



DATE: September 19, 2008
TO: Yuba City Planning Commission
FROM: Community Development Department
SUBJECT: Agenda Report – Meeting of September 24, 2008

COMMISSION CONSIDERATION:

- 1. REQUEST TO MODIFY THE APPROVED ELEVATIONS FOR DEVELOPMENT PLAN DP 07-09, A 74,000 SQUARE FOOT HEALTH CLUB; APPLICANTS: JERRY TOLLER AND PETER BAKIS; PROPERTY OWNER: RIVER VALLEY PROPERTY, LP.**

Project Description:

The applicants, Jerry Toller and Peter Bakis, request Planning Commission approval of modifications to the elevations for the River Valley Family Fitness health club, which were previously approved under Development Plan DP 07-09.

Staff Comments:

During its December 19, 2007 meeting, the Planning Commission approved the La Bella Vita project which also included the River Valley Family Fitness building. La Bella Vita contains an eclectic variety of high-quality architectural styles, as can be seen in Attachment 2. While finalizing the construction drawings for the fitness building, the applicant made revisions to the conceptual elevations. Staff considers the revisions to be significant enough to warrant review and approval by the Planning Commission. Specifically, the applicant desires to change the roof line, the windows and entry, the color palette, and the use of stone. Each of these design aspects are discussed in more detail below.

Roof line: The applicant proposes varying the roof line by extending several of the structural steel columns (which will be wrapped in stucco) above the plane of the roof.

Windows and Entry: The applicant proposes making the entry to the building more prominent by adding a metal awning, a metal skirting around the atrium at the top, and by enlarging the appearance of the windows. The windows located to the west of the entrance will be changed from being three separate windows to being four separate windows. Additionally, arches will be placed over the first story windows to provide more visual interest.

Color Palette: The applicant proposes modifying the color palette that was approved by the Planning Commission to include earth tones on the stucco and blue on the metal.

Stone: The applicant proposes deleting the stone that is used to varying degrees on all of the other buildings in the La Bella Vita project.

The proposed modifications are of high quality and conform to the Yuba City Commercial Design Guidelines. In particular, the modifications to the roof line and the windows will significantly enhance the appearance of this project. The deletion of the stone changes the character of the building, but not adversely. The proposed modifications will result in a project that continues to complement the design of the neighboring development at the Bel Air shopping center. Additionally, the proposed changes to the River Valley Family Fitness building will still complement the design of the buildings found in the “La Bella Vita” project. Staff considers the proposed modifications to the River Valley Family Fitness project to be consistent with the quality of the design of the entire project. Therefore, staff supports the proposed changes.

Recommended Actions:

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

- A. Approve the proposed modifications to the elevations for DP 07-09, a 74,000 square foot health club, as shown in Exhibit A.

PUBLIC HEARINGS:

1. **GENERAL PLAN AMENDMENT GP 08-01, REZONE RZ 08-01, TENTATIVE MAP TM 08-01, DEVELOPMENT PLAN DP 08-01 FOR CONSTRUCTION AND OPERATION OF A 14,000 SQUARE FOOT “FRESH & EASY” NEIGHBORHOOD GROCERY STORE, A 14,500 SQUARE FOOT “WALGREENS” DRUG STORE WITH A DRIVE-THRU, AND A 2,500 SQUARE FOOT “SHOPS” BUILDING LOCATED AT THE SOUTHEAST CORNER OF LINCOLN ROAD AND SESSLER DRIVE; ASSESSOR’S PARCEL NUMBERS: 56-010-003, 56-010-004; APPLICANT: TAYLOR VILLAGE SACRAMENTO INVESTMENTS PARTNERS L.P.; PROPERTY OWNER: ARKADIUSZ KAZMIERCZAK AND ALKA KUMAR.**

Project Description:

The applicant, Taylor Village Sacramento, has submitted the following applications:

1. General Plan Amendment GP 08-01 to change the General Plan designation from Neighborhood Commercial to Community Commercial. (See Exhibit B)
2. Rezone RZ 08-01 to change the Zoning classification from Neighborhood Convenience Commercial (C-1) District to Community Commercial (C-2) District. (See Exhibit C)

