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TO ADDRESS THE COMMISSION  
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Regular Meeting  
December 19, 2007 - 7 p.m.  
City Hall Council Chambers  
1201 Civic Center Boulevard

YUBA CITY PLANNING COMMISSION  
AGENDA

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Commissioner Satwant Takhar (Chair)  
Commissioner Craig Starkey (Vice Chair)      Commissioner John Sanbrook  
Commissioner Preet Didbal                      Commissioner Mike Tomlinson  
Commissioner John Dukes                      Commissioner Jose Flores  
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Roll Call

Pledge of Allegiance

Approval of minutes from meeting held on November 14, 2007

Appearance of Interested Citizens\*

Correspondence: - None

Public Hearings:

1. Public Hearing: Development Plan #DP 07-10. Proposal to construct a 42,000 square-foot, three-story office building with a drive-thru; located at the northeast corner of Harter Parkway and Lassen Boulevard; existing General Plan designation: Office and Office Park; existing Zoning classification: C-O, Commercial Office, X-19, Special Standards Combining District; APN 63-010-096 and 63-010-097; Property Owner, D & M Development; Applicant, Ryan Dusa.
2. Public Hearing: Use Permit #UP 07-10. Use Permit for a drive-thru in a proposed 8,300 sq. ft. building; located at 1619 Franklin Road (northwest corner of Franklin and Walton); APN 58-020-006; Owner/Applicant, Roman Real Estate Development.
3. Public Hearing: General Plan #GP 07-05, Rezone #RZ 07-05, Tentative Map #TM 07-05 and Development Plan #DP 07-08. Proposal to amend the General Plan designation from Medium/High Density Residential to Community Commercial, to amend the Zoning Designation from R-3 (Multiple-Family Residential District) to C-2, Community Commercial District on the southerly portion and PD14 (which allows all uses in the C-2, Community Commercial District, as well as up to 17 residential units on the upper floors of commercial buildings) on the northerly portion, to propose a Tentative Map to create 10 parcels, and a Development Plan for 76,000 sq. ft. of commercial and residential mixed use development; located at 1415 Tharp Road, (southeast corner of Tharp and Butte House); APN 59-010-052; Property Owner, Tumber Family Trust; Applicant, Ravi Tumber.

Over

4. Public Hearing: Development Plan #DP 07-09. Proposal for a 79,000 sq. ft. health club and associated office space; located at the southerly portion of 1415 Tharp Road, (southeast corner of Tharp and Butte House); APN 59-010-052; Property Owner, Tumber Family Trust; Applicants, Jerry F. Toller and Peter Bakis.

Commission Consideration: - None

Commission Discussion: - None

Other Business: - None

Report on Actions of the City Council

Adjournment

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Persons dissatisfied with any decision of the Planning Commission may appeal such action to the City Council. Appeals, accompanied by a fee of \$620, 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.



DATE: December 14, 2007  
TO: Yuba City Planning Commission  
FROM: Community Development Department  
SUBJECT: Agenda Report – Meeting of December 19, 2007

### **PUBLIC HEARINGS**

- 1. DEVELOPMENT PLAN DP 07-10 FOR CONSTRUCTION OF A 42,000 SQUARE FOOT, 3-STORY OFFICE BUILDING WITH A DRIVE-THRU WINDOW FOR A BANK LOCATED AT THE NORTHEAST CORNER OF HARTER PARKWAY AND LASSEN BOULEVARD; ASSESSOR'S PARCEL NUMBERS: 63-010-096, 63-010-097; APPLICANT: RYAN DUSA; PROPERTY OWNER: D & M DEVELOPMENT.**

#### **Project Description:**

The applicant, Ryan Dusa, has submitted a Development Plan application for the construction of a 42,000 square foot, three-story office building with a drive-thru for a bank. The project also includes site improvements such as a parking lot with 157 spaces, landscaping, a trash enclosure, and two monument signs. Due to the size of the building, a Development Plan application is being processed in lieu of a use permit application, which would normally be required for a drive-thru. The Planning Commission has the authority to approve the drive-thru as part of the Development Plan project.

#### **Property Description:**

The vacant, 2.1-acre project site is located at the northeast corner of Harter Parkway and Lassen Boulevard. (See Attachment 1, "Aerial Photo")

#### **General Plan Designation:**

Office & Office Park.

#### **Zoning Classification:**

Office Commercial Special Standards Combining, (C-O, X-19), District.

**Surrounding Land Use:**

Vacant, commercially-zoned land and the future site of Yuba City Toyota are located to the north; Sutter County schools office building is located to the east; Lassen Boulevard and vacant, commercially-zoned land is located to the south, and Harter Parkway and River Valley High School are located to the west.

**Previous Actions and/or Policies:**

RZ 98-05: A request for pre-annexation zoning on the subject property to the Light Industrial, Special Standards Combining (M-1-X12) District was recommended for approval by the Planning Commission on December 17, 1998, and approved by the City Council on January 5, 1999. The X-District called for the extension of Lassen Boulevard and Harter Road as well as the preservation of the Onstott House.

GP 01-03 – Del Monte Square: A request to change the General Plan designation on the subject property from the Light Industrial (LI) designation to the Institutional and Professional (IP), Community Commercial (CC), and Public-Quasi Public (PQP) designations.

RZ 01-04 – Del Monte Square: A request for pre-annexation zoning on the subject property from Light Industrial, Special Standards Combining (M-1-X12) District to the Public Facilities (PF) District, Commercial Office, Special Standards Combining (C-O-X19) District, Community Commercial, Special Standards Combining (C-2-X19) District, and the One Family Residence, Special Standards Combining (R-1-X19) District was recommended for approval by the Planning Commission on May 14, 2003, and approved by the City Council on June 17, 2003. The X-19 District required improvements to a number of streets and intersections, including Walton and Lassen, Tharp and Lassen, and El Margarita.

Annexation #302: The subject property was part of an overall annexation of approximately 283 acres of land south of State Route 20. Annexation of the subject property into the City of Yuba City became effective on August 28, 2004.

SM 04-08 – River Valley Commercial and Estates: The subject property was part of the subdivision of 35.5 acres, a portion of which was to be used for offices, a portion of which was to be used for commercial, and a portion of which was to be used as 19 single-family lots. The project was approved by the Planning Commission on September 3, 2004. The 19-lot single-family subdivision has been constructed and is currently occupied.

**Environmental:**

A Mitigated Negative Declaration (Exhibit A) was prepared for the project and is attached for Commission review and consideration. Mitigation measures to offset possible adverse impacts on air quality from demolition and construction as well as from the operational phase of the project are contained in the conditions of approval. Staff requests that the Planning Commission adopt the attached Mitigated Negative Declaration.

**Staff Comments:**

The Zoning Regulations require the Planning Commission to make three findings in order to approve an application for a development plan. The required findings are listed below in italicized, bold font followed by staff’s analysis of each finding.

***1. 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 table below contains the development standards for the C-O, Office Commercial zoning classification and the corresponding proposal by the applicant:

<b>Standard</b>	<b>Code Requirement</b>	<b>Proposed</b>
Maximum Building Height	4 stories/52 feet	48.5 feet (building)/53.5 feet (mechanical screen)
Street Side Setback	10 feet	95 feet (south)/85 feet (west)
Rear Setback	None/15 feet when adjacent to residential	15 feet (north)/100+ feet (east)
Parking	157 spaces	157 spaces
Landscaping (Shade)	50% of parking area	64% +

As shown on the table above, the proposal meets or exceeds the development standards of the City’s Zoning Ordinance with the exception of the mechanical screen, which is 1.5 feet taller than what the Ordinance allows. Section 8-5.5603 of the Zoning Ordinance lists several exceptions to the height limits provided that the structure in excess of the building height limit is not used for any commercial purpose. The mechanical screen is simply a parapet wall designed to shield the roof-mounted mechanical equipment from view of the public. The screen cannot be used in any way for commercial purposes. Staff’s opinion is that the mechanical screen meets the requirements for an exception to the height limit. Therefore, staff recommends that the Planning Commission approve the building as proposed.

The site design for the project includes two access points located near the northwest and southeast corners of the site. The driveway entrance on Harter Parkway is right-in, right-out because the median in Harter Parkway precludes left turning movements into and out of the site. The driveway on Lassen Boulevard will permit all turning movements.

The location of the drive-thru is optimal. It is situated on the north side of the building, nearly hidden from public view. The applicant has proposed considerable landscaping to further screen the drive-thru from sight. The drive-thru has adequate stacking capacity for a bank tenant, but in the event additional cars are waiting to use the facility, the entrance to the drive-thru is completely internal to the site. Therefore, circulation on adjacent streets will not be adversely impacted.

***2. The streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.***

The Yuba City Engineering Division determined that a traffic impact study was not warranted by

the proposed project because any potentially impacted intersections have already been studied as part of previous projects. Specifically, the proposed project conforms to the existing land use designation and zoning classification, which were established as part of the above-referenced GP 01-03 and RZ 01-04. At the time GP 01-03 and RZ 01-04 were approved, the X-19 District added to the site to ensure that any future development of the subject property would be responsible for paying its fair share of the improvements at the following intersections:

Harter Parkway/State Route 20  
Walton Avenue/Lassen Boulevard  
Tharp Road/Lassen Boulevard  
Harter Parkway/Spirit Drive  
El Margarita/Spirit Drive  
El Margarita/State Route 20

Specific dollar amounts and percentage of responsibility for each of the improvements are found in Conditions #43 and #44. The Engineering Division has determined that the streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.

***3. The site design, design of the buildings, and the scale of the project will complement neighboring facilities.***

The design of the site meets the requirements of the Zoning Regulations relative to the provision of adequate parking, shading and landscaping. The building design adheres to the Commercial Design Guidelines with respect to setbacks, materials, and all other aspects, with the above-noted exception of the height of the mechanical screen. Specifically, the building design incorporates a mixture of glazing, metal, stucco coloring and entry features to break the building up into segments. The designer has included equal treatment on all four sides of the building to provide a pleasant and attractive view from all vantage points. Although the scale of the project is larger than the developments to the east, the project will nicely complement the high school to the west and the previously-approved car dealerships (Yuba City Toyota and John L. Sullivan) to the north.

**Recommended Actions:**

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

- A. Adopt the Mitigated Negative Declaration.
- B. Adopt the following three findings for Development Plan DP 07-10:
  - 1. 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.
  - 2. The streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.

3. The site design, design of the buildings, and the scale of the project will complement neighboring facilities.
- C. Approve Development Plan DP 07-10 to construct a 42,000 square foot, three-story office building with a drive-thru for a bank subject to the following 49 conditions of approval:

### **General**

1. Approval of Development Plan DP 07-10 shall be null and void without further action if construction of Development Plan DP 07-10 has not been substantially commenced within 2 years of the date of its approval, or on December 19, 2009.
2. The Conditions of Approval shall be attached to, and be made an integral part of, the improvement plans.
3. Development Plan DP 07-10 is approved as shown in Exhibits B and C and as conditioned herein.
4. The Feather River Air Quality Management District (FRAQMD) Fugitive Dust Control Measures shall be utilized throughout the construction phase of the project. (*Mitigating Measure*)
5. The Feather River Air Quality Management District (FRAQMD) Standard Mitigation Measures for Construction phases shall be utilized throughout the construction phase of the project. (*Mitigating Measure*)
6. Pursuant to Section 8-5.6007 of the Yuba City Zoning Regulations, all landscaping shall be maintained in good growing condition.

