.06 acres on the east side of Live Oak Boulevard, north of Bird Street and south of Lynn Way. One single-family home currently exists on each of the two parcels.

General Plan Designation:

Medium Density Residential

Zoning Classification:

R-3, Multiple-Family Residence District

Surrounding Land Use:

The properties to the north and west, across Live Oak Boulevard, have General Plan designations of Office and Office Park and Zoning designations of C-O, Office Commercial. The properties to the east and south have General Plan designations of Medium Density Residential and Low Density Residential and Zoning designations of R-3, Multiple-Family Residence, and R-2, Two-Family Residence. The land to the north and east is used for offices; the land to the south is used for single-family and multi-family residences, and Live Oak Boulevard and vacant land are located to the west.

Previous Actions and/or Policies:

None.

Environmental:

A Mitigated Negative Declaration (MND) (Exhibit A) was prepared for the project and is attached for Planning Commission review and consideration. There were only two potentially adverse impacts identified relating to air quality and cultural resources. Mitigation measures, discussed below, were included to reduce possible environmental impacts to a less than significant level. The Commission should review the environmental document, and, if they determine that it adequately meets the requirements of CEQA, recommend that the City Council adopt the MND. The MND did not address future redevelopment of the property as no known project has been submitted. The applicant has indicated that the exiting residences would first be converted to office use.

Air Quality

The Feather River Air Quality Management District (FRAQMD) was created in 1991 to administer local, state, and federal air quality management programs for Yuba and Sutter Counties. FRAQMD reviewed the project and stated that after an office park is constructed, the project has the potential to emit nitrogen oxides in quantities that exceed FRAQMD’s threshold of significance. In order to mitigate the emission of nitrogen oxides to a level that will be less than significant, FRAQMD and the applicant agreed that the following mitigation measures shall be incorporated into any future construction project:

Any future project(s) on the site shall include bicycle lockers and/or racks.

Any future project(s) on the site shall include no more than the minimum number of parking spaces as required by the Yuba City Zoning Regulations.

Any future project(s) on the site shall include parking lot shading at a 20% higher rate than that which is required by the Yuba City Zoning Regulations at the time of

construction. The parking lot shading shall be accomplished using low pollution emitting trees.

Any future project(s) on the site shall include preferential parking for carpools or vanpools. Signs shall be installed to indicate which spaces are reserved for carpools and vanpools.

Any future project(s) on the site shall include either fiber optic or T1 wiring and connections for high-speed internet access.

The following standard mitigation measures shall apply to the construction phase of any future project:

All grading operations on the project shall be suspended as directed by the Feather River Air Quality Management District when winds exceed 20 miles per hour.

To help contain fugitive dust, construction sites shall be watered down during the construction phase of the project as directed by the Public Works Department.

During construction, the Contractor shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and roadways. Contractor shall be responsible that all construction equipment is equipped with manufacturers approved muffler baffles. Failure to do so may result in the issuance of an order to stop work.

Cultural Resources

As referenced in the mitigated negative declaration, although some of the project site has been disturbed during construction of the single-family homes, there remains the possibility that during further grading and construction cultural artifacts and/or human bones could be encountered. The following standard mitigation measure simply ensures that any finds of cultural resources are immediately reported to the proper agencies for review and determination of origin of the find and properly mitigated:

If artifacts or unusual amounts of bone or shell are uncovered during demolition or construction activity, all work shall be stopped and a qualified archaeologist shall be contacted for on-site consultation. If the bone appears to be human, the Sutter County Coroner and the Native American Heritage Commission shall be contacted.

The two single-family homes located on the project site appear to be more than 50-years old, which means the structures could qualify for inclusion on the State's Historic Register. The scope of any future project does not include demolition of the homes because the applicant has stated that he intends to retain the two single-family homes on the parcels and convert them into office space. However, should the applicant or any future owner of the property decide to demolish the structures, the following mitigation measure will ensure that any significant historical resource is not lost:

If the applicant or any future owner of the property proposes to remove either of the structures, he/she must first have a historical analysis of the structure(s) performed by a qualified individual or firm prior to the issuance of a building permit.

Staff Comments:

Once the General Plan and Zoning designations are changed, the applicant (or any future owner of the property) will be allowed to construct any of the uses allowed in the C-O, Office Commercial District. If the floor area of any future project is 35,000 square feet or less, staff will review the project to ensure it conforms to the Zoning Regulations and Design Guidelines. If a future project is between 35,001 and 100,000 square feet, the Planning Commission will review the development plan application. Finally, if the project exceeds 100,000 square feet, the City Council will review the development plan application.

As previously noted the proposed General Plan Amendment and Rezone would not, have an adverse impact the environment. However, construction activities and the operation of future buildings and uses have the potential to adversely impact cultural resources and air quality. The incorporation of the mitigation measures discussed above will mitigate any potential adverse impacts to a level that is less than significant.

As shown on the Existing General Plan (Attachment 2) and Existing Zoning (Attachment 3) the proposed amendment of the General Plan to an Office and Office Park designation and rezoning of the properties to the C-O District is compatible with the existing surrounding uses and zoning districts. Staff requests that the Planning Commission recommend adoption of the Mitigated Negative Declaration and approval of General Plan amendment GP 06-03 and Rezone RZ 06-07 to the City Council.

Recommended Action:

A. Recommend that City Council adopt the following findings:

1. Following review and consideration of the attached Mitigated Negative Declaration and any comments received, find there is no substantial evidence that with the incorporation of the mitigation measures, the project will have a significant impact on the environment.
2. The proposed project is to change the General Plan designation from Medium Density Residential to Office and Office Park and to change the Zoning classification from R-3, Multiple-Family Residence District, to C-O, Office Commercial on Assessor's Parcel Numbers 51-540-110 and 51-540-111.
3. The two parcels being re-designated (2.06 acres) are of adequate size to accommodate any office use in the Office and Office Park land use designation.
4. Approval of the General Plan amendment and Rezone for Assessor's Parcel Numbers 51-540-110 and 51-540-111 will not be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the vicinity

of the proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

- B. Adopt the Mitigated Negative Declaration (Exhibit A).
- C. Recommend that the City Council approve the General Plan Amendment GP 06-03 and Rezone RZ 06-07 to change the General Plan designation from Medium Density Residential to Office and Office Park, as shown on Exhibit B, and to change the Zoning classification from R-3 Multiple-Family Residence District, to C-O Office Commercial, as shown on Exhibit C, for Assessor's Parcel Numbers 51-540-110 and 51-540-111.

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3. **PUBLIC HEARING: PRE-ANNEXATION ZONING RZ 06-08 TO CHANGE THE EXISTING PRE-ANNEXATION ZONING FROM R-3, MULTIPLE-FAMILY RESIDENCE DISTRICT TO R-1, ONE-FAMILY RESIDENCE DISTRICT, ON A PORTION OF THE PROPERTIES; LOCATION: NORTH SIDE OF LINCOLN ROAD, EAST OF KAREN DRIVE; ASSESSOR'S PARCEL NUMBERS: 20-360-019, 20-360-020, AND 20-360-042; APPLICANT: S.E. CAMINITO CORPORATION; PROPERTY OWNERS: S.E. CAMINITO CORPORATION, DEWART FAMILY TRUST; FLOYD JONES.**

SUBDIVISION MAP SM 06-08 (EMERY VILLAGE) TO SUBDIVIDE ASSESSOR'S PARCEL NUMBER 20-360-019 INTO TEN PARCELS; LOCATION: NORTHEAST CORNER OF LINCOLN ROAD AND KAREN DRIVE; APPLICANT: S.E. CAMINITO CORPORATION; PROPERTY OWNER: S.E. CAMINITO CORPORATION

Project Description:

The proposed project is to change the existing pre-annexation zoning on three parcels from R-3, Multiple-Family Residence District, to R-1, One Family Residence District. (Please see Attachment 3, "Existing Pre-annexation Zoning".) The new zoning classification will match the current General Plan designation of Low Density Residential.

