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TO ADDRESS THE COMMISSION  
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Regular Meeting  
January 23, 2008 - 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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Closed Session 6:30 p.m.  
Regular Meeting 7:00 p.m.

**Closed Session 6:30 p.m. – Butte Room**

Confer with legal counsel regarding existing litigation pursuant to Government Code section 54956.9(a), Roxy Yuba City Partners v. City of Yuba City, et al., Sutter County Superior Court, case # CVCS 07-1227.

**Regular Session 7:00 – Council Chambers**

Roll Call

Pledge of Allegiance

Approval of minutes from meeting held on December 19, 2007

Appearance of Interested Citizens\*

Correspondence: - None

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

Public Hearings:

1. Public Hearing: Development Plan #DP 07-03; Proposal to demolish an existing theater and construct a new 39,000 square foot, 12 screen, 2113 seat theater; located at the south side of Whyler Road, west side of Onstott Road; APN 58-070-050, 051, 58-120-012, 013, 58-130-033; Owner, Lanza Family Trust and Hust Brothers; Applicant, Aztec Developers.

Over

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: January 18, 2008  
TO: Yuba City Planning Commission  
FROM: Community Development Department  
SUBJECT: Agenda Report – Meeting of January 23, 2008

### **PUBLIC HEARINGS**

1. **PUBLIC HEARING: DEVELOPMENT PLAN DP 07-03 FOR CONSTRUCTION OF A 39,000 SQUARE FOOT, 12-SCREEN, 2113-SEAT MOVIE THEATER LOCATED AT 1410 WHYLER ROAD; ASSESSOR’S PARCEL NUMBERS: 58-070-050, 58-070-051, 58-120-12, 58-120-013, 58-130-033; APPLICANT: AZTEC DEVELOPERS; PROPERTY OWNER: LANZA FAMILY TRUST.**

#### **Background:**

The Planning Commission continued this item at its regular meeting on September 26, 2007, to allow staff time to address comments contained in a letter from James Vaughn, the attorney representing “Citizens Against Gridlock” (CAG). Since that time, staff has been coordinating with the applicant on the matter of responding to the issues raised by CAG. Listed below are summaries of each of the issues raised in the letter followed by staff’s response. The letter is attached for the Commission’s reference. Staff’s recommendations for the original project have not changed based on the conclusions provided below. However, since the original conditions of approval have been modified, staff’s original recommendations and the revised conditions of approval are included in this report. The original report is also attached for Commission review.

#### **Issue 1. Traffic Impacts:**

On page two of the letter, CAG claims that the traffic report for the proposed project contains evidence that the project will have project-specific impacts on key State Route 99 intersections as well as cumulative impacts that have not been adequately mitigated. Staff disagrees for the reasons listed below.

#### **Response: Project-Specific Impacts on Key SR 99 Intersections:**

Staff concurs that the project will impact key SR 99 intersections, particularly at Bridge Street and Franklin Road. However, staff does not agree that the impacts are to be considered

“significant”. The Traffic Report does not identify any traffic impacts as being “significant”, nor is there any discussion related to “significance”.

Presently the City does not have an adopted “standard of significance”. However, there is an unofficial “standard of significance” that staff follows which is consistent with other surrounding agencies. For example, the City of Sacramento has set the following standards of significance for signalized and unsignalized intersections:

- 1) An impact to the intersection is considered significant if the project causes the LOS of the intersection to degrade from LOS C or better to LOS D or worse.
- 2) For intersections that are already operating at LOS D, E, or F without the project, an impact is significant if the implementation of the project increases the average delay by 5 seconds or more at an intersection.

According to Fehr & Peers, traffic engineers, it is common practice that if an intersection is already operating at LOS D, E, or F without the project, then an impact is only considered significant if the project increases the average delay by 5 seconds or more. Applying these criteria to the subject project, the impacts are not considered significant. Specific details related to the SR 99/Bridge Street and SR 99/Franklin Road intersections are identified below:

**SR 99/Bridge Street:**

	<b>Delay (seconds)</b>	<b>Delay Increase (seconds)</b>	<b>Level of Service (LOS)</b>
Existing Condition	60		E
Near-Term No Project	65	1	E
Near-Term Plus Project	66		E
Cumulative No Project	51	4	D
Cumulative Plus Project	55		D

Under the near-term condition, the intersection will operate at LOS E with or without the project, and the delay increases by only 1 second. Under the cumulative condition, the intersection will operate at LOS D, with or without the project, and the delay increases by 4 seconds. This is considered insignificant using the 5 second average delay criteria.