3. Tentative Map TM 08-01 to subdivide two parcels totaling 3.17 acres into three parcels. (See Exhibit D)
4. Development Plan DP 08-01 to construct a 14,000 square foot “Fresh & Easy” neighborhood grocery store, a 14,500 square foot “Walgreens” drug store with a drive thru, a 2,500 square foot “shops” building, and related site improvements including parking, outdoor plaza areas, a sign program, and landscaping. (See Exhibits E and F)

Property Description:

The project site is located at the southeast of corner Lincoln Road and Sessler Drive. The project site is located adjacent to the existing gas station and convenience store on the corner of Lincoln Road and Walton Avenue. Access to the site will be provided via a driveway on Sessler, a driveway on Walton, and two driveways on Lincoln Road, one of which will be shared with the gas station. The project site is currently vacant. Curb, gutter, and sidewalk currently exist along all project frontages. (See Attachment 1, “Aerial Photo”)

General Plan Designation:

Existing: Neighborhood Commercial
Proposed: Community Commercial

Zoning Classification:

Existing: Neighborhood Convenience Commercial (C-1) District
Proposed: Community Commercial (C-2) District

Surrounding Land Use:

Lincoln Road and single-family residences are located to the north; a gas station and convenience store, South Walton Avenue, and Lincoln Elementary School are located to the east; single-family residences are located to the south, along Edwin Drive; Sessler Drive, a vacant parcel zoned for office use, and single-family residences are located to the west.

Previous Actions and/or Policies:

There have been no actions on the subject property since it was annexed into the City in 2001.

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 developer will be required to pay fair share contributions to improvements at the intersections of Richland Road/Walton Avenue, Lincoln Road/Sanborn Road, and Lincoln Road/State Route 99. To mitigate noise impacts, the developer is required to construct an eight-foot tall masonry wall along the south property line. Finally, to

avoid impacts on the water system, onsite preparation of food is prohibited until such time as the water supply in the area increases. Staff requests that the Planning Commission adopt the attached Mitigated Negative Declaration for the Tentative Map and the Development Plan and recommend that the City Council adopt the attached Mitigated Negative Declaration for the Rezone and General Plan amendment.

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 08-01:

GP 08-01 proposes to change the General Plan designation from Neighborhood Commercial to Community Commercial because the Neighborhood Commercial General Plan designation will not accommodate the drive-thru proposed for the Walgreens.

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 a General Plan amendment. 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 08-01, staff reasons that the proposal is in the public interest because the land use change will accommodate a high-quality project and will provide opportunities and additional services to residents living in the vicinity of the project. The proposed amendment to the land use element of the General Plan does not conflict with any other elements of the General Plan. Therefore, staff recommends that the Planning Commission make the following finding:

General Plan Amendment GP 08-01 to change the General Plan land use designation from Neighborhood Commercial to Community Commercial is in the public interest.

Rezone RZ 08-01:

RZ 08-01 is to change the property's zoning classification from the Neighborhood Convenience Commercial (C-1) District to the Community Commercial (C-2) District. The applicant is requesting the change because the current zoning classification does not allow drive thru lanes, one of which is proposed for the Walgreens building.

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 08-01 was initiated by Taylor Village Sacramento, with the permission of the property owners, for the purpose of constructing the drive thru proposed on one of the three retail buildings described in Development Plan DP 08-01. Listed below in bold, italicized font are the three required findings to change the Zoning classification followed by staff's analysis of each finding.

1. Rezone RZ 08-01 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, etc. In the case of Rezone RZ 08-01, if the Planning Commission and the Council find that the General Plan amendment is in the public interest and approve GP 08-01, the proposed zoning classification of C-2 will be consistent with the new General Plan designation of Community Commercial.

2. Rezone RZ 08-01 is consistent with the planned surrounding land uses.

Staff analysis: The proposed development is consistent with the existing surrounding land uses. The design of the retail center will complement the property and the Lincoln Road corridor. The project will provide additional amenities, specifically a drug store and a full grocery store, to people living in the vicinity of the project site.