### **Engineering Division**

7. Traffic control construction signs shall be installed/erected per City of Yuba City Standards and Details, CalTrans Standards and Details, and the Manual of Uniform Traffic Control Devices. The signs shall be maintained throughout the project duration.
8. 2003 or newer diesel construction equipment shall be used to reduce the emissions of criteria and toxic air contaminants. (*Mitigating Measure*)
9. Onsite dirt piles or other stockpiled particulate matter shall be covered, wind breaks installed, and water and/or soil stabilizer employed to reduce wind blown dust emissions. Incorporate the use of approved non-toxic soil stabilizer according to manufacturers' specifications to all inactive construction areas. Contractor to provide the specifications to the City Inspector. (*Mitigating Measure*)
10. 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. (*Mitigating Measure*)

11. To prevent track-out, wheel washers shall be installed where project vehicles and/or equipment exit onto paved street from unpaved roads. Vehicles and/or equipment shall be washed prior to each trip. Alternatively, a gravel bed may be installed as appropriate at vehicle/equipment site exit points to effectively remove soil buildup on tires and tracks to prevent/diminish track-out. *(Mitigating Measure)*
12. 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. *(Mitigating Measure)*
13. If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Sutter County Environmental Health Department, the Fire Department, the Police Department, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies. *(Mitigating Measure)*
14. The Developer's Superintendent/Representative shall be onsite when contractor is working and be available to the City's Inspectors assigned to the project. The Developer shall be responsible for making sure that the contractor is working from signed improvement plans, signed special provisions, and signed storm water pollution prevention plan.
15. The Developer's Superintendent/Representative shall ensure that all private vehicles be either parked off-site or outside of construction areas. All vehicles, construction equipment, and construction material related to the project shall be organized in such a manner to provide emergency vehicle access to the entire project.
16. Sidewalks within and adjacent to the construction area shall be kept clean and remain accessible for American Disability Act compliance.
17. Storage of construction material is not allowed in the travel way.

### **Prior to issuance of Grading Permit**

#### **Engineering Division**

18. On proposed developments that are larger than one acre, provide evidence that a Notice of Intent has been submitted and received by the local Water Quality Control Board for a General Construction Activity Storm Water Permit. Two copies of the project Storm Water Pollution Prevention Plan shall be provided to the City.
19. The improvement plans for the development of the subject property shall include all measures required to ensure that no drainage runoff resulting from the development of the property flow onto the adjacent residential or agricultural lands or impede the drainage from those properties. If retaining walls are required they shall be constructed of concrete or masonry block.

20. Existing and proposed grade elevations at the perimeter of the proposed land development shall be shown on the grading plan. The Engineer of Record shall designate on the plans as to where any retaining walls are required and provide details of all proposed retaining walls. The retaining wall is required where grade differences between the proposed development and the surrounding land is greater than 6" (inches). The use of any type of wood as the retaining wall is not permitted.
21. The applicant shall submit, with the first improvement plan check, to the City for review and approval, a detailed geotechnical investigation prepared by a Civil Engineer registered in the State of California and qualified to perform geotechnical work. The grading plan shall incorporate the recommendations of the approved geotechnical investigation.
22. The Developer shall be responsible for implementing the Storm Water Pollution and Prevention Plan (SWPPP) through the use of Best Management Practices (BMP). The Developer shall be responsible for maintaining the SWPPP. The SWPPP shall conform to the provisions in Section 7-1.01G, "Water Pollution," of the Caltrans Standard Specifications for construction of streets and local roads dated May 2006, the requirements in the Manuals, and the requirements of the Permits. The Developer shall be responsible to include provisions for SWPPP requirements on the contract documents for the work under the proposed development. These provisions shall direct the successful contractor to develop a SWPPP document per the directions on the Caltrans website at <http://www.dot.ca.gov/hq/construc/stormwater/stormwater1.htm>. The Contractor shall submit the SWPPP document within the time lines set forth on the development's special provisions and allow 15 days for the City of Yuba City to review and approve or return the document for revisions. *The Developer/Contractor shall not start any work until the SWPPP document has been approved by the City of Yuba City.* Should the Developer fail to ensure satisfactorily compliance with the SWPPP, the City Inspector may issue a stop work order until compliance is achieved.
23. The following minimum Best Management Practices (BMPs) shall be required during construction:
  - a. Construction crews shall be instructed in preventing and minimizing pollution on the job.
  - b. Stabilize construction entrance/exit to prevent tracking onto roadway. Only one stabilized construction entrance/exit will be allowed per site. Vehicles entering and leaving construction sites spread pollutants such as sediment, gravel, and other loose particles onto adjacent roads. Pollutants are washed into roadside ditches and are a nuisance to drivers and may cause damage to vehicles.
  - c. Protect exposed slopes from erosion through preventative measures. Cover slopes to avoid contact with storm water by hydro-seeding, mulch, use of plastic sheeting or other approved means.
  - d. Use brooms and shovels when possible to maintain a clean site. Use of a hose is not recommended. Introducing water as a cleanup method adds to water pollution.
  - e. Designate a concrete washout area, as needed, to avoid wash water from concrete

- tools or trucks from entering storm drain systems. Maintain washout area and dispose of concrete waste on a regular basis.
- f. Establish a vehicle storage, maintenance, and refueling area, as needed, to minimize the spread of oil, gas, and engine fluids. Use of oil pans under stationary vehicles is strongly recommended.
  - g. Protect drain inlets from receiving polluted storm water through the use of filters such as fabrics, gravel bags or straw wattles.
  - h. Be prepared for rain and have the necessary materials onsite before the rainy season.
  - i. Inspect all BMPs before and after each storm event. Maintain BMPs on a regular basis and replace as necessary, through the entire course of construction.

### **Prior to approval of Improvement Plans**

#### **Engineering Division**

- 24. The contractor shall obtain an Encroachment Permit from the City prior to performing any work within public rights of way.
- 25. 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 a California licensed structural engineer to the Public Works Department.
- 26. Improvement plans shall be approved by the Yuba City Fire Department.
- 27. All service laterals (water, sewer, irrigation, fire suppression), along with required meters, are to be shown on the civil improvement plans.
- 28. All domestic, landscape, and fire service lines shall have reduced pressure backflow preventers.
- 29. The fire suppression system that will be servicing the property shall tie-in directly to the City water main. Hot tap fees shall apply if the City has to provide any connections to the water main. Connections to existing stubs shall be done in accordance with Standard Detail 410.
- 30. The Developer shall be responsible for preparation of a street tree and irrigation plan that is deemed acceptable by the Director of Parks and Recreation.
- 31. The street landscape planters and, the street trees are public improvements which shall meet the Parks Division Planting Standards and Yuba City Standard Details and shall be included in the improvement plans and specifications for the development. The final improvement plans shall reflect street tree placement so that no interference with streets, streetlights, and driveways will occur.

32. 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.
33. All landscaping shall be irrigated. A separate meter may be installed on the landscape service. The Developer shall pay any applicable fees.
34. 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.”
35. 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." (*Mitigating Measure*)
  - c. "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).”
  - d. “Soil shall not be treated with lime or other cementitious material without prior express permission by the Public Works Department.”

### **Prior to Issuance of a Building Permit**

### **Community Development**

36. The proponent shall construct a high-reflectivity, energy star labeled roof. (*Mitigating Measure*)

37. The building envelope and mechanical system shall exceed Title 24 requirements by 9%.  
(*Mitigating Measure*)
38. The proponent shall provide one bicycle parking space for each 10 employee parking spaces or in accordance with the provisions of Section 8-5.6108 of the Yuba City Zoning Regulations, whichever is greater. (*Mitigating Measure*)
39. The proposed bank tenant shall promote internet banking and provide courier service.  
(*Mitigating Measure*)
40. The proponent shall provide dedicated “carpool only” parking at a rate of 1 per 20 spaces. The carpool parking shall be provided in front of the building. The proponent shall also provide “bank only” parking for bank customers. (*Mitigating Measure*)
41. Landscaping shall exclude high ozone forming trees and shrubs. (*Mitigating Measure*)

### **Engineering Division**

42. A lot line adjustment shall be recorded to merge the two parcels into one.
43. The project shall pay its proportionate share for the improvements at the Harter Parkway/SR 20 intersection. A Reimbursement Agreement was approved by Council on September 18, 2007, in which it was identified that the project’s share for the Harter Parkway/SR 20 intersection is \$2,643.83.
44. The project’s proportionate share of the traffic signal mitigation fees outlined in the Conditions of Approval for Tentative Map #SM 04-08 – “River Valley Estates & Commercial Center” shall be paid. The applicable conditions of approval and the project’s share are outlined below.
  - #7 – “To mitigate the impacts from the project on the intersection of Walton Avenue and Lassen Boulevard the developer shall contribute 30 percent of the total cost for the installation of a traffic signal. Proportional amounts to be paid at issuance of building permits for non-residential development.” The project’s share is \$8,040.39.
  - #8 – “To mitigate the impacts from the project on the intersection of Tharp Road and Lassen Boulevard the developer shall contribute 50 percent of the total cost for the installation of a traffic signal. Proportional amounts to be paid at issuance of building permits for non-residential development.” The project’s share is \$8,040.39.
  - #9 – “To mitigate the impacts on the State Highway 20 corridor resulting from the development of this project the developer shall pay his fair share of the improvement cost for highway road improvements based on an AB 1600 in effect at the time of issuance of building permits within the project area.”
  - #10 – “To mitigate the cumulative impacts from the project area that were discussed in the traffic report, the project development shall pay its fair

share towards the construction of traffic signals at the intersection of Harter Parkway and High School Boulevard (Spirit Drive), at El Margarita and High School Boulevard (Spirit Drive), as well as El Margarita Road and State Route 20. Those shares shall be paid at the time of issuance of building permit.” The project’s share is \$9,753.14 for Harter Parkway/Spirit Drive, \$2,378.82 for El Margarita/Spirit Drive, and \$1,982.35 for El Margarita/SR 20.

## **Prior to Certificate of Occupancy**

### **Engineering Division**

45. The curb, gutter, and sidewalk, shall be inspected and approved by the City. Any curb, gutter and sidewalk which is not in accord with City standards or is damaged before or during construction, shall be replaced. In addition, any concrete with cracks, chips, blemishes, and spalling greater than an inch in diameter shall be replaced from control joint to control joint.
  46. The Developer shall be required to pay any applicable Sutter County Water Agency drainage fees. The Developer shall provide the City with a copy of the receipt indicating that the fees have been paid.
  47. The City reserves the right to direct the Developer to hydroflush all storm drain mains and all sewer mains.
  48. The Developer’s Superintendent/Representative shall submit three sets of Pacific Gas and Electric approved utility plans showing joint trench locations and distribution lines.
  49. 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.
- 2. USE PERMIT UP 07-10 FOR A DRIVE-THRU COFFEE FACILITY ON A PROPOSED 8,300 SQUARE FOOT BUILDING AT 1619 FRANKLIN ROAD; ASSESSOR’S PARCEL NUMBER: 58-020-006; APPLICANT/OWNER, ROMAN REAL ESTATE DEVELOPMENT, LLC.**

### **Project Description:**

The applicant is requesting a use permit for a drive-thru coffee facility on a proposed 8,300 square foot building in the C-2, Community Commercial District at 1619 Franklin Road. The building itself would be subject only to staff review if it did not include the proposed drive-thru. Section 8-5.1302 requires proponents of drive-thru facilities in the C-2 District to obtain a use permit from the Planning Commission.