**SR 99/Franklin Road:**

	<b>Delay (seconds)</b>	<b>Delay Increase (seconds)</b>	<b>Level of Service (LOS)</b>
Existing Condition	51		D
Near-Term No Project	58	4	E
Near-Term Plus Project	62		E
Cumulative No Project	103	2	F
Cumulative Plus Project	105		F

Under the near-term condition, the intersection will operate at LOS E with or without the project, and the delay increases by 4 seconds. Under the cumulative condition, the intersection will

operate at LOS F, with or without the project, and the delay increases by 2 seconds. This is considered insignificant using the 5 second delay criteria.

**Response: Cumulative Impacts**

Much like the conclusions drawn about specific intersections on Hwy 99, similar conclusions were made regarding the cumulative impacts of the project being “significant”. As previously noted, the Traffic Report does not identify any traffic impacts as being “significant”, nor is there any discussion related to “significance”. Staff has demonstrated that by using the significance criteria of the past, the project does not have a significant impact on surrounding roadways and intersections. This conclusion also applies to the cumulative condition.

**Issue 2: Noise and Air Quality Impacts:**

On page 3, CAG claims that the initial study/mitigated negative declaration fails to adequately address noise and air quality impacts associated with the increased traffic resulting from the expansion of the existing movie theater. Staff disagrees with this claim for the reasons listed below.

**Response: Noise Impacts**

Staff recognizes that the theater expansion will result in an increased number of vehicle trips. However, staff considers the initial study/mitigated negative declaration to be sufficient in terms of addressing noise impacts associated with traffic. As stated in the Yuba City General Plan, traffic noise depends primarily on the speed of traffic and the percentage of truck traffic, and that traffic volume does not have a major effect on noise levels. The volume of increase in traffic is insignificant, as determined by the Public Works Department. Additionally, the proposed movie theater expansion does not involve a proposed increase to the speed of traffic anywhere in the City. Therefore, noise increases from increased speed will not occur. Based on these findings, staff considers the existing analysis of noise in the initial study/mitigated negative declaration to be sufficient. Finally, there are no sensitive noise receptors in the vicinity of the project.

**Response: Air Quality Impacts**

As stated in Section 8.6 of the Yuba City General Plan, regulation of toxic air contaminants from mobile sources has traditionally been implemented through emissions standards for on-road motor vehicles and through specifications for gasoline and diesel fuel sold in California, rather than through land use decisions, air quality permits or regulations addressing how motor vehicles are used by the general public. Additionally, as noted in the memo from the Public Works Department, the increase in the number of vehicle trips associated with the proposed theater expansion is determined to be insignificant. Therefore, staff considers the existing analysis in the initial study/mitigated negative declaration to be sufficient.

**Issue 3: Blight Impacts in the Downtown Area**

CAG claims that the initial study/mitigated negative declaration is insufficient on the grounds that it does not consider blight impacts in the Downtown area caused by the proposed expansion

of the movie theater. CAG further claims that the proposed project is inconsistent with the City's Central City Specific Plan and Revitalization Strategy as well as Ordinance No. 014-04, which limited the construction of new theaters outside the Downtown area.

**Response:** On February 6, 2007, the Yuba City City Council issued an interpretation of Ordinance No. 014-04 and adopted a finding (with a vote of 4-0) that the proposed site plan for the movie theater expansion is consistent with Ordinance No. 014-04. The City Council directed staff to forward the expansion of the movie theater to the Planning Commission for processing and review. Furthermore, the proposed theater expansion will not create blight in the downtown. The site proposed for the Downtown theater is currently vacant; expansion of the existing movie theater outside the Downtown area will not cause the site to become more vacant. Since there is no anticipated change to the existing condition in the Downtown area as a result of the expansion of the existing theater, staff considers the initial study/mitigated negative declaration to be sufficient and further believes that the project does not conflict in any way with the Central City Specific Plan.