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. (A copy of the TIS is available for review at the Community Development Department in City Hall.) The TIS found that the proposed development warrants the payment of a fair share contribution to the following two intersections which are not included in the City's impact fee program: Richland Road/Walton Avenue and Lincoln Road/Sanborn Road. The TIS found that the proposed development warrants the payment of a fair share contribution toward the Lincoln Road/State Route 99 intersection, improvements for which are only partially included in the City's impact fee program. Condition #41 ensures that payment will take place prior to recordation of the final map.

The applicant worked with the Yuba City Utilities Department to analyze whether there is adequate water and wastewater capacity to serve the proposed development. The Utilities Department determined that there is adequate water and wastewater capacity to serve the project, as it is currently proposed. However, Condition #28 has been placed on the project to prohibit the onsite preparation of food (which is water intensive) until such time that the water supply in the area increases to a level that is suitable for onsite food preparation.

Tentative Map TM 08-01:

TM 08-01 proposes to subdivide the two parcels that comprise the 3.17-acre site into three parcels ranging in size from 0.37 acres to 1.42 acres. (See Exhibit D.) 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.

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 0.37 acres in size, which meets the 5,000 square foot minimum lot size in the proposed C-2 District.

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.

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 facilities.

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 #44 requires that easements be reserved for ingress, egress, parking, 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 08-01:

DP 08-01 is for construction of a 14,000 square foot “Fresh & Easy” neighborhood grocery store, a 14,550 square foot “Walgreens” with a drive-thru, and a 2,500 square foot “shops” building with an unknown tenant. The project also includes ancillary facilities such as parking lots, landscaping, and outdoor plazas. (See Exhibits E and F.) 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: 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 development.

Sign Program: The applicant has requested that the Planning Commission grant, as part of its

approval of DP 08-01, a deviation from the normal signage requirements. Specifically, the applicant has requested three monument signs instead of the two that would normally be allowed by the Zoning Regulations. The number of signs allowed is based on a project's frontage; one monument sign is permitted per each 300 feet of frontage. The project site has 795 feet of frontage, which allows up to two monument signs. Condition #9 requires that the number of monument signs on the site be limited to two, in accordance with the requirements of Article 63 of the Yuba City Zoning Regulations.

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

Staff analysis: As noted above, Fehr & Peers conducted a traffic impact study (TIS) that analyzed the impact of the proposed project. The TIS found that the project warrants a fair share contribution to be paid for future improvements to the intersections at Richland Road/Walton Avenue, Lincoln Road/Sanborn Road, and Lincoln Road and State Route 99. Condition #41 requires that all fair share contributions be paid prior to recordation of the final map. A previously-approved map at the southwest corner of Lincoln and Sessler is conditioned to construct all improvements to the west side of Sessler. If DP 08-01 proceeds before the improvements are made to the west side of Sessler, the developer of the subject property will be required to construct the improvements on Sessler (from the centerline to the back of the curb) prior to occupancy of the project or work with the Public Works Director to find an alternative solution. The developer will be reimbursed when the property on the west side of Sessler develops. Condition #32 ensures compliance with this requirement. 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: The design of the project meets the requirements of the Yuba City Commercial Design Guidelines. The elevations of the buildings are compatible with one another and will complement neighboring facilities. The project is designed to have a minimal impact on the residences located to the south by locating the retail buildings approximately sixty feet from the shared property line. Additionally, the landscaping provided along the south property line consists of trees and an 8-foot tall masonry wall to mitigate noise impacts. The project is designed on a pedestrian scale, allowing visitors to the site to easily walk from one point to another within the site and from the right-of-way to the stores. The applicant has not submitted elevations for the proposed "shops" building at this time. Condition #10 ensures that the design of the "shops" building will be compatible with the rest of the project.

Recommended Actions:

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

- B. Adopt the Mitigated Negative Declaration.