**Property Description:**

The vacant, 1.2-acre site is located at the northwest corner of Franklin Road and Walton Avenue. Street improvements (curb, gutter and sidewalk) exist along a portion of the frontage. Ingress to and egress from the site will be from a driveway at the northeast corner of the site on Walton Avenue. Egress only will be from an exit on the southwest corner of the site on Franklin Road. (See Attachment 1, “Aerial Photo”)

**General Plan Designation:**

Community Commercial.

**Zoning Classification:**

Community Commercial (C-2) District.

**Surrounding Land Use:**

With the exception of a single-family home owned by “Pacific Coast Ambulance Sales” located west of the project site, and a gas station/mini-mart located to the east, across Walton Avenue, all adjoining properties are vacant. Single-family homes are located further to the north and to the west.

**Previous Commission Actions and/or Policies:**

GP 07-01 and RZ 07-01, to amend the land use designation and zoning classification from Medium Density Residential and R-3 to Community Commercial and C-2, were approved by the Planning Commission on March 7, 2007 and by the City Council on April 3, and April 17, 2007.

**Environmental:**

A Mitigated Negative Declaration (Exhibit A) 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 for the use permit for a drive-thru coffee facility in a proposed 8,300 square foot commercial building.

**Staff Comments:**

Provided below is an evaluation of the findings required to approve the use permit. The required findings are in bold, italicized font.

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

**Staff analysis:** The property is zoned C-2, Community Commercial District, which is consistent with the existing General Plan designation of Community Commercial. The C-2 District allows drive-thru facilities subject to the issuance of a use permit by the Planning Commission.

- 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 proposed plans meet all requirements of the Zoning Regulations. The table below contains the development standards for the C-2, Community Commercial zoning classification and the corresponding proposal by the applicant:

<b>Standard</b>	<b>Code Requirement</b>	<b>Proposed</b>
Maximum Building Height	4 stories/52 feet	38 feet
Street Side Setback	10 feet	21 feet
Rear Setback	15 feet when adjacent to residential	22 feet
Parking	37 spaces	37 spaces
Landscaping (Shade)	50% of parking area	50% +

As shown on the table above, the proposal meets or exceeds the development standards of the City’s Zoning Ordinance.

The site design for the project has two driveways, which are located as far as possible from the intersection of Franklin Road and Walton Avenue. Vehicles can enter or exit the site from the driveway at the north end of the site on Walton Avenue. The driveway on Franklin Road will only be used as an exit by vehicles leaving the drive-thru lane. Yuba Sutter Disposal reviewed the proposed plans and indicated the ease of serving the site given the proposed location of the trash enclosure.

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

Staff analysis: The Yuba City Engineering Division conducted a trip generation analysis and determined that the trips generated by the proposed project would not warrant a full traffic impact study. Additionally, the intersection of Franklin Road and Walton Avenue has been studied in detail on numerous occasions. Conditions #29 and #30 require the applicant to construct the curb, gutter, and sidewalk along the portions of the frontage where such improvements do not currently exist. Although the proposed project does not warrant it, the ultimate improvement of Franklin Road includes a median in front of the project site. The applicant has submitted a letter to staff acknowledging that construction of the median would preclude left turning movements out of the driveway.

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

Staff analysis: The design of the site meets the requirements of the Zoning Regulations relative to the provision of adequate parking, shading and buffer landscaping. The building design adheres to the Commercial Design Guidelines with respect to building height, setbacks, materials, and all other aspects. Specifically, the building design incorporates a variety of materials ranging from stone, stucco tile, and metal. The building also provides varying

horizontal and vertical planes to break up the mass of the walls. The roofline has multiple articulations with a cornice band that wraps the building, making for an attractive building design.

- 5. The establishment or operation 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: Operation of a drive-thru facility adjacent to residentially-zoned property raises questions of land use compatibility. The project proponent attempted to address these questions in the attached letter. (Attachment 2) Staff generally agrees with the applicant in that there are no people currently residing in the vicinity who could be potentially affected by the proposed drive-thru. However, future residents may be impacted by noise associated with a drive-thru lane existing so close to the property line. The use permit has a two-year time limit during which the project needs to be constructed. Therefore, it is unlikely that residences would be constructed on the adjacent lots before expiration of the use permit. In the event residences are constructed after the proposed project, the future residents will be aware of the existence of the drive-thru facility. Additionally, the project plans show a 6-foot masonry wall, in conformance with Section 8-5.5905(B)(4) of the Yuba City Zoning Regulations. However, to minimize any potential impacts on future residents, staff recommends incorporating Conditions #52 and #53 which require the applicant to construct a 6-foot masonry wall measured from the finish grade of the building and to plant photinias or another dense landscape material along the entire length of the north and west property lines in order to mitigate the noise associated with the drive-thru.

**Recommended Action:**

- A. Adopt the Mitigated Negative Declaration.
- B. Adopt the following findings:
  - 1. Use Permit UP 07-10 is consistent with the General Plan.
  - 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.
  - 3. The streets serving the site are adequate to carry the quantity of traffic generated by the use of a drive-thru coffee facility.
  - 4. The site design and size and design of the building will complement neighboring facilities.
  - 5. The establishment or operation 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.

- C. Approve the requested use permit for a drive-thru coffee facility subject to the following 58 conditions of approval:

**General**

1. Approval of Use Permit UP 07-10 shall be null and void without further action if construction of Use Permit UP 07-10 has not been substantially commenced within 2 years of the date of its approval, or on December 19, 2009.
2. The Conditions of Approval shall be attached to, and be made an integral part of, the improvement plans.
3. Use Permit UP 07-10 is approved as shown in Exhibits B and C and as conditioned herein.
4. The Feather River Air Quality Management District (FRAQMD) Fugitive Dust Control Measures shall be utilized throughout the construction phase of the project. (*Mitigating Measure*)
5. The Feather River Air Quality Management District (FRAQMD) Standard Mitigation Measures for Construction phases shall be utilized throughout the construction phase of the project. (*Mitigating Measure*)
6. Pursuant to Section 8-5.6007 of the Yuba City Zoning Regulations, all landscaping shall be maintained in good growing condition.

**Planning Division**

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

**Engineering Division**

8. 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, signing, striping and streetlights.

9. Traffic control construction signs shall be installed/erected per City of Yuba City Standards and Details, CalTrans Standards and Details, and the Manual of Uniform Traffic Control Devices. The signs shall be maintained throughout the project duration.
10. All grading operations on the project shall be suspended as directed by the Feather River Air Quality Management District when winds exceed 20 miles per hour or when winds carry dust beyond the property line despite implementation of all feasible dust control measures. An operational water truck shall be onsite at all times to assist in dust control. *(Mitigating Measure)*
11. Onsite dirt piles or other stockpiled particulate matter shall be covered, wind breaks installed, and water and/or soil stabilizer employed to reduce wind blown dust emissions. Incorporate the use of approved non-toxic soil stabilizer according to manufacturers' specifications to all inactive construction areas. Contractor to provide the specifications to the City Inspector. *(Mitigating Measure)*
12. 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. *(Mitigating Measure)*
13. Temporary silt fencing shall be erected during construction so that transport of construction debris can be retained on-site. *(Mitigating Measure)*
14. To prevent track-out, wheel washers shall be installed where project vehicles and/or equipment exit onto paved street from unpaved roads. Vehicles and/or equipment shall be washed prior to each trip. Alternatively, a gravel bed may be installed as appropriate at vehicle/equipment site exit points to effectively remove soil buildup on tires and tracks to prevent/diminish track-out. *(Mitigating Measure)*
15. 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. *(Mitigating Measure)*
16. If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Sutter County Environmental Health Department, the Fire Department, the Police Department, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies. *(Mitigating Measure)*
17. The Developer's Superintendent/Representative shall be onsite when contractor is working and be available to the City's Inspectors assigned to the project. The Developer shall be responsible for making sure that the contractor is working from signed improvement plans, signed special provisions, and signed storm water pollution prevention plan.
18. The Developer's Superintendent/Representative shall ensure that all private vehicles be either parked off-site or outside of construction areas. All vehicles, construction

equipment, and construction material related to the project shall be organized in such a manner to provide emergency vehicle access to the entire project.

19. Sidewalks, within and adjacent to the construction area, shall be kept clean and remain accessible for American Disability Act compliance.
20. Storage of construction material is not allowed in the travel way.
21. 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.

### **Prior to issuance of Grading Permit**

#### **Engineering Division**

22. 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. The Developer shall provide the City with a copy of the letter from Sutter County Environmental Health indicating that all well(s) and septic tank(s) have been destroyed. The Developer shall pay all applicable fees.
23. On proposed developments that are larger than one acre, provide evidence that a Notice of Intent has been submitted and received by the local Water Quality Control Board for a General Construction Activity Storm Water Permit. Two copies of the project Storm Water Pollution Protection Plan shall be provided to the City.
24. 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 lands or impede the drainage from those properties. If retaining walls are required they shall be constructed of concrete or masonry block.
25. Existing and proposed grade elevations at perimeter of the proposed land development shall be shown on the grading plan. The Engineer of Record shall designate on the plans as to where any retaining walls are required and provide details of all proposed retaining walls. The retaining wall is required where grade differences between the proposed development and the surrounding land is greater than 6" (inches). The use of any type of wood as the retaining wall is not permitted.
26. The applicant shall submit, with the first improvement plan check, to the City for review and approval, a detailed geotechnical investigation prepared by a Civil Engineer registered in the State of California and qualified to perform geotechnical work. The grading plan shall incorporate the recommendations of the approved geotechnical investigation.

27. The Developer shall be responsible for implementing the Storm Water Pollution and Prevention Plan (SWPPP) through the use of Best Management Practices (BMP). The Developer shall be responsible for maintaining the SWPPP. The SWPPP shall conform to the provisions in Section 7-1.01G, "Water Pollution," of the Caltrans Standard Specifications for construction of streets and local roads dated May 2006, the requirements in the Manuals, and the requirements of the Permits. The Developer shall be responsible to include provisions for SWPPP requirements on the contract documents for the work under the proposed development. These provisions shall direct the successful contractor to develop a SWPPP document per the directions on the Caltrans website at <http://www.dot.ca.gov/hq/construc/stormwater/stormwater1.htm>. The Contractor shall submit the SWPPP document within the time lines set forth on the development's special provisions and allow 15 days for the City of Yuba City to review and approve or return the document for revisions. *The developer/Contractor shall not start any work until the SWPPP document has been approved by the City of Yuba City.* Should the Developer fail to ensure satisfactorily compliance with the SWPPP, the City Inspector may issue a stop work order until compliance is achieved.
28. 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 gutters and are a nuisance to drivers and may cause damage to vehicles.
  - c. Protect exposed slopes from erosion through preventative measures. Cover slopes to avoid contact with storm water by hydro-seeding, mulch, use of plastic sheeting or other approved means.
  - d. Use brooms and shovels when possible to maintain a clean site. Use of a hose is not recommended. Introducing water as a cleanup method adds to water pollution.
  - e. Designate a concrete washout area, as needed, to avoid wash water from concrete tools or trucks from entering storm drain systems. Maintain washout area and dispose of concrete waste on a regular basis.
  - f. Establish a vehicle storage, maintenance, and refueling area, as needed, to minimize the spread of oil, gas, and engine fluids. Use of oil pans under stationary vehicles is strongly recommended.
  - g. Protect drain inlets from receiving polluted storm water through the use of filters such as fabrics, gravel bags or straw wattles.
  - h. Be prepared for rain and have the necessary materials onsite before the rainy season.
  - i. Inspect all BMPs before and after each storm event. Maintain BMPs on a regular basis and replace as necessary, through the entire course of construction.