The applicant also proposes to subdivide parcel 20-360-019 into ten single-family lots, all of which meet the R-1 Development Standards for lot width and lot area. The new parcels will be located on the proposed Emery Court, which will have access on the east side of Karen Drive. (Please see Exhibit C, "Subdivision Map SM 06-06".)

The applicant has filed a petition with the Local Agency Formation Commission (LAFCO) to annex all three parcels and the existing homes on Karen Drive into Yuba City.

Property Description:

Assessor's Parcel Number 20-360-019 is approximately 1.8 acres and is vacant. Assessor's Parcel Number 20-360-042 is approximately 0.51 acres and contains a single-family residence.

Assessor's Parcel Number 20-360-020 is approximately 1.01 acres and contains approximately 8 multiple-family cottages. Lincoln Road, located to the south of the project site, is a two-lane street with no curb, gutter or sidewalk. Karen Drive, located to the north of the project site, is improved with curb, gutter, and a 4-foot sidewalk.

General Plan Designation:

Low Density Residential

Current Pre-annexation Zoning Classification:

R-1, One-Family Residence District
R-3, Multiple-Family Residence District

Surrounding Land Use:

Single-story, single-family residences and Karen Drive are located north, single-family residences are located east, Lincoln Road and high density, single-family residences are located south, and single-family residences, Karen Drive, and neighborhood commercial are located west of the project area. (Please see Attachment 1, "Aerial Photo".)

Previous Actions and/or Policies:

The current pre-annexation zoning was placed on the properties in conformance with the General Plan in effect in 1988 which showed the Lincoln Road frontage as Medium Density Residential.

Environmental:

A Mitigated Negative Declaration (Exhibit A) was prepared for the project and is attached for Commission review and consideration. The Initial Study determined that construction activity could result in the exposure of sensitive receptors (i.e., surrounding residences) to temporary airborne pollutants associated with construction. However, with the incorporation of General Plan Implementing Policy 8.6-I-6, which requires a number of methods of emissions control and mitigation measures during construction, the potential impacts associated with construction on the site will be mitigated to a level that is less than significant. Staff requests that the Planning Commission adopt the attached Mitigated Negative Declaration.

Staff Comments:

Staff supports the applicants' request to change the existing pre-annexation zoning to the R-1, One-Family Residence District, on parcels 20-360-019, 20-360-042, and 20-360-020. The new pre-annexation zoning will match the current General Plan designation of Low Density Residential.

Staff also supports the applicants' request to subdivide parcel 20-360-019 into ten parcels. The map conforms to the City's development standards for the R-1, Single-Family Residence District, Title 8, Chapter 2 of the Yuba City Municipal Code pertaining to subdivisions and the

State Subdivision Map Act in all respects. The approval of the subdivision map will not take effect until such time as the parcel is annexed into the City.

Recommended Actions:

A. Adopt the following findings:

1. Following review and consideration of the attached Mitigated Negative Declaration and any comments received, find there is no substantial evidence that the project will have a significant impact on the environment;
2. The proposed pre-annexation zoning of R-1, One-Family Residence District, is consistent with the Low Density Residential General Plan Designation;
3. The approval of SM 06-08 is consistent with the goals, policies and objectives, as well as the Low Density Residential designation, of the Yuba City General Plan;
4. The approval of SM 06-08 is consistent with the development standards of the R-1, One-Family Residence District;
5. SM 06-08 complies with the requirements of Title 8, Chapter 2 of the Yuba City Municipal Code pertaining to subdivisions; and
6. SM 06-08 complies with the State Subdivision Map Act.

B. Adopt the Mitigated Negative Declaration (Exhibit A).

C. Recommend that the City Council adopt the Mitigated Negative Declaration and approve the application to amend the pre-annexation zoning RZ 06-08 from the R-3, Multiple Family Residence District, to R-1, One Family Residence District, as shown on Exhibit B, on Assessor's Parcel Numbers 20-360-019, 20-360-042, and 20-360-020.

D. Approve subdivision map SM 06-08, as shown on Exhibit C, subject to the following 70 conditions of approval:

General Requirements

1. 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.
2. All design and construction shall conform to the latest edition of the City of Yuba City Standard Specifications and Details, State of California Standard Specifications for Construction of Local Streets and Roads (May 2006), AASHTO Policy on Geometric Design of Streets and Highways for local roads, and FHWA Manual on Uniform Traffic Control Devices for Streets and Highways (2003 edition).

3. The Developer shall obtain all necessary approvals from City, utilities and other effected parties that are required for the project including, but not limited to, the preparation of drawings, studies, reports and permit applications, and payment of fees. Prior to City approval of improvement plans the developer shall provide evidence, to the satisfaction of the Public Works Department, that all such obligations have been met.
4. Improvement plans shall be approved by the Yuba City Fire Department.
5. In the event that the City is forced to condemn or acquire off-site property interest in connection with required off-site improvements, the Developer shall fund the cost of condemnation or acquisition, including but not to be limited to the amounts necessary to purchase the easement or fee simple interest, document preparation, and severance or other damages payable to the owners of the land upon which the improvements are to be located, the actual cost and acquisition and all fees, including attorneys' fees and/or other expenses necessary to prosecute the condemnation action, including expert witness and appraisal fees. In the event that the City elects to proceed with acquisition or condemnation pursuant to Government Code Section 66462.5, the Developer shall, within 60 days of written notice by the City, deposit with the City, as an advance, the full estimated cost of such acquisition or condemnation. The Developer shall prepare any easements or deeds necessary for off-site improvements.
6. Required Improvement Plan Notes:
 - a. "Any excess materials shall be considered the property of the contractor/owner and shall be disposed of away from the job site in accordance with applicable local, state and federal regulations."
 - b. "During construction, the Contractor shall be responsible for controlling noise, odors, dust, and debris to minimize impacts on surrounding properties and roadways. The Contractor shall be responsible that all construction equipment is equipped with manufacturers' approved muffler baffles. Failure to do so may result in the issuance of an order to stop work."
 - c. "If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Sutter County Environmental Health Department, the Fire Department, the Police Department, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies."
 - d. "The Contractor(s) shall be required to maintain traffic flow on affected roadways during non-working hours and to minimize traffic restriction during construction. The Contractor shall be required to follow traffic safety measures in accordance with the CalTrans "Manual of Traffic Safety Controls for Construction and Maintenance Work Zones." The City of Yuba City emergency service providers shall be notified, at least two working days in advance, of proposed construction scheduled by the contractor(s)."

- e. “Prior to the issuance of building permits, all applicable development impact fees shall be paid to the satisfaction of the Public Works Department and in accordance with City and local district ordinances.”
- f. “Soil shall not be treated with lime or other cementitious material without prior express permission by the Public Works Department.”

Permits Required

7. Prior to grading the Contractor shall provide evidence that a Notice of Intent has been submitted and received by the local Water Quality Control Board for a General Construction Activity Storm Water Permit. Two copies of the project Storm Water Pollution Protection Plan shall be provided to the City.
8. The Contractor shall obtain an Encroachment Permit from the City and/or County prior to performing any work within public rights of way.

Roadway Improvements

9. Lincoln Road shall be constructed to a width of 73.0 feet (back of curb to back of curb). Right-of-way on the north side of the centerline shall be dedicated to a width of 62.5 feet. Construction shall include on the north side of the centerline a 34.0’ foot road, 2.5 foot curb and gutter, 8.0 foot landscape parkway strip, 6.0 foot detached sidewalk, 12.0 Public Utility Easement (PUE), 6.0 to 8.0 foot masonry block wall, street trees, and street lights except as otherwise shown on the tentative map and approved by the Public Works Department.
10. Karen Drive is currently constructed to a width of 43.0 feet (back of curb to back of curb). Right-of-way on the east side of the centerline shall be dedicated to a width of 27.0 feet and shall include the dedication of a 10.0 foot PUE from the back of sidewalk.
11. Emery Court shall be constructed to a width of 37.0 feet (back of curb to back of curb). Right-of-way shall be dedicated to a width of 38.0 feet.
12. 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 inches minimum for residential, and 4 inches minimum for collectors and arterials, of ‘Type A’ asphalt 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.