#### **Issue 4: General Plan Inconsistencies**

CAG identified two theoretical General Plan inconsistencies pertaining to land use and the extension of Oji Way. Staff's responses to each claim are detailed below:

##### **Response: Land Use**

Although the initial study/mitigated negative declaration did state that a portion of the site is designated in the General Plan as "Low Density Residential," that statement in the initial study/mitigated negative declaration was in error. On April 18, 2006, the City Council approved GP 04-05 amending the General Plan Land Use Element to change the designation from "Low Density Residential" to "Community Commercial." Therefore, the proposed movie theater expansion is consistent with the existing General Plan designation of "Community Commercial." Staff corrected this error at the public hearing before the Planning Commission on September 26, 2007.

##### **Response: Oji Way**

The Transportation Element of the General Plan shows Oji Way as a connector roadway from Bridge Street to Franklin Avenue. Oji Way would extend across the length of the west side of the theater expansion site and would also require acquisition of six private properties south of the theater expansion site. At this time, the City has determined that the construction of Oji Way is not needed, as it will not result in a significant improvement in traffic circulation. Therefore, the conditions of approval for DP 07-03 require the project proponent of the theater expansion to make an irrevocable offer of dedication to the City for the Oji Way right-of-way across the entire length of the project site. This will allow the City the ability to construct Oji Way at a future date when the road is actually needed and the City has acquired the other properties necessary for its construction. This condition ensures the City's ability to construct Oji Way at a later date, when needed, and therefore, the project is consistent with the General Plan.

**Discussion:**

Based on the findings noted above, the Planning Division recommends that the Planning Commission take the same actions listed in the first staff report. As previously noted, staff made minor modifications to the conditions of approval. The modifications consist of the following:

1. Condition Number 33 on the original staff report, which required installation of a new water line, has been deleted. The Engineering Division and the applicant have devised an alternative solution which made Condition Number 33 obsolete.
2. Condition Number 49 has been added to provide clarification on the timing of installation of the masonry wall that is shown on the project plans.
3. Condition Number 52 has been modified to require a 10-foot public utility easement instead of a 12-foot public utility easement.
4. Condition Number 58 has been modified to provide clarification regarding the utilities the applicant is responsible for undergrounding.

To simplify the requested action, staff has included the prior recommendations from the September 26, 2007, staff report below, along with the newly modified conditions of approval.

**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 07-03:
  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 07-03 to construct a 39,000 square foot, 12-screen, 2113-seat movie theater and to demolish the existing 8-screen theater and other vacant structures on the project site subject to the following 59 conditions of approval:

## **General**

1. Approval of Development Plan DP 07-03 shall be null and void without further action if construction of Development Plan DP 07-03 has not been substantially commenced within 2 years of the date of its approval, or on January 23, 2010.
2. The Conditions of Approval shall be attached to, and be made an integral part of, the improvement plans.
3. Development Plan DP 07-03 is approved as shown in Exhibits B and C and as conditioned herein.
4. The applicant shall be responsible for the payment all applicable development impact fees related to the project's construction.
5. A lot line adjustment combining the multiple properties into one parcel shall be completed prior to the issuance of a building permit for the movie theater's construction.
6. Prior to the issuance of a building permit for the demolition of any onsite structures and/or during the demolition phases of the project as may be applicable the applicant shall:
  - a. Provide a copy to the Community Development Department of the fugitive dust control plan that was approved by the Feather River Air Quality Management District.
  - b. Acknowledge that open burning of vegetative waste shall not be permitted.
  - c. Complete an asbestos evaluation in accordance with the Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP) regulations.
  - d. Follow all regulations under Title 40, Code of Federal Regulations, Part 61, Section 61.145. (*Mitigation Measure*)

## **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 project driveway onto Whyler Road shall line up with Oji Way.

9. The Developer shall prepare and submit improvement plans for the construction of improvements including water, sanitary sewer, storm drain facilities, roadway improvements, curbs, gutters, sidewalks, signing, striping and streetlights.
10. 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).
11. 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.
12. 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)*
13. 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. *(Mitigating Measure)*
14. To help contain fugitive dust, construction sites shall be watered down during the construction of the project. *(Mitigating Measure)*
15. Temporary silt fencing shall be erected during construction so that transport of construction debris can be retained on-site. *(Mitigating Measure)*
16. 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)*
17. 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)*
18. 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)*
19. During construction, the Contractor shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and roadways. Contractor shall be responsible that all construction equipment is equipped with manufacturers

approved muffler baffles. Failure to do so may result in the issuance of an order to stop work. (*Mitigating Measure*)

20. 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 and a signed storm water pollution prevention plan.
21. 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.
22. Sidewalks, within and adjacent to the construction area, shall be kept clean and remain accessible for American Disability Act compliance.
23. Storage of construction material is not allowed in the travel way.