## Prior to approval of Improvement Plans

### Engineering Division

29. Walton Avenue shall be constructed to a width of 43.5 feet (centerline to back of sidewalk) including curb, gutter, and sidewalk. Right-of-way shall be dedicated to a width of 44.0 feet including a 10.0 foot PUE.
30. Franklin Road shall be constructed to a width of 41.5 feet (centerline to back of sidewalk) including curb, gutter, and sidewalk. Right-of-way shall be dedicated to a width of 42.0 feet including a 10.0 foot PUE.
31. 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, and 4” 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 report, including R-value, test locations and structural section calculations, shall also be submitted with the first improvement plan check.
32. Driveway on Walton Avenue shall be constructed at north end of property and driveway on Franklin Road shall be constructed at west end of property.
33. Developer shall provide a letter to the City acknowledging that in the future a concrete median may be installed on Franklin Road which would prohibit left turns from the drive-thru onto Franklin Road. **(Letter received by Planning on 10-19-07)**
34. The drainage inlet located at the north edge of pavement on Franklin Road shall be removed.
35. An Improvement Agreement outlining any costs (hot tap, connection fee, fair share contribution, etc.) associated with the development shall be accepted by the City.
36. The contractor shall obtain an Encroachment Permit from the City prior to performing any work within public rights of way.
37. 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.

38. Improvement plans shall be approved by the Yuba City Fire Department.
39. All service laterals (water, sewer, irrigation, fire suppression), along with required meters, are to be shown on the civil improvement plans.
40. All domestic, landscape, and fire service lines shall have reduced pressure backflow preventers.
41. The fire suppression systems that will be servicing the property shall tie-in directly to the City water main. Hot tap fees shall apply if the City has to provide any connections to the water main. Connections to existing stubs shall be done in accordance with Standard Detail 410.
42. 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.
43. 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. "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)."
  - d. "Soil shall not be treated with lime or other cementitious material without prior express permission by the Public Works Department."

**Prior to Issuance of a Building Permit**

### **Community Development**

44. The proponent shall provide a bicycle rack for 20 bicycles. *(Mitigating Measure)*
45. The proponent shall provide low ozone-forming trees and shrubs. The trees shall provide shade over 50% of the parking and maneuvering area within 10 years. *(Mitigating Measure)*
46. The proponent shall install energy-star labeled roofing materials. *(Mitigating Measure)*
47. The project shall exceed the requirements of Title 24 by 5%. *(Mitigating Measure)*
48. The building shall be painted with light-colored/high-albedo materials with a reflectance of at least 0.3. *(Mitigating Measure)*

### **Engineering Division**

49. The Developer shall be required to pay any applicable Sutter County Water Agency drainage fees. The Developer shall provide the City with a copy of the receipt indicating that the fees have been paid.

### **Prior to Certificate of Occupancy**

#### **Community Development**

50. Parking stalls shall be assigned and marked such that 30% of the spaces are reserved for employees and 70% of the spaces are reserved for customers. *(Mitigating Measure)*
51. The proponent shall install an ozone destruction catalyst on the air conditioning systems. *(Mitigating Measure)*
52. The proponent shall construct a decorative masonry wall that is 6 feet tall as measured from the finish grade of the building along the north and west sides of the property. *(Mitigating Measure)*
53. The proponent shall plant photinias or a similar dense shrub along the north and west sides of the property. *(Mitigating Measure)*

#### **Engineering Division**

54. The utility service poles located at the north end of the property on Walton Avenue and midway of the property on Franklin Road shall be removed.
55. The curb, gutter, and sidewalk, shall be inspected and approved by the City. Any curb, gutter and sidewalk which is not in accord with City standards or is damaged before or during construction, shall be replaced. In addition, any concrete with cracks, chips,

blemishes, and spalling greater than an inch in diameter shall be replaced from control joint to control joint.

56. All reduced pressure backflow preventers shall be tested and a backflow preventer certification must be performed by an AWWA licensed tester and submitted to the Public Works Department.
57. The Developer's Superintendent/Representative shall submit three sets of Pacific Gas and Electric approved utility plans showing joint trench locations and distribution lines.
58. The City reserves the right to direct the Developer to hydroflush all storm drain mains and all sewer mains.

**3. GENERAL PLAN AMENDMENT GP 07-05, REZONE RZ 07-05, TENTATIVE MAP TM 07-05, DEVELOPMENT PLAN DP 07-08 FOR A 76,000 SQUARE FOOT COMMERCIAL AND RESIDENTIAL MIXED USE PROJECT LOCATED AT THE SOUTHEAST CORNER OF THARP ROAD AND BUTTE HOUE ROAD; ASSESSOR'S PARCEL NUMBER: 59-010-052; APPLICANT: RAVI TUMBER; PROPERTY OWNER: TUMBER FAMILY TRUST.**

**Project Description:**

The applicant, Ravi Tumber, has submitted the following applications:

1. General Plan Amendment GP 07-05 to change the General Plan designation from Medium/High Density Residential to Community Commercial. (See Exhibit B)
2. Rezone RZ 07-05 to change the Zoning classification from Multiple Family Residence (R-3) District to Community Commercial (C-2) District on the south portion of the property and Planned Development (PD 14) District (which shall allow all uses in the Community Commercial (C-2) District, as well as up to 17 residential units on the upper floors of commercial buildings) on the north portion of the property. (See Exhibit C)
3. Tentative Map TM 07-05 to subdivide the approximately 10-acre site into ten parcels ranging in size from 0.32 acres to 4.57 acres. (See Exhibit D)
4. Development Plan DP 07-08 to construct a 76,000 square foot commercial and residential mixed use development that includes one drive-thru facility, and related site improvements including parking, outdoor plaza areas, a sign program, and landscaping. (See Exhibits E, F, and G)

**Property Description:**

The project site is located at the southeast corner of Tharp Road and Butte House Road. A single-family residence, occupied by the family of the applicant, currently exists on the site and shall remain in its current location in the near term. It is anticipated that the single-family home

will eventually be replaced by commercial development similar in character to that which is proposed on the remainder of the site in the future. Curb, gutter, and sidewalk currently exist along the north and part of the west sides of the site. (See Attachment 1, "Aerial Photo")

**General Plan Designation:**

Existing: Medium/High Density Residential  
Proposed: Community Commercial

**Zoning Classification:**

Existing: Multiple-Family Residence (R-3) District  
Proposed: Community Commercial (C-2) District on the south portion of the site  
Planned Development (PD 14) on the north portion of the site

**Surrounding Land Use:**

Butte House Road and the Del Prado mobile home park are located to the north; the Feather Down shopping center is located to the east; a telephone facility with employee offices is located to the south; Tharp Road and vacant, commercially-zoned land in the Harter Specific Plan area are located to the west.

**Previous Actions and/or Policies:**

PD 02-01: A request for 192 apartments (known as Bel Air Place) was approved by the Planning Commission on April 10, 2002, and by the City Council on May 7, 2002. The project was never developed, and its entitlements have since expired.

**Environmental:**

A Mitigated Negative Declaration (Exhibit A) was prepared for the project and is attached for Commission review and consideration. Mitigation measures to offset possible adverse environmental impacts from construction and operational phases of the project are contained in the conditions of approval. Notably, the proponent will be required to install a traffic signal at the corner of Tharp and Butte House Road prior to occupancy of any commercial structures on the site. Staff requests that the Planning Commission adopt the attached Mitigated Negative Declaration and recommend that the City Council adopt the attached Mitigated Negative Declaration.

**Staff Comments:**

Provided below is an evaluation of the findings required to approve each of the four applications. The required findings are italicized in bold font.

**General Plan Amendment GP 07-05:**

GP 07-05 proposes to change the General Plan designation from Medium/High Density Residential to Community Commercial. The applicant is requesting the change because the

Medium/High Density Residential General Plan designation will not accommodate the development proposed for the site.

Section 8-8 of the Yuba City Municipal Code specifies that a member of the public may initiate a General Plan amendment. The Municipal Code requires the Planning Commission to forward its recommendation and findings to the City Council for action. The Municipal Code does not contain any required findings for the amendment of a General Plan. However, Section 65358 of the California Government Code states that a City may amend its General Plan if it deems the amendment to be in the public interest. In the case of General Plan amendment GP 07-05, staff reasons that the proposal is in the public interest because the land use change will accommodate some very high-quality design and will provide opportunities and additional services to residents living on the north side of the City. It is important to note that the proposed amendment to the land use element of the General Plan does not conflict with any other elements of the General Plan. The project site, although it is zoned R-3 and was previously approved for 192 multi-family units, it is not included in the Housing Element as an opportunity site, nor are the 192 units counted in the Housing Element as projected units. Therefore, staff recommends that the Planning Commission make the following finding:

***General Plan Amendment GP 07-05 to change the General Plan land use designation from Community Commercial and Office & Office Park to Regional Commercial is in the public interest.***

Rezone RZ 07-05:

RZ 07-05 is to change the property's zoning classification from the Multiple-Family Residence (R-3) District to the Community Commercial (C-2) District on the south portion of the property and the Planned Development (PD 14) District (which shall accommodate all uses in the C-2 District as well as up to 17 residential units on the upper floors of commercial buildings) on the north portion of the property. The applicant is requesting the change because the current zoning classification does not accommodate the proposed development contained in the attached application for DP 07-08 or the health club, which is the subject of DP 07-09, (also included on this agenda).

Section 8-5.7202 of the Yuba City Municipal Code states that amendments to the Zoning Code may be initiated by one or more owners of the property affected by the amendment and requires the Planning Commission to make a finding that the Zoning Code amendment is consistent with the General Plan prior to forwarding the proposal to the City Council for action. Rezone RZ 07-05 was initiated by Ravi Tumber for the purpose of constructing a mixed use development on the north portion of the site (DP 07-08) and for the purpose of selling the southern half to be developed as a new 79,000 square foot health club that is the subject of Development Plan DP 07-09. A health club is permitted in the C-2 District. None of the City's standard Zoning classifications accommodate the mixed use development proposed in DP 07-08. However, Section 8-5.27 of the Yuba City Zoning Regulations allows the Planning Commission to designate a "Planned Development" (PD) District for any use or combination of uses which are "arranged and designed in such a manner as to result in a development which is internally compatible, compatible with neighboring uses, and consistent with the General Plan." Establishment of a Planned Development District is considered an amendment to the Yuba City Zoning Code and is processed in the same way as a Zoning Code amendment. To approve a

Planned Development District, Section 8-5.27 requires the Planning Commission to make three findings in addition to the one finding required for a Rezone. Listed below in bold, italicized font are the four required findings to change the Zoning classification followed by staff's analysis of each finding.