13. 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.
14. Handicap accessible ramps in compliance with the American Disability Act shall be provided at all intersections and crosswalks where sidewalks are proposed.

Utilities

15. The existing overhead lines on the property shall be abandoned and removed prior to acceptance of the improvements.
16. There shall be a minimum of 48 inches of cover from finished grade to top of pipe for all water mains 12 inches and larger in diameter, or as approved by the Public Works Director.
17. All service laterals (water, sewer, irrigation, fire suppression), along with required water meters are to be shown on the civil improvement plans. All applicable fees shall apply.
18. Prior to paving, the Developer shall vacuum test all sanitary sewer and storm drain manholes to ensure no leakage will occur.
19. Prior to paving, the Developer shall hydroflush and inspect using closed circuit television all storm drain mains and all sewer mains. In addition, prior to the City's acceptance of the subdivision improvements, the storm sewer and sewer mains shall be re-hydroflushed.
20. The Design Engineer shall provide technical reports to substantiate the sizing of pipes. The reports shall include:
 - a. hydrology/hydraulic calculations;
 - b. sewer calculations; and
 - c. calculations using the City's water module.
21. The Design Engineer shall provide calculations analyzing available sewer and storm drain capacity and certify additional demands of the subdivision can be satisfied. If the demands cannot be satisfied, the Design Engineer shall provide offsite improvement plans to do so.
22. 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 the first building permit for each phase of construction.

Lighting and Landscaping

23. The Developer shall petition for formation of a Zone of Benefit of the Yuba City Landscaping and Lighting District for the purpose of maintaining street trees which are to be planted along all streets, maintaining the street lights, and maintaining the masonry walls.
24. The Developer shall be responsible for preparation of a street tree and irrigation plan which shall be submitted with the first submission of the improvement plans.
25. Street lights shall be located in accordance with City standards or as approved by the Public Works Director. All street lighting shall be dedicated to the City of Yuba City. Existing street lights within the vicinity of the project and proposed street light locations shall be shown on the improvement plans.
26. All street lighting shall be energized prior to the issuance of any building permits.
27. All landscape strips located between the street and masonry block walls shall be irrigated. A separate meter shall be installed on the landscape service. More than one meter may be required. The Developer shall pay all applicable connection, water service, and meter fees. Landscape strips located adjacent to residential properties shall be irrigated by the property owners.
28. The final improvement plans shall reflect street tree placement so that no interference with streets, streetlights, and driveways will occur to the satisfaction of the Public Works Department.
29. The street trees proposed by the Developer shall be a minimum of 15 gallon in size with a one-inch dbh (diameter at breast height). The tree specie(s) shall be a shade type approved by the City Arborist and the Public Works Department. Only one tree specie shall be planted on any street.
30. Each lot shall be landscaped between the residence and the curb prior to occupancy. If it is deemed impractical by the Public Works Department to have the landscaping completed prior to occupancy, the Builder/Developer shall provide security for the value of the landscaping and commit to a water quality control plan to prevent the input of pollutants from the lot to the urban drainage system as approved by the Public Works Department.

Drainage

31. The improvement plans for the development of the subject property shall include all measures required to ensure that no drainage runoff resulting from the property's development flows onto the adjacent residential or agricultural lands or impede the drainage from those properties. If retaining walls are required they shall be constructed of concrete or masonry block.
32. Existing and proposed grade elevations at perimeter of the proposed land development shall be shown on the tentative map. The Engineer of Record shall designate on the improvement

plans as to where any retaining walls are required and provide details of all proposed retaining walls. A retaining wall shall be required where grade differences between the proposed development and the surrounding land is greater than 6” (inches). The use of any type of wood as the retaining wall is not permitted.

33. Special drop inlet frames and grates shall be installed at all drop inlets and junction drop inlets throughout the development area. Cast into the curb back shall be a message “Dump No Waste – Drains to River”. If casting cannot be found that fits the City’s standard drop inlet, then designated markers, approved by the City, shall be installed to the manufacturer’s specifications on the top of curb, or at an appropriate alternative nearby location when no curb is available, at all storm drain inlets in the development area.

Grading

34. A master grading plan shall be submitted to the Public Works Department as part of the improvement plans.
35. The Developer shall submit, with the first improvement plan check, to the City for review and approval a detailed geotechnical investigation prepared by a Civil Engineer registered in the State of California and qualified to perform geotechnical work. The grading plan shall incorporate the recommendations of the approved geotechnical investigation.
36. Where soil or geologic conditions encountered during grading operations are different from those anticipated in the geotechnical investigation, or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic investigation shall be submitted for approval by the Public Works Department. The revised investigation shall be accompanied by an engineering and geological opinion as to the safety of the site from hazards of settlement and seismic activity.
37. The rear yards and/or side yards of the lots created by this subdivision that are adjacent to existing residential development shall have the same finish grade elevation as the existing lots within tolerances as approved by the Public Works Department.
38. All grading operations on the project shall be suspended as directed by the Feather River Air Quality Management District when winds exceed 20 miles per hour or when winds carry dust beyond the property line despite implementation of all feasible dust control measures. An operational water truck shall be onsite at all times to assist in dust control.
39. To help contain fugitive dust, construction sites shall be watered down during the construction phase of the project as directed by the Community Development and Public Works Departments.
40. Onsite dirt piles or other stockpiled particulate matter shall be covered, wind breaks installed, and water and/or soil stabilizer employed to reduce wind blown dust emissions. The Contractor shall incorporate the use of approved non-toxic soil stabilizer according to manufacturers’ specifications to all inactive construction areas.

41. Two grading certificates for each lot shall be provided to the City. The first certificate shall be prior to the issuance of a building permit, and the second certificate shall be after placement of landscaping (unless landscape bond is in place) and prior to issuance of the Certificate of Occupancy. The Developer shall provide the certification by a licensed surveyor or Civil Engineer as to lot elevation, grading, and lot drainage conformance with the approved improvement plans. The City Engineer shall sign off on the certifications.
42. If grading is to take place between October 15 and April 15, both temporary and permanent erosion control measures conforming to the project erosion control plans shall be in place before October 1st. Erosion control measures shall be monitored and maintained continuously throughout the storm season.

Driveways

43. All driveway locations shall be shown on the improvement plans. The pan width shall not exceed 24 feet in length for a 3 car garage, and 16 feet in length for a 2 car garage.
44. The driveway widths shall match and align with the curb cut widths that were installed as part of the improvement plans.
45. The only hard surface (concrete or pavers) that can be placed in the street planter area other than the standard driveway serving the residence is 18 inch wide strips to accommodate the wheel path of vehicles.