- C. Recommend that the City Council adopt the finding that GP 08-01 to change the General Plan designation from Neighborhood Commercial to Community Commercial is in the public interest.
- D. Recommend that the City Council approve GP 08-01 to change the General Plan designation from Neighborhood Commercial to Community Commercial, as shown on Exhibit B.
- E. Recommend that the City Council adopt the following three findings for RZ 08-01
 - 1. RZ 08-01 is consistent with the Community Commercial land use designation as amended and as described in the Yuba City General Plan.
 - 2. RZ 08-01 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.
- F. Recommend that the City Council approve Rezoning RZ 08-01 to change the Zoning classification from Neighborhood Convenience Commercial (C-1) District to Community Commercial (C-2) District, as shown on Exhibit C.
- G. Adopt the following four findings for TM 08-01:
 - 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.
- H. Approve TM 08-01 to subdivide the 3.17-acre site into three parcels ranging in size from 0.37 acres to 1.42 acres, subject to the applicable conditions listed below.
- I. Adopt the following three findings for DP 08-01:
 - 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.
- J. Approve DP 08-01 for construction of a 14,000 square foot “Fresh & Easy” neighborhood grocery store, a 14,550 square foot “Walgreens” with a drive thru, a 2,500 square foot “shops” building with an unknown tenant, and related site improvements including parking, outdoor plaza areas, and landscaping subject to the following 54 conditions of approval:

General

1. The Conditions of Approval shall be attached to and be made an integral part of the improvement plans.
2. Tentative Map TM 08-01 is approved as shown in Exhibit D and as conditioned herein.
3. Development Plan DP 08-01 is approved as shown in Exhibits E and F and as conditioned herein.
4. Approval of Development Plan DP 08-01 shall be null and void without further action if utilization of Development Plan DP 08-01 has not been substantially commenced within 2 years of the date of the approval of Rezone RZ 08-01 by the City Council.
5. Approval of Development Plan DP 08-01 is contingent upon the receipt of City Council approval of General Plan amendment GP 08-01 and Rezone RZ 08-01.

Planning Division

6. 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*)
7. Deliveries of merchandise shall be restricted to occur exclusively between the hours of 7:00 a.m. and 10:00 p.m.
8. All grocery carts and/or baskets shall be stored indoors or in designated cart corrals.
9. In accordance with Article 63 of the Yuba City Zoning Regulations, two monument signs are permitted.
10. The future building proposed on the “shops” pad shall utilize similar architectural design, materials, and detail so as to be compatible with the existing shopping center as

approved. Design of the “shops” building shall be reviewed and approved by the Community Development Director prior to issuance of a building permit.

Building Division

11. Buildings shall be designed in accordance with the most current California Building Standards Code.

Engineering Division

12. Delivery trucks servicing the project shall not pull onto Sessler Drive in order to back into the truck bay for Building 1 (Fresh & Easy).
13. 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.
14. 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)*
15. 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)*
16. To help contain fugitive dust, construction sites shall be watered down during the construction of the project. *(Mitigating Measure)*
17. Temporary silt fencing shall be erected during construction so that transport of construction debris can be retained on-site. *(Mitigating Measure)*
18. 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)*
19. 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)*
20. 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)*

21. 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*)
22. 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.
23. 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.
24. Sidewalks within and adjacent to the construction area shall be kept clean and remain accessible for American Disability Act compliance.
25. Storage of construction material is not allowed in the travel way.
26. No parking will be permitted on Walton Avenue or Lincoln Road.

Utilities Department

27. A maximum of one 1 ½" domestic water service shall be provided to each parcel until such time as the water supply in the area increases to an acceptable level such as if the current groundwater system is converted to surface water or if the current groundwater is upgraded to increase water supply to the area. (*Mitigating Measure*)
28. No on-site food preparation shall be allowed until such time as the water supply in the area increases to an acceptable level such as if the current groundwater system is converted to surface water or if the current groundwater is upgraded to increase water supply to the area. (*Mitigating Measure*)

Prior to issuance of Grading Permit

Engineering Division

29. 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.
30. 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.