***1. Rezone RZ 07-05 is consistent with the Community Commercial land use designation as described in the Yuba City General Plan.***

Staff analysis: The Community Commercial designation provides for shopping centers, retail stores, offices, eating and drinking establishment, and mixed use residential development where the residential uses are secondary to the commercial uses. In the case of Rezone RZ 07-05, if the Planning Commission and the Council find that the General Plan amendment is in the public interest and approve GP 07-05, the proposed zoning classifications of C-2 and PD14 will be consistent with the new General Plan designation of Community Commercial.

***2. Rezone RZ 07-05 is consistent with the planned surrounding land uses.***

Staff analysis: The proposed development is consistent with the existing surrounding land uses. The design of both Development Plan applications (for the mixed use project on the north portion and for the health club on the south portion) will complement the Feather Down shopping center to the east. Both projects will provide additional amenities to people living in the vicinity, including residents of the Del Prado mobile home park to the north. Additionally, the proposed uses and level of design of the buildings will be consistent with future commercial uses in the Harter Specific Plan area, which is located across Tharp Road.

***3. There are or will be adequate public facilities available to properly serve the development, including streets to adequately handle the anticipated traffic.***

Staff analysis: Fehr & Peers completed a traffic impact study (TIS) for the proposed project. The TIS found that the proposed mixed use development and health club warrant the installation of a traffic signal at the intersection of Tharp Road and Butte House Road. Condition #13 requires the traffic signal to be installed prior to occupancy of any of the commercial structures to ensure there is adequate capacity on the streets to serve the traffic generated by the proposed project.

The applicant worked with the Yuba City Utilities Department to analyze whether there is adequate wastewater and water capacity to serve the proposed development. The Utilities Department determined that there is adequate water and wastewater capacity to serve the project.

***4. The quality of the development is as good as or better than would be accomplished through traditional zoning and design standards.***

Staff analysis: Staff is pleased with the quality of development of the proposed project. The applicants of both DP 07-08 and DP 07-09 have worked closely together to ensure their projects provide good internal connectivity for vehicles and pedestrians as well as good design compatibility. The specifics of the design of DP 07-08 are discussed below, and the design of DP 07-09 is discussed in the respective section of that project's staff report.

Tentative Map TM 07-05:

TM 07-05 proposes to subdivide the approximately 10-acre site into ten parcels ranging in size from 0.32 acres to 4.57 acres. Section 8-2.609 of the Yuba City Municipal Code and the Subdivision Map Act require that findings be made in order to approve a tentative map. The required findings are listed below in bold italics and are followed by an evaluation of the tentative map in relation to each finding. Staff recommends that the map be allowed to be recorded prior to the City Council approval of the General Plan and Rezoning applications. Therefore, the staff analysis includes an evaluation of the resultant parcels in terms of the existing R-3 District and the proposed C-2 or PD Districts.

***1. The proposed tentative map is consistent with the General Plan and the design or improvement of the proposed subdivision is consistent with the General Plan.***

Staff Analysis: The proposed tentative map conforms to the General Plan and the Yuba City Zoning Regulations in all respects. Specifically, the proposed parcels all exceed 0.32 acres in size, which meets the 5,000 square foot minimum lot size in the proposed C-2 District as well as the 10,000 square foot minimum lot size in the existing R-3 District. The PD District has no minimum lot size requirement.

***2. The site is physically suited for the type and proposed density of development.***

Staff Analysis: The proposed tentative map will accommodate the development that is proposed on the site. The project plans demonstrate that the parcels will be large enough to accommodate the proposed buildings, required parking and landscaping, setbacks, and other improvements. Since the site is flat, there are no topographical features that would preclude development of any of the proposed parcels. Additionally, the resultant parcels would accommodate multiple-family development in the event the map is recorded prior to City Council approval of the proposed General Plan amendment and Rezoning.

***3. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage and the type of improvements are not likely to cause serious public health problems.***

Staff Analysis: Subdivision of property itself will not cause environmental damage or public health problems. Staff completed a mitigated negative declaration that analyzes the impacts associated with the proposed development on the project site. The applicant will be required to install all required improvements prior to occupying any of the commercial facilities. In the event the applicant chooses to record the map prior to Council approval of the General Plan amendment or Rezoning applications, the applicant will be required to enter into a subdivision agreement with the City to ensure sufficient security for the improvements is held by the City.

***4. The design of the subdivision or type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.***

Staff Analysis: Condition #65 requires that easements be reserved in deeds for ingress, egress, utilities, and landscaping across all parcels involved in the subdivision. As such, the design of the subdivision will not create problems related to site accessibility.

Development Plan DP 07-08:

DP 07-08 proposes to construct a 76,000 square foot commercial and residential mixed use development that includes a drive-thru facility for an unknown tenant and up to 17 residential units on the second and third floors of the commercial buildings. The project also includes ancillary facilities such as parking lots, landscaping, outdoor plazas, as well as a pedestrian bridge connecting two of the buildings. Due to the size of the project, a Development Plan application is being processed in lieu of a use permit application for the drive-thru facility. The Planning Commission has the authority to approve the drive-thru as part of the Development Plan. The Zoning Regulations require the Planning Commission to make three findings in order to approve an application for a development plan. Each of the required findings is listed below followed by staff's analysis of the finding.

***1. 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: Since the PD District is requested for the proposed project, the applicant is not necessarily bound by the normal development standards listed in the Yuba City Zoning Regulations. However, with the exception of signage, the applicant's proposal meets the requirements of the C-2 District with respect to building height, setbacks, parking, and landscaping. The proposed plans demonstrate that the site is adequate to accommodate the proposed mixed use development.

**Sign Program:** The applicant has requested that the Planning Commission grant, as part of its approval of DP 07-08, a deviation from the normal signage requirements in order to provide a more uniform, and attractive sign program. Specifically, the applicant has requested seven monument signs, which would be located at each entrance to the entire site as well as at the corner of Tharp Road and Butte House Road, instead of four signs, which would normally be permitted by Section 8-5.63 of the Yuba City Zoning Regulations. The total square footage of the proposed seven signs is less than the total square footage that would be permitted if the applicant were to install four signs at their maximum square footage. It is important to note that the location, size, and general appearance of the seven signs will be locked in as part of the sign program, but the text of each sign will not be guaranteed. Staff supports the applicant's request because the proposed seven signs are attractive and are in character with the development as a whole. Staff feels that the seven signs will result in a higher quality project than what could otherwise be proposed for signage as the project is developed. Staff recommends that the Planning Commission approve the sign program as proposed. Additionally, the applicant has requested that the sign located on the pedestrian bridge reading "La Bella Vita" be exempted from the wall signage calculation. Staff supports the applicant's request because the subject sign identifies the project as a whole as opposed to a specific business. Additionally, administration of the City's sign regulations as future tenants apply for sign permits will be simplified if the "La Bella Vita" sign on the pedestrian bridge is exempted from the square footage calculation.

***2. The streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.***

Staff analysis: As was noted above, Fehr & Peers conducted a traffic impact study (TIS) that analyzed the combined impact of the mixed use development as well as the health club. The TIS found that the two projects warrant installation of a traffic signal at the intersection of Tharp Road and Butte House Road and minor modifications to the striping at the intersection of Stabler Lane/Walton Avenue and State Route 20. Condition #13 requires all improvements to be installed prior to occupancy of any of the commercial facilities on the site, regardless of whether the health club or any of the mixed-use development is constructed first. As noted in Conditions # 49 and 50, the first project to proceed will also be responsible for constructing improvements along the remainder of the project frontage as well as along the frontage of the property located to the south of the site, provided that the City is able to obtain the right-of-way. With the completion of the above-referenced improvements, the streets serving the site will be adequate to carry the quantity of traffic generated by the proposed use.

***3. The site design, design of the buildings, and the scale of the project will complement neighboring facilities.***

Staff's analysis: As previously noted, staff is pleased with the design of the project. The applicant proposes using a variety of materials including stucco, stone, metal, and glazing, as well as a variety of colors. The elevations of the buildings demonstrate variety yet are compatible with one another as well as with neighboring facilities. The buildings have varying roof forms and heights, and the designer has provided vertical as well as horizontal articulation. All of the proposed buildings have equal levels of detail on all four sides, resulting in an attractive project from all vantage points within and outside of the project's boundaries. The project is large, but it is designed on a pedestrian scale, allowing visitors to the site to easily walk from one point to another within the site. The pedestrian bridge allows occupants of buildings C and D to travel between the buildings without having to exit the buildings.

**Recommended Actions:**

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

- A. Adopt the Mitigated Negative Declaration.
- B. Recommend that the City Council adopt the finding that GP 07-05 to change the General Plan designation from Medium/High Density Residential to Community Commercial is in the public interest.
- C. Recommend that the City Council approve GP 07-03 to change the General Plan designation from Medium/High Density Residential to Community Commercial, as shown on Exhibit B.
- D. Recommend that the City Council adopt the following four findings for RZ 07-05:

1. RZ 07-05 is consistent with the Community Commercial land use designation as amended and as described in the Yuba City General Plan.
  2. RZ 07-05 is consistent with the planned surrounding land uses.
  3. There are or will be adequate public facilities available to properly serve the development, including streets to adequately handle the anticipated traffic.
  4. The quality of the development is as good as or better than would be accomplished through traditional zoning and design standards.
- E. Recommend that the City Council approve Rezoning RZ 07-05 to change the Zoning classification from Multiple Family Residence (R-3) District to Community Commercial (C-2) District on the south portion of the property and Planned Development (PD 14) District (which shall allow all uses in the C-2, Community Commercial District, as well as up to 17 residential units on the upper floors of commercial buildings) on the north portion of the property, as shown on Exhibit C.
- F. Adopt the following four findings for TM 07-05:
1. The proposed tentative map is consistent with the General Plan and the design or improvement of the proposed subdivision is consistent with the General Plan.
  2. The site is physically suited for the type and proposed density of development.
  3. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage and the type of improvements are not likely to cause serious public health problems.
  4. The design of the subdivision or type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- G. Approve TM 07-05 to subdivide the approximately 10-acre site into ten parcels ranging in size from 0.32 acres to 4.57 acres.
- H. Adopt the following three findings for DP 07-08:
1. 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.
  2. The streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.
  3. The site design, design of the buildings, and the scale of the project will complement neighboring facilities.

- I. Approve DP 07-08 to construct a 76,000 square foot commercial and residential mixed use development that includes one drive-thru facility, and related site improvements including parking, outdoor plaza areas, and landscaping subject to the following 73 conditions of approval:

### **Condition of Zoning**

1. In the Planned Development (PD 14) District, uses for the commercial portion shall be limited to uses permitted by the Community Commercial (C-2) District, and uses in the residential portion shall be limited to 17 residential units.