Storm Water Pollution and Prevention Plan

46. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and presented to the Regional Water Quality Control Board and presented to and approved by the City. The objective of the plan shall be no net loss of soil (above an undisturbed natural, stable background state) from the site due to erosion. All requirements of the SWPPP shall be completed as part of the required improvement plans and shall be maintained in the same manner. Should the Developer fail to ensure satisfactorily compliance with the SWPPP, the City Inspector may issue a stop work order until compliance is achieved.
47. The SWPPP shall conform to the provisions in Section 7-1.01G, "Water Pollution", of the Caltrans Standard Specifications for construction of streets and local roads dated May 2006, the requirements in the Manuals, and the requirements of the Permits. The Developer shall be responsible to include provisions for SWPPP requirements on the contract documents for the work under the proposed development. These provisions shall direct the successful contractor to develop a SWPPP document per the directions on the Caltrans website at <http://www.dot.ca.gov/hq/construc/stormwater/stormwater1.htm>. The Contractor shall submit the SWPPP document within the time lines set forth on the development's special provisions and allow 15 days for the City to review and approve or return the document for revisions. *The developer/Contractor shall not start any work until the SWPPP document has been approved by the City.*

48. Temporary silt fencing shall be erected during construction and permanent fencing shall be completed prior to occupancy so that transport of construction debris can be retained on-site.
49. The Developer shall be required to adhere to Best Management Practices contained in General Plan Policy 8.5.I.7, which require:
- a. Use of low berms or other temporary facility built between the construction site and drainage areas to prevent sheet-flooding storm water from entering storm drainage facilities and waterways.
 - b. Use of storm drains or other City-approved facilities to collect storm water runoff during construction.
 - c. Use of onsite retention where appropriate.
50. The following minimum Best Management Practices (BMPs) shall be required during construction:
- a. Construction crews shall be instructed in preventing and minimizing pollution on the job.
 - b. Stabilize construction entrance/exit to prevent tracking onto roadway. Only one stabilized construction entrance/exit will be allowed per site. Vehicles entering and leaving construction sites spread pollutants such as sediment, gravel, and other loose particles onto adjacent roads. Pollutants are washed into roadside ditches and are a nuisance to drivers and may cause damage to vehicles.
 - c. Protect exposed slopes from erosion through preventative measures. Cover slopes to avoid contact with storm water by hydro-seeding, mulch, use of plastic sheeting, or other approved means.
 - d. Use brooms and shovels when possible to maintain a clean site. Use of a hose is not recommended. Introducing water as a cleanup method adds to water pollution.
 - e. Designate a concrete washout area, if needed, to avoid wash water from concrete tools or trucks from entering storm drain systems. Maintain washout area and dispose of concrete waste on a regular basis.
 - f. Establish a vehicle storage, maintenance, and refueling area, if needed, to minimize the spread of oil, gas, and engine fluids. Use of oil pans under stationary vehicles is strongly recommended.
 - g. Protect drain inlets from receiving polluted storm water through the use of filters such as fabrics, gravel bags or straw wattles.
 - h. Be prepared for rain and have the necessary materials onsite before the rainy season.
 - i. Inspect all BMPs before and after each storm event. Maintain BMPs on a regular basis and replace as necessary, through the entire course of construction.

Easements

51. The improvement plans shall show provisions for the placement of centralized mail delivery units in the Public Utility Easement (PUE). Developer shall 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 Public Works Department, with due consideration for street light location, traffic safety, security and consumer convenience.
52. All existing easements shall be shown on the Final Map.
53. An 8 foot Public Utility Easement (PUE) shall be dedicated along the north side of Lot 6 as shown on the tentative map.

Miscellaneous

54. Prior to issuance of any building permits, all underground utilities, public improvements, and site improvements, including rough grading, shall be completed unless otherwise noted in these conditions of approval.
55. Prior to acceptance of the improvements, 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.
56. Prior to the occupancy of any building, 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.
57. Open burning is a source of fugitive gas and particulate emissions, and shall be prohibited at the project site. No open burning of vegetative waste (natural plant growth wastes) or other legal or illegal burn materials (trash, demolition debris, etal.) shall be conducted at the project site. Vegetative wastes should be chipped or delivered to waste facilities (permitted biomass facilities), mulched, composted, or used for firewood. It is unlawful to haul waste materials offsite for disposal by open burning.
58. All existing well(s) and septic tank(s) shall be destroyed in accordance with the requirements of the Sutter County Environmental Health and Yuba City Building Departments, respectively. Connections shall be made to public sewer and water. The Developer shall pay all applicable fees.
59. Construction signs shall be installed/erected per CalTrans Standards and Details. The signs shall be maintained throughout the project duration.
60. Should artifacts or unusual amounts of bone or shell be uncovered during demolition or construction activity, all work shall be stopped and a qualified archeologist shall be contacted for on-site consultation. Avoidance measures or appropriate mitigation shall be completed

according to CEQA guidelines. The State Office of Historic Preservation has issued recommendations for the preparation of Archeological Resource Management Reports which shall be used for guidelines. If the bone appears to be human, California law mandates that the Sutter County Coroner and the Native American Heritage Commission be contacted.

61. The perimeter subdivision wall and/or fence shall be in place to the satisfaction of the Public Works Department prior to issuance of the first building permit.
62. 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 2000 or newer) and hard copy (on mylar) to the City. The City will not accept the completion of the improvements until the electronic copy and hard copy have been submitted.
63. The Developer 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 ensure compliance.
64. The Developer's Superintendent/Representative shall be onsite when the Contractor is working and be available to the City's Construction Inspector assigned to the project. The Developer shall be responsible for making sure that the Contractor is working from signed improvement plans, signed special provisions, signed storm water pollution prevention plan, and the approved project agreement conditions.
65. The Developer's Superintendent/Representative shall ensure that all private vehicles are either parked off-site or outside of construction areas. All vehicles, construction equipment, and construction material related to the project shall be organized in such a manner to provide emergency vehicle access to the entire project. Sidewalks within and adjacent to the construction area shall be kept clean and remain accessible for American Disability Act compliance.
66. The Developer and/or the Developer's Superintendent/Representative shall have a pre-construction meeting with the City prior to commencing construction of public improvements. The Developer shall notify the City of the meeting no less than two working days in advance of such meeting. Those in attendance at the meeting shall include: the City, the Developer and/or the Developer's Superintendent/Representative, the Contractor, the Design Engineer, the Developer's safety representative, the Developer's SWPPP representative.

During Construction Operations

67. Prior to beginning construction and if applicable, the Developer shall obtain a demolition permit from the City for removal of all existing structures on the site.

68. The Developer shall keep adjoining public streets free and clean of project dirt, mud, materials, and debris during the construction period, as found necessary by the City.
69. These Conditions of Approval shall be attached to, and be made an integral part of, the improvement plans.
70. The approval of the tentative subdivision map (SM 06-08, Emery Village) shall not take effect until such time as the property is annexed into the City of Yuba City.
- 4. PUBLIC HEARING: SUBDIVISION MAP #SM 05-06 AND REZONE #RZ 06-01 (WALNUT PARK WEST); TENTATIVE MAP PROPOSES CREATION OF A SUBDIVISION TOTALING 277 LOTS FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENT ON A 39.18-ACRE PROJECT SITE, AND WILL ALSO WILL INCLUDE DEVELOPMENT OF NINE SMALL LOTS THAT WILL BE LANDSCAPED. IN ADDITION TO THE TENTATIVE MAP, THERE IS A PROPOSED REZONING FROM THE CURRENT ONE FAMILY RESIDENCE, SPECIAL STANDARDS COMBINING DISTRICT (R-1-X₂₃) TO A PLANNED DEVELOPMENT DISTRICT FOR A PORTION OF THE WALNUT PARK WEST SUBDIVISION; A PROPOSED DEVELOPMENT AGREEMENT WITH THE CITY AND A DEVELOPER-PREPARED TOWNSHIP ROAD AREA TECHNICAL MASTER PLAN; LOCATED ON THE EAST SIDE OF TOWNSHIP ROAD; APN #17-090-008, 014, 015. APPLICANT, A&G MONTNA PROPERTIES, LP**

As noted in the attached letter, the applicant has requested that this item be continued to a date to be determined. Staff will re-notice the project when the applicant is ready to proceed.

Recommended Action:

Staff recommends that the Planning Commission continue this item to a date to be determined.