31. 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

32. The property on the west side of Sessler Drive is conditioned to dedicate right-of-way, widen, and improve the west side of Sessler Drive. However, if the Taylor Village project proceeds first, the west side of Sessler Drive shall be widened to a half-width of 21.5' from centerline to back of curb. Construction shall include the widening of the roadway and barrier curb and gutter. A Reimbursement Agreement will be drafted to reimburse the Developer when the property on the west side of Sessler Drive develops. If right-of-way cannot be acquired, this condition may be modified at the discretion of the Public Works Director in order to find an alternative solution.
33. The contractor shall obtain an Encroachment Permit from the City prior to performing any work within public rights-of-way.
34. Improvement plans shall be approved by the Yuba City Fire Department.
35. All service laterals (water, sewer, irrigation), along with required meters, are to be shown on the civil improvement plans. All applicable fees (connection fee, fair share contribution, etc.) shall apply. Each parcel shall have separate water and sewer services.
36. 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.
37. All domestic, landscape, and fire service lines shall have reduced pressure backflow preventers.
38. Existing street lights shall be shown on Improvement Plans. If any additional street lights are required to be installed as part of project, street lights shall comply with Yuba City Standard Details and shall be included in the Improvement Plans and Specifications.
39. Required Improvement Plan Notes:
 - a. "Any excess materials shall be considered the property of the contractor 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. "Prior to the issuance of building permits, all applicable development impact fees shall be paid to the satisfaction of the Community Development Department and in accordance with City and local district ordinances."

- d. "Soil shall not be treated with lime or other cementitious material without prior express permission by the Public Works Department."

Planning Division

40. A detail of the 8-foot high decorative masonry wall shall be shown on the improvement plans. The height of the wall shall be measured from the finished grade of the project site.

Prior to Final Map Recordation

Engineering Division

41. The Developer shall make a fair-share contribution toward the following:
 - a. 2% toward installation of a traffic signal and construction of an exclusive westbound left-turn lane at the Richland Road/Walton Avenue intersection. The estimated total cost for the improvements is \$520,000 of which 2% is \$10,600.
 - b. 2% toward installation of a traffic signal at the Lincoln Road/Sanborn Road intersection. The estimated total cost for the improvements is \$520,000 of which 2% is \$10,600.
 - c. 1% toward modifying the traffic signal and constructing a second northbound left-turn lane at the Lincoln Road/SR 99 intersection. The estimated total cost of improvements is \$900,000 of which 1% is \$9,000.
42. If street lights are required, the property shall petition for formation of a Zone of Benefit of the Yuba City Lighting and Landscape Maintenance District for the purpose of maintaining the street lights.
43. If new street lights are required, all street lighting shall be dedicated to the City of Yuba City.
44. Cross easements over all property not occupied by buildings shall be reserved in deeds for ingress and egress, parking, drainage, landscaping, and the maintenance thereof to the benefit of all parcels involved in the division. Alternatively, the cross easements may be shown on the final map.

Prior to Issuance of Building Permit

Engineering Division

45. 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 for each phase of construction.

Building Division

46. 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.

Planning Division

47. Signage shall be approved under a separate building permit. Prior to issuance of the building permit, a zoning clearance must first be obtained.

Prior to Certificate of Occupancy

Engineering Division

48. All street lighting shall be energized.
 49. 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.
 50. 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.
 51. 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.
 52. All existing overhead utilities and proposed utilities along Lincoln Road and Sessler Drive, 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.
 53. All underground utilities, public improvements, and site improvements shall be completed.
 54. A solid 8-foot high decorative masonry block wall with a cap shall be constructed along the residential property lines.
2. **TENTATIVE MAP TM 08-03 TO SUBDIVIDE ONE PARCEL INTO TWO PARCELS AND A REMAINDER LOCATED ON THE EAST SIDE OF EL MARGARITA ROAD, BETWEEN STATE ROUTE 20 AND FRANKLIN ROAD; ADDRESS: 589 EL MARGARITA ROAD; ASSESSOR'S PARCEL NUMBER: 63-040-013; PROPERTY OWNER: TERRY R. BRANDT; APPLICANT: BRIAN BRANDT**

Project Description:

The applicant proposes to subdivide an 18.7-acre parcel into two parcels of 0.9 acres and 2.2 acres with a 15.6-acre remainder, at 589 El Margarita Road. The purpose of the map is to provide the applicant the ability to have the existing homes on separate lots, independent of the large remainder.

Property Description:

The 18.7-acre parcel is currently occupied by two homes, a shop building, and a pool. Parcel 1 will contain the smaller of the two homes. Parcel 2 will contain the larger home, the shop building, and the pool. The remainder parcel will continue to contain an orchard. (See Attachment 1, “Aerial Photo”.)