### **General**

2. Approval of DP 07-08 shall be null and void without further action if construction of DP 07-08 has not been substantially commenced within 2 years of the date of its approval, or on December 19, 2009.
3. The Conditions of Approval shall be attached to, and be made an integral part of, the improvement plans.
4. Approval of DP 07-08 shall be contingent upon approval of GP 07-05 and RZ 07-05 by the City Council. Approval of DP 07-08 shall not take effect until such time as the ordinance for RZ 07-05 takes effect.
5. DP 07-08 is approved as shown in Exhibits E and F and as conditioned herein.
6. Pursuant to Section 8-5.6007 of the Yuba City Zoning Regulations, all landscaping shall be maintained in good growing condition.
7. The project proponent shall use 2003 or newer diesel construction equipment to reduce the emissions of criteria and toxic air contaminants. (*Mitigating Measure*)
8. Feather River Air Quality Management District's Standard Mitigation Measures and Fugitive Dust Control measures for Construction Phases shall be implemented. (*Mitigating Measure*)
9. The proponent shall provide long-term residential and non-residential bike parking, lockers, and showers. These facilities shall be shown on the building permit. (*Mitigating Measure*)
10. Wood burning stoves and fireplaces are prohibited. (*Mitigating Measure*)
11. Energy star roofing materials shall be used in 75% of the buildings. (*Mitigating Measure*)
12. Should artifacts or unusual amounts of bone or shell be uncovered during demolition or construction activity, all work shall be stopped and a qualified archeologist shall be contacted for on-site consultation. Avoidance measures or appropriate mitigation shall be

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

### **Engineering Division**

13. With the first phase of development, the traffic signal at the intersection of Butte House Road and Tharp Road shall be constructed, the east half of Tharp Road shall be constructed, and the State Route 20/Stabler Lane/Walton Avenue intersection shall be modified to extend the southbound left-turn lanes from 100 feet per lane to 125 feet per lane. Improvements shall be completed prior to the issuance of the first Certificate of Occupancy.
14. The driveway to the project on Butte House Road shall align with the driveway to Del Prado Mobile Home Park located on the north side of Butte House Road.
15. The Developer shall prepare and submit improvement plans for the construction of all public improvements including but not limited to water, sanitary sewer, storm drain facilities, roadway improvements, signing, striping and streetlights.
16. 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).
17. Traffic control construction signs shall be installed/erected per City of Yuba City Standards and Details, CalTrans Standards and Details, and the Manual of Uniform Traffic Control Devices. The signs shall be maintained throughout the project duration.
18. All grading operations on the project shall be suspended as directed by the Feather River Air Quality Management District when winds exceed 20 miles per hour or when winds carry dust beyond the property line despite implementation of all feasible dust control measures. An operational water truck shall be onsite at all times to assist in dust control. (*Mitigating Measure*)
19. Onsite dirt piles or other stockpiled particulate matter shall be covered, wind breaks installed, and water and/or soil stabilizer employed to reduce wind blown dust emissions. Incorporate the use of approved non-toxic soil stabilizer according to manufacturers' specifications to all inactive construction areas. Contractor to provide the specifications to the City Inspector. (*Mitigating Measure*)
20. 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. (*Mitigating Measure*)

21. Open burning is a source of fugitive gas and particulate emissions, which shall be prohibited at the project site. No open burning of vegetative waste (natural plant growth wastes) or other legal or illegal burn materials (trash, demolition debris, et. al.) shall be conducted at the project site. Vegetative wastes should be chipped or delivered to waste facilities (permitted biomass facilities), mulched, composted, or used for firewood. It is unlawful to haul waste materials offsite for disposal by open burning. *(Mitigating Measure)*
22. To prevent track-out, wheel washers shall be installed where project vehicles and/or equipment exit onto paved street from unpaved roads. Vehicles and/or equipment shall be washed prior to each trip. Alternatively, a gravel bed may be installed as appropriate at vehicle/equipment site exit points to effectively remove soil buildup on tires and tracks to prevent/diminish track-out. *(Mitigating Measure)*
23. 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. *(Mitigating Measure)*
24. Provide temporary traffic control as needed during construction to improve traffic flow as deemed appropriate by the Department of Public Works, and to reduce vehicle dust emissions. *(Mitigating Measure)*
25. Reduce traffic speed on all unpaved surfaces to 15 mph or less and reduce unnecessary vehicle traffic by restricting access. Provide appropriate training, onsite enforcement, and signage. *(Mitigating Measure)*
26. If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Sutter County Environmental Health Department, the Fire Department, the Police Department, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies. *(Mitigating Measure)*
27. During construction, the Contractor shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and roadways. Contractor shall be responsible that all construction equipment is equipped with manufacturers approved muffler's baffles. Failure to do so may result in the issuance of an order to stop work. *(Mitigating Measure)*
28. The Developer, at his expense, shall be solely responsible for all quality control associated with the project. The quality control shall include, but not be 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.
29. The Developer's Superintendent/Representative shall be onsite when contractor is working and be available to the City's Inspectors assigned to the project. The Developer shall be responsible for making sure that the contractor is working from signed

improvement plans, signed special provisions, signed storm water pollution prevention plan, and the approved project agreement conditions.

30. The Developer's Superintendent/Representative shall ensure that all private vehicles be either parked off-site or outside of construction areas. All vehicles, construction equipment, and construction material related to the project shall be organized in such a manner to provide emergency vehicle access to the entire project.
31. Sidewalks, within and adjacent to the construction area, shall be kept clean and remain accessible for American Disability Act compliance.
32. Storage of construction material is not allowed in the travel way.
33. 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.
34. 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. It shall be accompanied by an engineering and geological opinion as to the safety of the site from hazards of settlement and seismic activity.

### **Prior to issuance of Grading Permit**

#### **Engineering Division**

35. 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.
36. 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 lands or impede the drainage from those properties. If retaining walls are required they shall be constructed of concrete or masonry block.
37. The Engineer of Record shall designate on the plans as to where any retaining walls are required and provide details of all proposed retaining walls. The retaining wall is required where grade differences between the proposed development and the surrounding land is greater than 6" (inches). The use of any type of wood as the retaining wall is not permitted.

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

- f. Establish a vehicle storage, maintenance, and refueling area, as needed, to minimize the spread of oil, gas, and engine fluids. Use of oil pans under stationary vehicles is strongly recommended.
- g. Protect drain inlets from receiving polluted storm water through the use of filters such as fabrics, gravel bags or straw wattles.
- h. Be prepared for rain and have the necessary materials onsite before the rainy season.
- i. Inspect all BMPs before and after each storm event. Maintain BMPs on a regular basis and replace as necessary, through the entire course of construction.

**Building Division**

- 42. Prior to beginning construction, the applicant shall obtain a demolition permit from the City for removal of all existing structures on the site.
- 43. Developer may retain existing well(s) for irrigation purposes only. If wells are to be abandoned, they shall be abandoned in accordance with the requirements of the Sutter County Environmental Health and Yuba City Building Departments, respectively. All septic tank(s), and service lines shall be destroyed in accordance with the requirements of the Sutter County Environmental Health and Yuba City Building Departments, respectively.

**Prior to approval of Improvement Plans**

**Engineering Division**

- 44. The contractor shall obtain an Encroachment Permit from the City prior to performing any work within public rights of way.
- 45. 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.
- 46. Improvement plans shall be approved by the Yuba City Fire Department.
- 47. Tharp Road shall be widened to a half-width (centerline to face of curb) of 32.0 feet. Construction on Tharp Road shall include on the *east* side of the center line a 30.0 foot road, 2.5 foot curb and gutters, 5.0 foot attached sidewalks, and street lights except as otherwise shown on the tentative map and approved by the Public Works Department. The right-of-way line shall be 0.5 feet behind sidewalk. Based on the condition of Tharp Road and the existing structural section, Developer may be required to reconstruct the existing portion east of the centerline to conform to the City’s structural section requirements.
- 48. If the City is able to obtain right-of-way from the parcel to the south on Tharp Road, identified as AP# 59-010-072, then Tharp Road shall be widened and improved across the

frontage of said parcel and connect to existing improvements at the north edge of AP# 59-131-014. City will reimburse the Developer for the improvements fronting AP# 59-010-072 upon acceptance of the improvements.

49. 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, and 4” minimum for collectors and 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 streetsA copy of the geotechnical investigation, including R-value, test locations and structural section calculations, shall also be submitted with the first improvement plan check.
50. Striping, pavement markings and traffic signage shall be provided on all streets as necessary and as required by the Public Works Department. Signage restricting parking and red painted curbing shall be installed where appropriate. Speed limit signs shall be installed at locations determined by the Public Works Department. The Developer shall submit to the Public Works Department a design recommendation for all other speed limits. These proposed speed limit signs shall be shown on the Improvement Plans.
51. All domestic, landscape, and fire service lines shall have reduced pressure backflow preventers.
52. All service laterals (water, sewer, irrigation, fire suppression), along with required meters and reduced pressure backflow preventers, are to be shown on the civil improvement plans. All applicable fees shall apply.
53. The street lights are public improvements which shall meet Yuba City Standard Details and be included in the improvement plans and specifications for the subdivision when the improvement plans are submitted for the first improvement plan check.
54. The final improvement plans shall reflect tree placement so that no interference with streets, streetlights, and driveways will occur to the satisfaction of the Public Works Department.
55. All landscaping 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 fees.
56. 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.

57. 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.
58. The Design Engineer shall provide technical reports to substantiate the sizing of the on-site pipes. The reports shall include:
  - a. water demand calculations
  - b. hydrology/hydraulic calculations
  - c. sewer calculations
59. Required Improvement Plan Notes:
  - e. "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."
  - f. "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."
  - g. "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."
  - h. "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)."
  - i. "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**

### **Engineering Division**

60. Prior to paving, the Developer shall vacuum test all manholes to ensure no leakage will occur.
61. 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.
62. All street lighting shall be dedicated to the City of Yuba City.

### **Prior to Final Map Recordation**

#### **Engineering Division**

63. If Developer chooses to file the map prior to completion of improvements, a Subdivision Agreement outlining any costs (hot tap, connection fee, fair share contribution, extension fees, etc.) associated with the development shall be accepted by the City prior to recordation of map.
64. The property shall petition for formation of a Zone of Benefit of the Yuba City Landscaping and Lighting District for the purpose of maintaining the street lights.
65. Cross easements over all property not occupied by buildings shall be reserved in deeds for all underground utilities, ingress and egress, parking, drainage, landscaping, and the maintenance thereof to the benefit of all parcels involved in the division.
66. The Developer shall be required to pay any applicable Sutter County Water Agency drainage fees. The Developer shall provide the City with a copy, prior to the recordation of the final map, of the receipt indicating that the fees have been paid.

### **Prior to Issuance of a Building Permit**

#### **Engineering Division**

67. 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.

## **Building Division**

68. A building pad certificate from a licensed engineer as well as a lot grading certificate from a licensed surveyor shall be provided to the City.