- 5. PUBLIC HEARING: SUBDIVISION MAP #SM 05-03; (TALAVERA); SUBDIVISION MAP #SM 06-01 AND REZONE #RZ 06-02 (MONTICELLO); TWO TENTATIVE MAPS THAT PROPOSE CREATION OF A SUBDIVISION TOTALING 672 LOTS FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENT ON A COLLECTIVE 184-ACRE PROJECT SITE, AND INCLUDES DEVELOPMENT OF SEVERAL SMALL LOTS THAT WILL BE LANDSCAPED. IN ADDITION TO THE TENTATIVE MAP, THERE IS A PROPOSED REZONING FROM THE CURRENT ONE FAMILY RESIDENCE, SPECIAL STANDARDS COMBINING DISTRICT (R-1-X₂₂) TO A PLANNED DEVELOPMENT DISTRICT FOR A PORTION OF THE MONTICELLO SUBDIVISION; A DEVELOPMENT AGREEMENT WITH THE CITY; AND A DEVELOPER-PREPARED NORTH TOWNSHIP ROAD AREA TECHNICAL MASTER PLAN; LOCATED ON THE EAST SIDE OF TOWNSHIP ROAD; APN# 17-080-031, 17-020-033, 040. APPLICANT, REYNEN & BARDIS COMMUNITIES**

As noted in the attached letter, the applicant has requested that this item be continued to a date to be determined. Staff will re-notice the project when the applicant is ready to proceed.

Recommended Action:

Staff recommends that the Planning Commission continue this item to a date to be determined.

YUBA CITY PLANNING COMMISSION
MINUTES

Regular Meeting
February 14, 2007
City Hall Council Chambers

The meeting was called to order by Vice Chairman Takhar at 7:05 p.m. Members present were as follows:

PRESENT

Commissioner Satwant Takhar
Commissioner Preet Didbal
Commissioner John Dukes

Commissioner John Sanbrook
Commissioner Craig Starkey
Commissioner Mike Tomlinson

Also present were Aaron Busch, Community Development Director; Katie Ertmer, Associate Planner; Paulla Hyatt-McIntire, Deputy City Attorney; and Roberta Kyle, Recording Secretary.

The Pledge of Allegiance was led by Commissioner Starkey.

The meeting minutes of January 10, 2007, were approved as written.

Appearance of Interested Citizens: - None

Correspondence: - None

Election of Officers:

The following Officers were elected: Chairman – Satwant Takhar, Vice Chairman – Craig Starkey, County Representative – Preet Didbal.

Public Hearings:

- 1. PUBLIC HEARING: USE PERMIT #UP 06-06 FOR CONSTRUCTION OF A 775 kWp SOLAR ELECTRIC SYSTEM LOCATED AT THE YUBA CITY WASTEWATER TREATMENT FACILITY, 302 BURNS DRIVE; APPLICANT: YUBA CITY DEPARTMENT OF UTILITIES; PROPERTY OWNER: CITY OF YUBA CITY,**

Katie Ertmer, Associate Planner, presented a staff report.

Commissioner Sanbrook asked if the project is consistent with the General Plan. Ms. Ertmer said it is consistent with the General Plan.

Chairman Takhar opened the public hearing.

There being no testimony, Chairman Takhar closed the public hearing.

Commissioner Tomlinson asked when the General Plan is scheduled to be looked at again. Aaron Busch, Community Development Director, said it is in the Fiscal Year Budget, this summer or fall.

Commissioner Starkey moved to A. Adopt the 6 findings; B. Adopt the Negative Declaration; and C. Approve UP 06-06, was seconded by Commissioner Sanbrook and the motion passed unanimously.

Chairman Takhar recused himself from the dais. Vice Chairman Starkey took over the meeting.

2. PUBLIC HEARING: GENERAL PLAN AMENDMENT GP 06-03 RE-DESIGNATING TWO PARCELS FROM MEDIUM DENSITY RESIDENTIAL TO OFFICE AND OFFICE PARK AND REZONE RZ 06-07 TO CHANGE THE ZONING FROM R-3, MULTIPLE-FAMILY RESIDENCE DISTRICT TO C-O, OFFICE COMMERCIAL DISTRICT; LOCATION: 1185 AND 1189 LIVE OAK BOULEVARD; ASSESSOR'S PARCEL NUMBERS: 51-540-110 AND 51-540-111; APPLICANT: DAN CUCCHI; PROPERTY OWNER: BHARTPAL "BART" PANU.

Ms. Ertmer presented a staff report.

Commissioner Sanbrook asked why the R3 zoning needed to be changed. Ms. Ertmer stated that it makes sense to change the zoning to match the current General Plan designation of Low Density Residential.

Commissioner Sanbrook asked about traffic generated due to the change in the General Plan and zoning. Ms. Ertmer said the Initial Study examines that issue and found it is insignificant.

Vice Chairman Starkey opened the public hearing.

Dan Cucchi, applicant, spoke about what they want to accomplish with the property.

Commissioner Sanbrook asked if there would be a requirement for a new environmental assessment of re-development on the site.

Ms. Ertmer stated the applicant will not be removing existing structures on the site, so the negative declaration did not examine the historical significance of potentially removing those structures. Ms. Ertmer also said that the structures are over 50 years old, so there would be a requirement to do a historical analysis before demolition of those structures.

There being no further testimony, Vice Chairman Starkey closed the public hearing.

Commissioner Tomlinson asked if there is an ordinance in place that states houses over 50 years old need to be studied before being demolished. Ms. Ertmer said only if it has an "H" designation on it, or the applicant requests it be listed on the historic list which will require rezoning.

Commissioner Tomlinson asked if this property had the "H" zoning. Ms. Ertmer said it does not have the "H" zone as it did not involve tearing down existing structures.

Vice Chairman Starkey asked for clarification, and Ms. Ertmer went over CEQA requirements for 50 year old homes.

Commissioner Tomlinson moved to A. Adopt the 4 findings; B. Adopt the Mitigated Negative Declaration; and C. Recommend that the City Council approve the General Plan Amendment #GP 06-03, and Rezone #RZ 06-07, was seconded by Commissioner Sanbrook, and the motion passed by a vote of 5-0-1 (Chairman Takhar recused).

Chairman Takhar returned to the dais.

Vice Chairman Starkey recused himself from dais for items #3, #4 and #5.

- 3. PUBLIC HEARING: PRE-ANNEXATION ZONING RZ 06-08 TO CHANGE THE EXISTING PRE-ANNEXATION ZONING FROM R-3, MULTIPLE-FAMILY RESIDENCE DISTRICT TO R-1, ONE-FAMILY RESIDENCE DISTRICT, ON A PORTION OF THE PROPERTIES; LOCATION: NORTH SIDE OF LINCOLN ROAD, EAST OF KAREN DRIVE; ASSESSOR'S PARCEL NUMBERS: 20-360-019, 20-360-020, AND 20-360-042; APPLICANT: S.E. CAMINITO CORPORATION; PROPERTY OWNERS: S.E. CAMINITO CORPORATION, DEWART FAMILY TRUST; FLOYD JONES.**

SUBDIVISION MAP SM 06-08 (EMERY VILLAGE) TO SUBDIVIDE ASSESSOR'S PARCEL NUMBER 20-360-019 INTO TEN PARCELS; LOCATION: NORTHEAST CORNER OF LINCOLN ROAD AND KAREN DRIVE; APPLICANT: S.E. CAMINITO CORPORATION; PROPERTY OWNER: S.E. CAMINITO CORPORATION.

Ms. Ertmer presented a staff report.

Ms. Ertmer stated that another condition needed to be added to this project.