General Plan Designation:

Low Density Residential

Zoning Classification:

R-2, X-24 (Two Family Residence, X-24 Combining) District

Surrounding Land Use:

An orchard and River Valley High School are located to the north, orchards are located to the east, orchards and single-family homes are located to the south, and El Margarita Road, single-family homes and orchards are located to the west.

Previous Actions and/or Policies:

The subject property was annexed into the City on February 17, 2008, with the above-noted pre-annexation zoning. The X-24 Combining District stipulates that the twelve growth policies of the City be applied to all projects that require a subdivision map or to all multi-family projects of five residences or more. Under the Subdivision Map Act, since the proposed division of land results in fewer than five parcels, a “subdivision map” is not required, and the proposed division of land may be accomplished through a “parcel map”. Therefore, the requirements of the X-24 Combining District do not apply in this case.

Environmental:

Categorically Exempt per Section 15315 pertaining to minor land divisions.

Staff Comments:

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.

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 the 6,000 square foot minimum lot size and all setbacks that are required in the R-2 District. Single-family residences are permitted uses in the R-2 District.

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

Staff Analysis: The proposed tentative map does not involve additional development on the project site. The site currently accommodates the existing development in accordance with all applicable standards; approval of the tentative map would not result in a nonconforming situation.

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: The proposed tentative map does not involve additional development or public improvements at this time. Division of the property into two parcels and a remainder will not result in environmental damage or public health problems. Condition number three requires that the applicant enter into a deferred improvement agreement for street improvements along El Margarita Road. The improvements (when constructed) will be consistent with the Circulation Element of the General Plan.

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: The proposed tentative map is designed in such a way as to preserve the existing access points for all existing buildings on the site. As such, the subdivision will not conflict with easements or public access. Condition number four requires that the applicant dedicate right-of-way and a public utility easement for provision of future services.

Recommended Action:

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

- A. Adopt the following findings:
 1. TM 08-03, in accordance with Section 15315 of the California Environmental Quality Act, is exempt from further environmental review since it consists of the division of property in an urbanized area and is in conformance with local General Plan and Zoning requirements.
 2. The design or improvement associated with the proposed TM 08-03 is consistent with the Yuba City General Plan and the Yuba City Zoning Regulations.

3. The site of the proposed TM 08-03 is physically suited for the type and proposed density of development.
4. The design of TM 08-03 and the proposed improvements are not likely to cause substantial environmental damage and the types of improvements are not likely to cause serious public health problems.
5. The design of TM 08-03 and the proposed improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

B. Approve Tentative Map TM 08-03 subject to the following 4 conditions of approval:

General

1. Tentative Map TM 08-03 is approved as shown in Exhibit A and as conditioned herein.
2. Approval of Tentative Map TM 08-03 shall expire two years from the date of the project approval.

Prior to Final Map Recordation

Engineering Division

3. The applicant shall enter into a Deferred Improvement Agreement for street improvements along El Margarita Road. The applicant’s engineer shall provide a typical section and an engineer’s estimate for the improvements.
4. A 42.0’ right-of-way width (centerline to new east right-of-way of El Margarita Road) shall be dedicated to the City together with a contiguous 10.0’ public utility easement.

3. PUBLIC HEARING: USE PERMIT UP 08-04 FOR A 7,650 SQUARE FOOT EXPANSION TO AN 18,072 SQUARE FOOT CHURCH LOCATED AT 600 NORTH GEORGE WASHINGTON BOULEVARD; ASSESSOR’S PARCEL NUMBER: 63-020-141 (FORMERLY 19-040-063); APPLICANT/OWNER: YUBA CITY CHURCH OF THE NAZARENE

Project Description:

The applicant is requesting a Use Permit to expand an existing church at 600 North George Washington Boulevard by 7,650 square feet from its current size of 18,450 square feet to a proposed 26,100 square feet. The proposed project also involves the expansion of an existing parking lot by sixty-two spaces. The church is located in the R-1 X-24 District, and Section 8-5.502 of the Yuba City Zoning Regulations requires that churches obtain a Use Permit from the Planning Commission prior to construction or expansion.