## **Prior to Certificate of Occupancy**

### **Engineering Division**

69. 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.
  70. All reduced pressure backflow preventers shall be tested and a backflow preventer certification performed by an AWWA licensed tester shall be submitted to the Public Works Department.
  71. All existing overhead utilities (of 26,000 volts or less) and proposed utilities, both onsite and along all project frontages shall be placed underground. The undergrounding shall go from the next pole beyond the project frontage, across the frontage and then to the next pole beyond the project boundary. This does not include surface mounted transformers, pedestal mounted terminal boxes and meter cabinets. Appropriate easements shall be obtained by the Developer to facilitate these installations.
  72. Lot 6 as shown on the tentative map shall connect to City water and sewer and shall pay all applicable fees prior to issuance of the first certificate of occupancy.
  73. The City reserves the right to direct the Developer to hydroflush all storm drain mains and all sewer mains.
- 4. DEVELOPMENT PLAN DP 07-09 FOR A 74,000 SQUARE FOOT HEALTH CLUB AND A 4,500 SQUARE FOOT OFFICE BUILDING ON TWO PROPOSED PARCELS LOCATED AT THE SOUTHERLY PORTION OF THE SOUTHEAST CORNER OF THARP ROAD AND BUTTE HOUE ROAD; ASSESSOR'S PARCEL NUMBER: 59-010-052; APPLICANTS: JERRY TOLLER AND PETER BAKIS; PROPERTY OWNER: TUMBER FAMILY TRUST.**

### **Project Description:**

The applicants, Jerry Toller and Peter Bakis, have submitted the following application:

1. Development Plan DP 07-09 to construct a 74,000 square foot health club and a 4,500 square foot office building on two proposed parcels located at the southerly portion of the 10-acre site at the southeast corner of Tharp Road and Butte House Road. (See Exhibits B, C, and D)

The proposed project is contingent on approval of GP 07-05 and RZ 07-05 by the City Council. Condition #3 states that approval of DP 07-09 shall not take effect until such time as approval of the necessary General Plan amendment and Rezone take effect.

**Property Description:**

The project site is located on the southerly portion of 10-acre parcel at the southeast corner of Tharp Road and Butte House Road. A single-family residence, occupied by the family of the property owner, currently exists on the site. The single-family residence shall remain in its current location in the near term. It is anticipated that the single-family home will eventually be replaced by commercial development similar in character to that which is proposed on the remainder of the site. Curb, gutter, and sidewalk currently exist along the north and part of the west sides of the site. (See Attachment 1, “Aerial Photo”)

**General Plan Designation:**

Existing: Medium/High Density Residential  
Proposed: Community Commercial

**Zoning Classification:**

Existing: Multiple-Family Residence (R-3) District  
Proposed: Community Commercial (C-2) District on the south portion of the site  
Planned Development (PD 14) on the north portion of the site

**Surrounding Land Use:**

The site of the future “La Bella Vita” project, Butte House Road and Del Prado mobile home park are located to the north; the Feather Down shopping center is located to the east; a telephone facility with employee offices is located to the south; Tharp Road and vacant, commercially-zoned land in the Harter Specific Plan area are located to the west.

**Previous Actions and/or Policies:**

PD 02-01: A request for 192 apartments (known as Bel Air Place) was approved by the Planning Commission on April 10, 2002, and by the City Council on May 7, 2002.

**Environmental:**

A Mitigated Negative Declaration (Exhibit A) was prepared for the project and is attached for Commission review and consideration. Mitigation measures to offset possible adverse environmental impacts from construction and operational phases of the project are contained in the conditions of approval. Notably, the proponent will be required to install a traffic signal at the corner of Tharp and Butte House Road prior to occupancy of any commercial structures on the site. Staff requests that the Planning Commission adopt the attached Mitigated Negative Declaration.

**Staff Comments:**

DP 07-09 proposes to construct a 74,000 square foot health club and a 4,500 square foot office building on two proposed parcels located at the southerly portion of the 10-acre site at the southeast corner of Tharp Road and Butte House Road. The application also includes a variety of site improvements such as parking and landscaping. Article 70 of the Yuba City Zoning Regulations requires indoor retail and service facilities that exceed 25,000 square feet but are less than 100,000 square feet to obtain approval of a development plan application from the Planning Commission prior to construction. Section 8-5.7001(C)(4) requires the Planning Commission to make three findings in order to approve a development plan application. Provided below is an evaluation of the findings required to approve DP 07-09.

***1. 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: As noted in the previous staff report, the proposed health club is integrated with a proposed 76,000 square foot mixed use project proposed on north portion of the same parcel. DP 07-09 is contingent upon approval of GP 07-05 and RZ 07-05 (heard previously) because a health club would not be permitted in the R-3 District. If the City Council approves GP 07-05 and RZ 07-05, the proposed health club will conform to all of the requirements of the C-2 District with respect to lot size, building height, setbacks, parking, and landscaping. Since it is integrated with the previously item, (“La Bella Vita”) the signage for the entire site is proposed as part of a uniform sign program. The discussion below is for the same sign program proposed by the applicant for “La Bella Vita” (DP 07-08). Staff recommends that the Planning Commission approve the same sign program for both projects so that the two projects may be completely independent of one another.

**Sign Program:** The applicants have requested that the Planning Commission grant, as part of its approval of DP 07-09, a deviation from the normal signage requirements in order to provide a more uniform, and attractive sign program. Specifically, the applicant has requested seven monument signs, which would be located at each entrance to the entire site as well as at the corner of Tharp Road and Butte House Road, instead of four signs, which would normally be permitted by Section 8-5.63 of the Yuba City Zoning Regulations. The total square footage of the proposed seven signs is less than the total square footage that would be permitted if the applicant were to install four signs at their maximum square footage. It is important to note that the location, size, and general appearance of the seven signs will be locked in as part of the sign program, but the text of each sign will not be guaranteed. It is likely that the applicants for DP 07-09 will place the name of the health club “River Valley Family Fitness” on the monument sign(s) located at the entrance nearest their facility. Staff supports the applicant’s request and recommends that the Planning Commission approve the sign program as proposed.

***2. The streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.***

Staff analysis: As was noted above, Fehr & Peers conducted a traffic impact study (TIS) that analyzed the combined impact of the mixed use development (DP 07-08) as well as the health club. The TIS found that the two projects warrant installation of a traffic signal at the intersection of Tharp Road and Butte House Road and minor modifications to the striping at the

intersection of Stabler Lane/Walton Avenue and State Route 20. Condition #13 requires all improvements to be installed prior to occupancy of any of the commercial facilities on the site, regardless of whether the health club or any of the mixed-use development is constructed first. As noted in Condition #47 and #48, the first project to proceed will also be responsible for constructing improvements along the remainder of the project frontage as well as along the frontage of the property located to the south of the site, provided that the City is able to obtain the right-of-way. With the completion of the above-referenced improvements, the streets serving the site will be adequate to carry the quantity of traffic generated by the proposed use.

***3. The site design, design of the buildings, and the scale of the project will complement neighboring facilities.***

Staff's analysis: Staff is pleased with the conceptual design of the project. The applicant proposes using a variety of materials including stucco, stone, metal, and glazing, as well as a variety of colors. The elevations of the building are compatible with the architecture proposed for the mixed use development (DP 07-08) to the north. The health club has a clearly designated entrance, marked by a curved driveway. Since the level of detail on the attached plans is somewhat vague, staff recommends incorporation of Condition #68 to ensure that shadow lines are provided on the building by either recessing the windows or incorporating additional window trim.

**Recommended Actions:**

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

- A. Adopt the Mitigated Negative Declaration.
- B. Adopt the following three findings for DP 07-09:
  - 1. 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.
  - 2. The streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.
  - 3. The site design, design of the buildings, and the scale of the project will complement neighboring facilities.
- C. Approve DP 07-09 to construct a 74,000 square foot health club and a 4,500 square foot office building on two proposed parcels located at the southerly portion of the 10-acre site at the southeast corner of Tharp Road and Butte House Road subject to the following 73 conditions of approval:

**General**

- 1. Approval of DP 07-09 shall be null and void without further action if construction of DP 07-09 has not been substantially commenced within 2 years of the date of its approval, or on December 19, 2009.

2. The Conditions of Approval shall be attached to, and be made an integral part of, the improvement plans.
3. Approval of DP 07-09 shall be contingent upon approval of GP 07-05 and RZ 07-05 by the City Council. Approval of DP 07-09 shall not take effect until such time as the ordinance for RZ 07-05 takes effect.
4. DP 07-09 is approved as shown in Exhibits B and C and as conditioned herein.
5. Pursuant to Section 8-5.6007 of the Yuba City Zoning Regulations, all landscaping shall be maintained in good growing condition.
6. The project proponent shall use 2003 or newer diesel construction equipment to reduce the emissions of criteria and toxic air contaminants. (*Mitigating Measure*)
7. Feather River Air Quality Management District's Standard Mitigation Measures and Fugitive Dust Control measures for Construction Phases shall be implemented. (*Mitigating Measure*)
8. The proponent shall provide long-term residential and non-residential bike parking, lockers, and showers. These facilities shall be shown on the building permit. (*Mitigating Measure*)
9. Wood burning stoves and fireplaces are prohibited. (*Mitigating Measure*)
10. Energy star roofing materials shall be used in 75% of the buildings. (*Mitigating Measure*)
11. Should artifacts or unusual amounts of bone or shell be uncovered during demolition or construction activity, all work shall be stopped and a qualified archeologist shall be contacted for on-site consultation. Avoidance measures or appropriate mitigation shall be completed according to CEQA guidelines. The State Office of Historic Preservation has issued recommendations for the preparation of Archeological Resource Management Reports which shall be used for guidelines. If the bone appears to be human, California law mandates that the Sutter County Coroner and the Native American Heritage Commission be contacted. (*Mitigating Measure*)

### **Engineering Division**

12. With the first phase of development, the traffic signal at the intersection of Butte House Road and Tharp Road shall be constructed, the east half of Tharp Road shall be constructed, and the State Route 20/Stabler Lane/Walton Avenue intersection shall be modified to extend the southbound left-turn lanes from 100 feet per lane to 125 feet per lane. Improvements shall be completed prior to the issuance of the first Certificate of Occupancy.