The condition is: #71. *“Construction next to existing single story single family residential lots, shall be limited to single stories. Location of windows, balconies and roof lines shall be designed to maximize privacy when new 2 story residences are adjacent to existing multi-story.”*

Commissioner Sanbrook stated that he is concerned about traffic on Lincoln Road, and asked if it is at a Level D. Mr. Busch stated that Level D is the minimum acceptable level in the General Plan for level of service, and said that the full improvements have not been installed as of yet on Lincoln Road, so at full build-out, the level of service will remain at D or better, and said that this project is consistent with the General Plan and Subdivision Ordinance for compliance with those requirements.

Commissioner Sanbrook asked if there were going to be improvements and dedicated right-of-way for Lincoln. Ms. Ertmer said that was correct and also stated that the original proposal for this subdivision included Emery Court coming straight out onto Lincoln Road and Engineering has revised the map to where everything is coming out on Karen Drive.

Chairman Takhar asked about utility boxes where the landscape wall is at Phillips and Lincoln, and asked if there will be similar types of utility boxes at this project.

Mr. Busch stated that those facilities are usually for public utilities, PG&E, or irrigation meters, and are usually located in public right-of-way easement in the landscaping on the outside of the wall. Staff will make sure to try to landscape and minimize to make them as attractive as possible.

Commissioner Tomlinson talked about landscaping and levels of traffic.

Commissioner Dukes asked if at this time, will this be the only section on Lincoln Road that will be improved. Ms. Ertmer said yes, the frontage on the parcel where the subdivision map is will be the only section to be improved at this time.

Commissioner Dukes asked about cost sharing. Ms. Ertmer explained that the size of this project precludes doing a reimbursement agreement.

Commissioner Tomlinson asked about the proposed cul-de-sac. Ms. Ertmer said she believes it is required by Engineering for Fire as a turning radius for their trucks.

Chairman Takhar opened the public hearing.

There being no testimony, Chairman Takhar closed the public hearing.

Commissioner Dukes moved to A. Adopt the 6 findings; B. Adopt the Mitigated Negative Declaration; C. Recommend that the City Council adopt the Mitigated Negative Declaration and approve the application Rezone #RZ 06-08 to amend the pre-annexation from the R3 district to R1 district; and to D. Approve the Subdivision Map #SM 06-08 subject to 71 conditions, was seconded by Commissioner Tomlinson, and the motion passed by a vote of 5-0-1 (Vice Chairman Starkey recused).

4. **PUBLIC HEARING: SUBDIVISION MAP #SM 05-06 AND REZONE #RZ 06-01 (WALNUT PARK WEST); TENTATIVE MAP PROPOSES CREATION OF A SUBDIVISION TOTALING 277 LOTS FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENT ON A 39.18-ACRE PROJECT SITE, AND WILL ALSO WILL INCLUDE DEVELOPMENT OF NINE SMALL LOTS THAT WILL BE LANDSCAPED. IN ADDITION TO THE TENTATIVE MAP, THERE IS A PROPOSED REZONING FROM THE CURRENT ONE FAMILY RESIDENCE, SPECIAL STANDARDS COMBINING DISTRICT (R-1-X₂₃) TO A PLANNED DEVELOPMENT DISTRICT FOR A PORTION OF THE WALNUT PARK WEST SUBDIVISION; A PROPOSED DEVELOPMENT AGREEMENT WITH THE CITY AND A DEVELOPER-PREPARED TOWNSHIP ROAD AREA TECHNICAL MASTER PLAN; LOCATED ON THE EAST SIDE OF TOWNSHIP ROAD; APN #17-090-008, 014, 015. APPLICANT, A&G MONTNA PROPERTIES, LP.**

Mr. Busch explained that the applicant has asked for a continuance to a date to be determined.

Chairman Takhar opened the public hearing.

John Dickman, 3511 Jefferson, said he is concerned about a change from single family homes. Mr. Busch explained that the zoning is still single family, and that additional single family product is being proposed. Mr. Dickman asked if there will be affects on schools. Mr. Busch stated that those issues are being reviewed by the Master Plan.

There being no further testimony, Chairman Takhar closed the public hearing.

Commissioner Sanbrook moved to continue Subdivision Map #SM 05-06 and Rezone #RZ 06-01 to a date to be determined, was seconded by Commissioner Dukes, and the motion passed by a vote of 5-0-1 (Vice Chairman Starkey recused).

5. **PUBLIC HEARING: SUBDIVISION MAP #SM 05-03; (TALAVERA); SUBDIVISION MAP #SM 06-01 AND REZONE #RZ 06-02 (MONTICELLO); TWO TENTATIVE MAPS THAT PROPOSE CREATION OF A SUBDIVISION TOTALING 672 LOTS FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENT ON A COLLECTIVE 184-ACRE PROJECT SITE, AND INCLUDES DEVELOPMENT OF SEVERAL SMALL LOTS THAT WILL BE LANDSCAPED. IN ADDITION TO THE TENTATIVE MAP, THERE IS A PROPOSED REZONING FROM THE CURRENT ONE FAMILY RESIDENCE, SPECIAL STANDARDS COMBINING DISTRICT (R-1-X₂₂) TO A PLANNED DEVELOPMENT DISTRICT FOR A PORTION OF THE MONTICELLO SUBDIVISION; A DEVELOPMENT AGREEMENT WITH THE CITY; AND A DEVELOPER-PREPARED NORTH TOWNSHIP ROAD AREA TECHNICAL MASTER PLAN; LOCATED ON THE EAST SIDE OF TOWNSHIP ROAD; APN# 17-080-031, 17-020-033, 040. APPLICANT, REYNEN & BARDIS COMMUNITIES.**

Chairman Takhar recused himself from the dais. Commissioner Dukes took over the meeting.

Mr. Busch explained that the applicant has requested a continuance to a date to be determined.

Commissioner Dukes opened the public hearing.

John Dickman, 3511 Jefferson, stated he has the same concerns as he did for the last project.

Mr. Busch explained that the number of lots will be reduced, and that this Master Plan will be proposing an elementary school and looking at traffic issues.

Tony Jao, 1765 Independence Drive, said he has concerns of rapid growth in the area and more traffic. Mr. Jao is also concerned at the lack of infrastructure.

Mr. Busch explained that these issues, impacts, and more are what are being looked at in the Master Plan.

Dave Prylor, 3411 Colonial, said he is also concerned about traffic on streets and the safety of children. Mr. Prylor feels infrastructure needs to be built out, and said there is no room for pedestrians.

There being no further testimony, Commissioner Dukes closed the public hearing.

Commissioner Sanbrook asked how far out legal noticing goes. Mr. Busch said the state requirement is 300' and that is what we do.

Commissioner Sanbrook moved to continue Subdivision Map #SM 05-03, Subdivision Map #SM 06-01 and Rezone #RZ 06-02 to a date to be determined, was seconded by Commissioner Tomlinson, and the motion passed by a vote of 4-0-2 (Chairman Takhar and Vice Chairman Starkey recused).

Other Business:

1. Discuss moving the March 14, 2007 regularly scheduled meeting up to March 7, 2007. It was requested by staff to move the March 14, 2007 regularly scheduled meeting, up to March 7, 2007, in order to accommodate the applicant, Global Premiere Development.

Commissioner Tomlinson asked if the applicant's project could go on the Feb. 28th meeting. Mr. Busch stated that meeting may have already been noticed.

Commissioner Dukes moved to have the regularly scheduled meeting of March 14, 2007 moved up to March 7, 2007, was seconded by Commissioner Starkey, and the motion passed unanimously.

2. Overview of the Master Plan Process

Mr. Busch gave a brief presentation.

Commissioner Dukes asked what the applicants concerns were for the continuance request. Mr. Busch said they had the question of what level of infrastructure needs to be installed.

Commissioner Sanbrook asked if all Development Agreement questions were resolved at City Council level for Sutter Heritage. Mr. Busch said they were resolved and a Development Agreement has been signed.

Report on Actions of the City Council:

Mr. Busch stated the dates for the requested Joint CC/PC Workshop are: March 12, 13, or 14. Mr. Busch asked the Commissioners to email Roberta as to which dates would be best for them.