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

#### **Engineering Division**

24. 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.
25. The improvement plans for the development of the subject property shall include all measures required to ensure that no drainage runoff resulting from the development of the property 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.
26. 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.
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 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**

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

30. All existing well(s), 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 Issuance of Building Permit**

31. Cross easements shall be reserved in deeds for properties that share underground utilities, ingress and egress, parking, drainage, landscaping, and the maintenance thereof to the benefit of all parcels involved.
32. Owner shall provide an irrevocable offer of dedication for the future extension of Oji Way from Whyler Avenue to the south project limits. A public utility easement shall be dedicated over the entire width of the future Oji Way extension to provide for the public utilities placed to serve the project.

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

#### **Engineering Division**

33. The contractor shall obtain an Encroachment Permit from the City prior to performing any work within public rights of way.
34. 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.
35. Improvement plans shall be approved by the Yuba City Fire Department.
36. All service laterals (water, sewer, irrigation, fire suppression), along with required meters, are to be shown on the improvement plans.
37. The fire suppression system(s) that will be servicing the property shall tie-in directly to the City water main. Hot tap fees shall apply.
38. All domestic, landscape, and fire service lines shall have reduced pressure backflow preventers.
39. The Developer shall be responsible for preparation of a street tree and irrigation plan that is deemed acceptable by the Director of Parks.
40. The street landscape planters, the street trees, and street lighting are public improvements which shall meet the Parks Division Planting Standards and Yuba City Standard Details and be included in the improvement plans and specifications when the improvement plans are submitted for the first improvement plan check.

41. The street trees proposed by the Developer shall be a minimum of 15 gallon in size with a one-inch dbh (diameter at breast height). The tree species shall be a shade type approved by the City Arborist and the Community Development and Public Works Departments. Only one tree species shall be planted on any street.
42. The final improvement plans shall reflect street tree placement so that no interference with streets, streetlights, and driveways will occur to the satisfaction of the Public Works Department.
43. All onsite 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.
44. 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.
45. 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. "The Contractor(s) shall be required to maintain traffic flow on affected roadways during non-working hours, and to minimize traffic restriction during construction. The Contractor shall be required to follow traffic safety measures in accordance with the CalTrans "Manual of Traffic Safety Controls for Construction and Maintenance Work Zones." The City of Yuba City emergency service providers shall be notified, at least two working days in advance, of proposed construction scheduled by the contractor(s)."
  - c. "Soil shall not be treated with lime or other cementitious material without prior express permission by the Public Works Department."

### **Prior to acceptance of Public Improvements**

#### **Engineering Division**

46. Prior to paving, the Developer shall vacuum test all manholes to ensure no leakage will occur.
47. 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.

48. 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.

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

#### **Planning Division**

49. The proponent shall construct a decorative masonry wall that is 6 feet in height as measured from the finish grade of the building along the west and south sides of the property.

#### **Engineering Division**

50. 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.
51. All street lighting shall be dedicated to the City of Yuba City.
52. A public utility easement shall be provided along the street frontage of West Onstott Frontage Road extending 10 feet behind the back of the sidewalk.
53. All street lighting shall be energized.
54. Prior to the issuance of any certificate of occupancy 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.
55. Prior to the issuance of a certificate of occupancy, 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.
56. Prior to the issuance of a certificate of occupancy, the Developer's Superintendent/Representative shall submit three sets of Pacific Gas and Electric approved utility plans showing joint trench locations and distribution lines.
57. The City reserves the right to direct the Developer to hydroflush the storm drain and sewer lines if any construction debris is found in the lines.

58. Prior to issuance of any certificate of occupancy, all existing overhead utilities (of 26,000 volts or less) and proposed utilities within the project boundary and along the Whyler Road project frontage (approximately 158' – south side of Whyler Road only), and along the West Onstott Frontage Road project frontage (approximately 466' – west side of West Onstott Frontage Road only) shall be placed underground. In lieu of undergrounding along Whyler Road, Developer may pay cash to the City in the amount of \$300/lineal foot which equates to \$47,400.
59. Prior to issuance of any certificate of occupancy, all underground utilities, public improvements, and site improvements, including rough grading, shall be completed.