13. The driveway to the project on Butte House Road shall align with the driveway to Del Prado Mobile Home Park located on the north side of Butte House Road.
14. The Developer shall prepare and submit improvement plans for the construction of all public improvements including but not limited to water, sanitary sewer, storm drain facilities, roadway improvements, signing, striping and streetlights.
15. 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).
16. Traffic control construction signs shall be installed/erected per City of Yuba City Standards and Details, CalTrans Standards and Details, and the Manual of Uniform Traffic Control Devices. The signs shall be maintained throughout the project duration.
17. All grading operations on the project shall be suspended as directed by the Feather River Air Quality Management District when winds exceed 20 miles per hour or when winds carry dust beyond the property line despite implementation of all feasible dust control measures. An operational water truck shall be onsite at all times to assist in dust control. *(Mitigating Measure)*
18. Onsite dirt piles or other stockpiled particulate matter shall be covered, wind breaks installed, and water and/or soil stabilizer employed to reduce wind blown dust emissions. Incorporate the use of approved non-toxic soil stabilizer according to manufacturers' specifications to all inactive construction areas. Contractor to provide the specifications to the City Inspector. *(Mitigating Measure)*
19. 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. *(Mitigating Measure)*
20. Open burning is a source of fugitive gas and particulate emissions, which shall be prohibited at the project site. No open burning of vegetative waste (natural plant growth wastes) or other legal or illegal burn materials (trash, demolition debris, et. al.) shall be conducted at the project site. Vegetative wastes should be chipped or delivered to waste facilities (permitted biomass facilities), mulched, composted, or used for firewood. It is unlawful to haul waste materials offsite for disposal by open burning. *(Mitigating Measure)*
21. To prevent track-out, wheel washers shall be installed where project vehicles and/or equipment exit onto paved street from unpaved roads. Vehicles and/or equipment shall be washed prior to each trip. Alternatively, a gravel bed may be installed as appropriate at vehicle/equipment site exit points to effectively remove soil buildup on tires and tracks to prevent/diminish track-out. *(Mitigating Measure)*

22. Paved streets shall be swept frequently (water sweeper with reclaimed water recommended; wet broom) if soil material has been carried onto adjacent paved, public thoroughfares from the project site. *(Mitigating Measure)*
23. Provide temporary traffic control as needed during construction to improve traffic flow as deemed appropriate by the Department of Public Works, and to reduce vehicle dust emissions. *(Mitigating Measure)*
24. Reduce traffic speed on all unpaved surfaces to 15 mph or less and reduce unnecessary vehicle traffic by restricting access. Provide appropriate training, onsite enforcement, and signage. *(Mitigating Measure)*
25. If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Sutter County Environmental Health Department, the Fire Department, the Police Department, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies. *(Mitigating Measure)*
26. During construction, the Contractor shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and roadways. Contractor shall be responsible that all construction equipment is equipped with manufacturers approved muffler's baffles. Failure to do so may result in the issuance of an order to stop work. *(Mitigating Measure)*
27. The Developer, at his expense, shall be solely responsible for all quality control associated with the project. The quality control shall include, but not be 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.
28. The Developer's Superintendent/Representative shall be onsite when contractor is working and be available to the City's Inspectors assigned to the project. The Developer shall be responsible for making sure that the contractor is working from signed improvement plans, signed special provisions, signed storm water pollution prevention plan, and the approved project agreement conditions.
29. The Developer's Superintendent/Representative shall ensure that all private vehicles be either parked off-site or outside of construction areas. All vehicles, construction equipment, and construction material related to the project shall be organized in such a manner to provide emergency vehicle access to the entire project.
30. Sidewalks, within and adjacent to the construction area, shall be kept clean and remain accessible for American Disability Act compliance.
31. Storage of construction material is not allowed in the travel way.
32. 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.

33. 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. It shall be accompanied by an engineering and geological opinion as to the safety of the site from hazards of settlement and seismic activity.

### **Prior to issuance of Grading Permit**

#### **Engineering Division**

34. 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.
35. 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 lands or impede the drainage from those properties. If retaining walls are required they shall be constructed of concrete or masonry block.
36. The Engineer of Record shall designate on the plans as to where any retaining walls are required and provide details of all proposed retaining walls. The retaining wall is required where grade differences between the proposed development and the surrounding land is greater than 6" (inches). The use of any type of wood as the retaining wall is not permitted.
37. A master grading plan for both phases of the development shall be submitted to the Public Works Department as part of the improvement plans with the first phase.
38. The applicant shall submit, with the first improvement plan check, to the City for review and approval, a detailed geotechnical investigation prepared by a Civil Engineer registered in the State of California and qualified to perform geotechnical work. The grading plan shall incorporate the recommendations of the approved geotechnical investigation.
39. The Developer shall be responsible for implementing the Storm Water Pollution and Prevention Plan (SWPPP) through the use of Best Management Practices (BMP). The Developer shall be responsible for maintaining the SWPPP. The SWPPP shall conform to the provisions in Section 7-1.01G, "Water Pollution," of the Caltrans Standard Specifications for construction of streets and local roads dated May 2006, the requirements in the Manuals, and the requirements of the Permits. The Developer shall be

responsible to include provisions for SWPPP requirements on the contract documents for the work under the proposed development. These provisions shall direct the successful contractor to develop a SWPPP document per the directions on the Caltrans website at <http://www.dot.ca.gov/hq/construc/stormwater/stormwater1.htm>. The Contractor shall submit the SWPPP document within the time lines set forth on the development's special provisions and allow 15 days for the City of Yuba City to review and approve or return the document for revisions. *The developer/Contractor shall not start any work until the SWPPP document has been approved by the City of Yuba City.* Should the Developer fail to ensure satisfactorily compliance with the SWPPP, the City Inspector may issue a stop work order until compliance is achieved.

40. The following minimum Best Management Practices (BMPs) shall be required during construction:
- a. Construction crews shall be instructed in preventing and minimizing pollution on the job.
  - b. Stabilize construction entrance/exit to prevent tracking onto roadway. Only one stabilized construction entrance/exit will be allowed per site. Vehicles entering and leaving construction sites spread pollutants such as sediment, gravel, and other loose particles onto adjacent roads. Pollutants are washed into roadside ditches and are a nuisance to drivers and may cause damage to vehicles.
  - c. Protect exposed slopes from erosion through preventative measures. Cover slopes to avoid contact with storm water by hydro-seeding, mulch, use of plastic sheeting or other approved means.
  - d. Use brooms and shovels when possible to maintain a clean site. Use of a hose is not recommended. Introducing water as a cleanup method adds to water pollution.
  - e. Designate a concrete washout area, as needed, to avoid wash water from concrete tools or trucks from entering storm drain systems. Maintain washout area and dispose of concrete waste on a regular basis.
  - f. Establish a vehicle storage, maintenance, and refueling area, as needed, to minimize the spread of oil, gas, and engine fluids. Use of oil pans under stationary vehicles is strongly recommended.
  - g. Protect drain inlets from receiving polluted storm water through the use of filters such as fabrics, gravel bags or straw wattles.
  - h. Be prepared for rain and have the necessary materials onsite before the rainy season.
  - i. Inspect all BMPs before and after each storm event. Maintain BMPs on a regular basis and replace as necessary, through the entire course of construction.

### **Building Division**

41. Prior to beginning construction, the applicant shall obtain a demolition permit from the City for removal of all existing structures on the site.

42. Developer may retain existing well(s) for irrigation purposes only. If wells are to be abandoned, they shall be abandoned in accordance with the requirements of the Sutter County Environmental Health and Yuba City Building Departments, respectively. All septic tank(s), and service lines shall be destroyed in accordance with the requirements of the Sutter County Environmental Health and Yuba City Building Departments, respectively.

### **Prior to approval of Improvement Plans**

#### **Engineering Division**

43. The contractor shall obtain an Encroachment Permit from the City prior to performing any work within public rights of way.
44. 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.
45. Improvement plans shall be approved by the Yuba City Fire Department.
46. Tharp Road shall be widened to a half-width (centerline to face of curb) of 32.0 feet. Construction on Tharp Road shall include on the *east* side of the center line a 30.0 foot road, 2.5 foot curb and gutters, 5.0 foot attached sidewalks, and street lights except as otherwise shown on the tentative map and approved by the Public Works Department. The right-of-way line shall be 0.5 feet behind sidewalk. Based on the condition of Tharp Road and the existing structural section, Developer may be required to reconstruct the existing portion east of the centerline to conform to the City's structural section requirements.
47. If the City is able to obtain right-of-way from the parcel to the south on Tharp Road, identified as AP# 59-010-072, then Tharp Road shall be widened and improved across the frontage of said parcel and connect to existing improvements at the north edge of AP# 59-131-014. City will reimburse the Developer for the improvements fronting AP# 59-010-072 upon acceptance of the improvements.
48. 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:
  - e. Use 3" minimum for residential, and 4" minimum for collectors and 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)
  - f. Use a traffic index of 6 for residential streets
  - g. Use a traffic index of 7 for collector streets
  - h. Use a traffic index of 10 for arterial streetsA copy of the geotechnical investigation, including R-value, test locations and structural section calculations, shall also be submitted with the first improvement plan check.

49. 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. The Developer shall submit to the Public Works Department a design recommendation for all other speed limits. These proposed speed limit signs shall be shown on the Improvement Plans.
50. All domestic, landscape, and fire service lines shall have reduced pressure backflow preventers.
51. All service laterals (water, sewer, irrigation, fire suppression), along with required meters and reduced pressure backflow preventers, are to be shown on the civil improvement plans. All applicable fees shall apply.
52. The street lights are public improvements which shall meet Yuba City Standard Details and be included in the improvement plans and specifications for the subdivision when the improvement plans are submitted for the first improvement plan check.
53. The final improvement plans shall reflect tree placement so that no interference with streets, streetlights, and driveways will occur to the satisfaction of the Public Works Department.
54. All landscaping 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 fees.
55. 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.
56. 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.
57. The Design Engineer shall provide technical reports to substantiate the sizing of the on-site pipes. The reports shall include:
  - a. water demand calculations
  - b. hydrology/hydraulic calculations
  - c. sewer calculations
58. Required Improvement Plan Notes:

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

**Prior to Acceptance of Public Improvements**

**Engineering Division**

- 59. Prior to paving, the Developer shall vacuum test all manholes to ensure no leakage will occur.
- 60. 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.
- 61. All street lighting shall be dedicated to the City of Yuba City.

**Prior to Final Map Recordation**

### **Engineering Division**

62. If Developer chooses to file the map prior to completion of improvements, a Subdivision Agreement outlining any costs (hot tap, connection fee, fair share contribution, extension fees, etc.) associated with the development shall be accepted by the City prior to recordation of map.
63. The property shall petition for formation of a Zone of Benefit of the Yuba City Landscaping and Lighting District for the purpose of maintaining the street lights.
64. Cross easements over all property not occupied by buildings shall be reserved in deeds for all underground utilities, ingress and egress, parking, drainage, landscaping, and the maintenance thereof to the benefit of all parcels involved in the division.
65. The Developer shall be required to pay any applicable Sutter County Water Agency drainage fees. The Developer shall provide the City with a copy, prior to the recordation of the final map, of the receipt indicating that the fees have been paid.

### **Prior to Building Permit**

#### **Engineering Division**

66. 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.

#### **Planning Division**

67. The design of the building shall incorporate window treatment in order to provide shadow lines and relief on the surface of the building. The window treatment may be in the form of inset windows or trim around the windows.

#### **Building Division**

68. A building pad certificate from a licensed engineer as well as a lot grading certificate from a licensed surveyor shall be provided to the City.

### **Prior to Certificate of Occupancy**

#### **Engineering Division**

69. 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.
70. All reduced pressure backflow preventers shall be tested and a backflow preventer certification performed by an AWWA licensed tester shall be submitted to the Public Works Department.
71. All existing overhead utilities (of 26,000 volts or less) and proposed utilities, both onsite and along all project frontages shall be placed underground. The undergrounding shall go from the next pole beyond the project frontage, across the frontage and then to the next pole beyond the project boundary. This does not include surface mounted transformers, pedestal mounted terminal boxes and meter cabinets. Appropriate easements shall be obtained by the Developer to facilitate these installations.
72. Lot 6 as shown on the tentative map shall connect to City water and sewer and shall pay all applicable fees prior to issuance of the first certificate of occupancy.
73. The City reserves the right to direct the Developer to hydroflush all storm drain mains and all sewer mains.