Mr. Busch said staff is still working with City Council on the scope of the workshop.

Adjournment: The meeting was adjourned at 8:17 p.m.

Respectfully submitted,

AARON BUSCH, Secretary
YUBA CITY PLANNING COMMISSION

TO ADDRESS THE COMMISSION
PLEASE STEP TO THE ROSTRUM &
STATE YOUR NAME & ADDRESS

Regular Meeting
February 28, 2007 - 7 p.m.
City Hall Council Chambers
1201 Civic Center Boulevard

YUBA CITY PLANNING COMMISSION
AGENDA

Commissioner Satwant Takhar
Commissioner Preet Didbal
Commissioner John Dukes

Commissioner John Sanbrook
Commissioner Craig Starkey
Commissioner Mike Tomlinson

Roll Call

Pledge of Allegiance

Approval of minutes from meeting held on February 14, 2007

Appearance of Interested Citizens*

Correspondence: - None

Public Hearings:

1. Public Hearing: Use Permit #UP 07-01, Butte Community Bank; Use permit for two drive-through lanes to accommodate Butte Community Bank and Starbuck's; located at 1350 Franklin Road; APN 57-230-009; Applicant, Butte Community Bank; Owner, Winco Holdings, Inc.

Commission Consideration:

1. Request for 18 month extension of time for filing of final map for Tentative Map #TM 05-02, 291 Second Street. Applicant: Ron Souza.
2. Meritorious Awards Program.

Commission Discussion: - None

Other Business: - None

Report on Actions of the City Council

Adjournment

Over

Persons dissatisfied with any decision of the Planning Commission may appeal such action to the City Council. Appeals, accompanied by a fee of \$753 (\$363 if the project concerns a single-family residence), 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 Commission action becomes final. The exception to this is rezonings--please check with the Planning Department, 1201 Civic Center Boulevard, Yuba City 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.

If you require auxiliary aids or services (e.g., signing services) to make a presentation to the Planning Commission, the City will be glad to assist you. Please contact the City offices (530/822-4601) at least 72 hours in advance so such aids or services can be arranged. City Hall TDD: 530/822-4732.

*Members of the public may address the Planning Commission on items of interest that are within the City's jurisdiction whether or not such items of interest are on the agenda for this meeting. Members of the Commission will respond as best as they can to public comments but cannot take action or enter into a discussion on items not contained on the agenda. Public comment on public hearing agenda items will be permitted during the hearing.



City of Yuba City
Planning Division Agenda Report
Planning Commission Meeting

February 28, 2007

DATE: February 22, 2007
TO: Yuba City Planning Commission
FROM: Brian Trudgeon, Principle Planner
SUBJECT: Agenda Report – Meeting of February 28, 2007

- 1. PUBLIC HEARING: USE PERMIT #UP 07-01 FOR DUAL DRIVE-THRU LANES FOR BUTTE COMMUNITY BANK AND STARBUCKS LOCATED IN THE WINCO FOODS CENTER AT 1350 FRANKLIN ROAD; ASSESSOR’S PARCEL NUMBER: 57-230-009; APPLICANT: BUTTE COMMUNITY BANK; PROPERTY OWNER: WINCO HOLDINGS, INC.**

Project Description:

The applicant is requesting a use permit to allow dual drive-thru lanes to serve the proposed Butte Community Bank and Starbucks. The bank and the coffee shop will be joint tenants in a proposed 4,748 square foot commercial building on a previously-approved commercial pad in the Winco Foods Center. (See Attachment 1, “Aerial Photo”.)

The design of the building would normally be reviewed and approved administratively. However, Section 8-5.1301 of the Yuba City Zoning Regulations requires that drive-thru facilities be reviewed and approved by the Planning Commission. The two drive-thru lanes are each 12 feet wide, and the lanes will wrap around the east and north sides of the proposed building. A remote teller system will be located in the northernmost drive-thru lane, and a pick-up window for Starbucks will be located in the southernmost drive-thru lane. A 32-foot, 9-inch wide by 24-foot deep canopy would cover the cars as they idle in front of the remote teller system and the pick-up window. The canopy is 13 feet, 8 inches tall, allowing vehicle clearance up to 10 feet, 6 inches. There is an existing wall north of the proposed drive-thru lanes to screen the cars from being viewed from Franklin Road. (See Exhibit C, “Site Plan” and Exhibit D, “Landscape Plan”.)

Property Description:

The property is located on the north side of the Winco Food Center, east of the entrance to the center. The commercial pad on which Butte Community Bank and Starbucks will be located was previously approved on June 4, 1996, as DP 96-02 for Waremart, Inc.

General Plan Designation:

Community Commercial

Zoning Classification:

C-2, Community Commercial

Surrounding Land Use:

Franklin Road is located north, the Yuba City Parks and Recreation building (known as the Madden House) is located east, IHOP, Ashley Furniture, and Winco Foods are located south, and the entrance to the Winco Foods Center and additional commercial uses are located west of the proposed project.

Previous Actions and/or Policies:

On June 4, 1996, the City Council approved Development Plan DP 96-02 for a 175,707 square foot retail center. In addition to the pad on which the proposed drive-thru lanes will be located, there are two commercial pad spaces totaling 47,889 square feet still available for development. (See Attachment 1, “Aerial Photo”, for the location of the remaining commercial pads which appear as bare ground west of Winco.)

Environmental:

A Mitigated Negative Declaration was prepared for the project and is attached for Commission review and consideration. Mitigation measures to offset possible adverse impacts from construction are contained in the conditions of approval. Staff requests that the Planning Commission adopt the attached Mitigated Negative Declaration.

Staff Comments:

According to Section 8-5.1301 of the Zoning Regulations, drive-thru facilities are permitted in the C-2 District with the issuance of a use permit. According to Section 8-5.7003(D) of the Zoning Regulations, a use permit may be approved when certain findings can be made. Below is a list of the findings followed by a brief staff analysis of each.

- 1) The proposal is consistent with the General Plan.

Staff analysis: The project site has a General Plan Designation of Community Commercial, and it is zoned C-2, Community Commercial. The proposed drive-thru lanes will serve two permitted commercial uses.

- 2) The site for the proposed use is adequate in size and shape to accommodate said use, public access, parking and loading, yards, landscaping and other features required by this chapter.

Staff analysis: The project site is large enough to accommodate the two drive-thru lanes. The existing wall will partially screen the idling cars from view from Franklin Road. Condition #1 requires the developer to install landscaping on the top of the berm and adjacent to the drive-thru lanes that will further screen the idling cars.

- 3) The streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.

Staff analysis: The traffic study for the previously-approved DP 96-02 addressed the potential traffic impacts associated with a commercial pad and drive-thru at the proposed location. Approval of dual drive-thru lanes will not adversely impact the internal traffic circulation in the Winco Center. The streets serving the site are adequate for the proposed use.

- 4) The site design and the size and design of the buildings will complement neighboring facilities.

Staff analysis: The site design was previously determined as a part of DP 96-02. The design of the proposed building does not exactly match any of the neighboring facilities, which are somewhat eclectic in design. However, as can be seen in the color renderings provided by the applicant, (Exhibit B) the building complies with the Yuba City Design Guidelines. Additionally, the building appears to be consistent with the design of the Winco building. Staff supports the applicant's proposed building design and feels that the building will complement, despite the fact that it does not exactly match, neighboring facilities.

- 5) The establishment of the use or building applied for will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the vicinity of the proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

Staff analysis: The proposed drive-thru lanes are designed so they will not be detrimental to the general welfare of persons residing or working in the vicinity of the project. The drive-thru lanes do not create any conflicts with the on-site pedestrian or vehicular circulation system.

Staff supports the applicant's request for a use permit to allow dual drive-thru lanes at 1350 Franklin Road in the Winco Foods Center.

Recommended Actions:

A. Adopt the following findings:

1. Following review and consideration of the attached Mitigated Negative Declaration and any comments received, find there is no substantial evidence that the project will have a significant impact on the environment.
2. The proposed construction of dual drive-thru lanes is consistent with the designation Community Commercial as shown on the Land Use Map of the General Plan.
3. The site is of adequate size to accommodate the proposed dual drive-thru lanes.
4. The existing public improvements serving the site are adequate to carry the amount of traffic generated by the proposed dual drive-thru lanes.
5. The site design will complement neighboring facilities.
6. Approval of the use permit for dual drive-thru lanes for a commercial pad in the Winco Foods Center will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the vicinity of the proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

B. Adopt the Mitigated Negative Declaration.

C. Approve Use Permit UP 07-01 to allow dual drive-thru lanes for a bank and coffee shop in the C-2, Community Commercial district located at 1350 Franklin Road in the Winco Foods Center subject to the following conditions and mitigation measures:

Conditions of Approval:

1. Prior to issuance of building permit, the landscape plan shall be modified to include a hedge or similar landscape materials planted along the top of the berm located to the north of the drive-thru lanes and along the eastern edge of the outside lane.
2. Approval of the use permit for dual drive-thru lanes does not include approval of any of the signage shown on the plans. A separate sign permit shall be secured for all signage located on the building and on the site.

Mitigation Measures:

3. All grading operations on the project shall be suspended as directed by the Feather River Air Quality Management District when winds exceed 20 miles per hour or when winds carry dust beyond the property line despite implementation of all feasible dust control measures.
4. To help contain fugitive dust, construction sites shall be watered down during the construction phase of the project as directed by the Community Development Department.
5. In the event historical, archeological or paleontological resources are discovered during construction, all grading activity in the immediate area shall cease and materials and their surroundings shall not be altered or collected. A qualified archeologist shall be consulted immediately to make an evaluation. 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 as guidelines.
6. If any bone is discovered which appears to be human, all grading/construction activity in the immediate area shall cease and the Sutter County Coroner and the Native American Heritage Commission shall be contacted. The bone shall remain undisturbed until the Coroner reviews the bone and allows construction activities to continue.

1. COMMISSION CONSIDERATION: REQUEST FOR EXTENSION OF TIME FOR FILING THE FINAL MAP FOR TENTATIVE MAP #TM 05-02, LOCATED AT 291 SECOND STREET; APPLICANT, RON SOUZA.

Section 8-2.610 of the Yuba City Municipal Code states that tentative maps are approved for a period of two years. Two extensions of time (not to exceed 18 months each) may be granted.

Project Description:

On March 23, 2005, the Planning Commission approved the tentative map of Ron Souza to subdivide a 188,335 sq. ft. lot into one 5,001 sq. ft. lot, one 5,969 sq. ft. lot, and one 7,840 sq. ft. lot, with 3 conditions of approval.

The applicant has requested an extension of time for filing the final map for TM 05-02 (see attached letter).

Recommended Action:

Grant an 18-month extension of time which will extend the final filing date to September 23, 2008.

2. COMMISSION CONSIDERATION: MERITORIOUS AWARDS PROGRAM.

YUBA CITY PLANNING COMMISSION
MINUTES

Regular Meeting
February 28, 2007
City Hall Council Chambers

The meeting was called to order by Chairman Takhar at 7:00 p.m. Members present were as follows:

PRESENT

Commissioner Satwant Takhar
Commissioner Preet Didbal
Commissioner John Sanbrook
Commissioner Mike Tomlinson
Commissioner John Dukes

ABSENT

Commissioner Craig Starkey (*Excused*)

Also present were Brian Trudgeon, Principle Planner; Katie Ertmer, Associate Planner; Paulla Hyatt-McIntire, Deputy City Attorney; and Roberta Kyle, Recording Secretary.

The Pledge of Allegiance was led by Commissioner Didbal.

The meeting minutes of February 14, 2007, were approved as written.

Appearance of Interested Citizens: - None

Correspondence: - None

Public Hearings:

- PUBLIC HEARING: USE PERMIT #UP 07-01 FOR DUAL DRIVE-THRU LANES FOR BUTTE COMMUNITY BANK AND STARBUCKS LOCATED IN THE WINCO FOODS CENTER AT 1350 FRANKLIN ROAD; ASSESSOR'S PARCEL NUMBER: 57-230-009; APPLICANT: BUTTE COMMUNITY BANK; PROPERTY OWNER: WINCO HOLDINGS, INC.**

Katie Ertmer, Associate Planner, presented a staff report.

Commissioner Sanbrook asked if staff feels confident with the traffic study that was done in 1996. Mr. Ertmer said staff is satisfied with that study and that traffic counts are the same.

Commissioner Sanbrook stated he has concerns about the pedestrian walkway at the west end of the building, the potential conflict with pedestrians and traffic, and asked if any signs are needed.

Ms. Ertmer said a stop sign is not appropriate due to the lack of police enforcement. Ms. Ertmer said Engineering will require a yield sign and that everything will be properly striped.

Commissioner Sanbrook asked if there is enough holding capacity in the Starbucks lane. Ms. Ertmer stated that staff feels there is ample enough room for cars to stack.

Commissioner Dukes asked if there was thought to have the sidewalk and exit of the drive-thru in a different location. Ms. Ertmer explained what the intent of the sidewalk and its location is.

Brian Trudgeon, Principle Planner stated it is an ADA requirement to have it the way it is.

Commissioner Dukes expressed his concerns that the stacking of cars will block exits of the WINCO shopping area.

Chairman Takhar opened the public hearing.

Chad Finch, Architect for Butte Community Bank, address the stacking of cars, and said that 6 cars is usually how cars Starbucks has at one time, feels the timeframes between Starbuck's busiest time and the bank opening is good for the drive-thru.

Chairman Takhar asked what the length of the sidewalk is. Mr. Finch said it is 15 to 20 feet.

There being no further testimony, Chairman Takhar closed the public hearing.

Commissioner Sanbrook moved to A: Adopt the 6 findings; B. Adopt the Mitigated Negative Declaration; and C. Approve Use Permit #UP 07-01 with 6 Conditions of Approval, was seconded by Commissioner Dukes, and the motion passed by a vote of 5-0-1 (Commissioner Starkey absent).

Commission Consideration:

- 1. COMMISSION CONSIDERATION: REQUEST FOR 18 MONTH EXTENSION OF TIME FOR FILING OF FINAL MAP FOR TENTATIVE MAP #TM 05-02; 291 SECOND STREET; APPLICANT, RON SOUZA.**

Katie Ertmer presented the request.

By a voice vote of 5-0-1 (Commissioner Starkey absent), the request for an 18 month extension of time (new expiration date of September 23, 2008) for #TM 05-02 was approved.

- 2. COMMISSION CONSIDERATION: MERITORIOUS AWARDS PROGRAM.**

Mr. Trudgeon explained to the Commission what staff would like them to do and what to look for when choosing candidates for this award.

Commissioner Dukes asked if WalMart included all of the tenants. Mr. Trudgeon said they need to look at the whole center.

Chairman Takhar asked when staff will be bringing this back to the Commission. Mr. Trudgeon said one month to 6 weeks.

Commission Discussion: - None

Other Business: - None

Report on Actions of the City Council:

Mr. Trudgeon explained what projects will be going forward to the City Council. Mr. Trudgeon also told the Commission that the Joint CC/PC Workshop is being delayed until the end of March or the beginning of April, due to scheduling conflicts, and that the Commission will be notified as soon as a date is set.

Adjournment: The meeting was adjourned at 7:22 p.m.

Respectfully submitted,

BRIAN TRUDGEON, Secretary
YUBA CITY PLANNING COMMISSION