Property Description:

The project site is located on the west side of George Washington Boulevard, between State Route 20 and Franklin Road. There are two existing buildings and 314 improved parking spaces on the site. The proposed expansion is to the westerly building. Street frontage improvements do not currently exist adjacent to the project site. Public access is provided via two driveways located at the north and south ends of the project site. (See Attachment 1, “Aerial Photo”)

General Plan Designation:

Low Density Residential

Zoning Classification:

R-1 X-24 (One Family Residence, X-24 Combining) District

Surrounding Land Use:

A church and industrial land are located north, George Washington Boulevard, residences, and orchards are located east, and single-family homes are located south and west.

Previous Actions and/or Policies:

The subject property was annexed into the City on February 17, 2008, with the above-noted pre-annexation zoning. The X-24 Combining District stipulates that the twelve growth policies of the City be applied to all projects that require a subdivision map or to all multi-family projects of five residences or more. Since the proposed project does not involve a subdivision map or multi-family development, the requirements of the X-24 Combining District do not apply in this case.

Environmental:

Categorically exempt per Section 15301(e) pertaining to additions to existing structures.

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: As noted above, the property is zoned R-1 X-24, One Family, X-24 Combining District, which is consistent with the existing General Plan designation of Low Density Residential. The R-1 District allows churches and expansions to existing churches subject to the issuance of a Use Permit by the Planning Commission. As previously noted, the X-24 Combining District does not apply in this case.

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 site for the proposed use is adequate to accommodate the proposed expansion of the church. The applicant has proposed a number of modifications to the site to bring it into conformance with the Zoning Regulations. For example, the applicant will create a new parking lot to accommodate the increased number of required parking spaces. The new parking area conforms to the landscaping regulations in all respects, and the applicant is installing new trees in the existing parking area, where possible.

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

Staff analysis: Caltrans and the City's Public Works Department reviewed the proposed expansion and determined that the increase in the number of trips generated by the expansion would be less than significant. Therefore, the streets serving the site are adequate to carry the negligible amount of new traffic generated by the proposed expansion.

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 proposed addition will completely blend in with the existing church, as identical materials and building forms will be utilized. (See Exhibit B "Elevations".)

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: The existing church and the proposed expansion 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 to the general welfare of the City.

Recommended Action:

Staff recommends that the Planning Commission take the following actions:

- A. Adopt the following findings:
 1. Use Permit UP 08-04, in accordance with Section 15301(e) of the California Environmental Quality Act, is exempt from further environmental review since it consists of an addition to an existing structure that results in an increase of less than 10,000 square feet, is located where public services are available, and is located in an area that is not environmentally sensitive.

2. Use Permit UP 08-04 is consistent with the Yuba City General Plan and the Yuba City Zoning Regulations.
 3. 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.
 4. The streets serving the site are adequate to carry the quantity of traffic generated by the use of the expanded church.
 5. The site design and size and design of the building will complement neighboring facilities.
 6. 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.
- B. Approve the requested Use Permit for the expansion of an existing church subject to the following 17 conditions of approval:

General

1. Approval of Use Permit UP 08-04 shall be null and void without further action if utilization of Use Permit UP 08-04 has not been substantially commenced within 2 years of the date of its approval, or on September 24, 2010.
2. The Conditions of Approval shall be attached to and be made an integral part of the plans.
3. Use Permit UP 08-04 is approved as shown in Exhibits A and B and as conditioned herein.
4. Pursuant to Section 8-5.6007 of the Yuba City Zoning Regulations, all landscaping shall be maintained in good growing condition.
5. The contractor shall obtain an Encroachment Permit from the City and/or County prior to performing any work within public rights of way.
6. 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.

7. 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. Protect drainage ditch from receiving polluted storm water through the use of filters such as fabrics, gravel bags or straw wattles at entrance of drain pipe.

Prior to Issuance of Building Permit

8. A Deferred Improvement Agreement shall be executed for street improvements along George Washington Boulevard.
9. An Improvement Agreement shall be executed for the extension of a water line on George Washington Boulevard across the frontage of the property.
10. 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.
11. A street light shall be installed near the south side of the north driveway, which shall be dedicated to the City of Yuba City.
12. The property shall petition for formation of a Zone of Benefit of the Yuba City Lighting District for the purpose of maintaining the street light.
13. 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 approval of Improvement Plans

14. All domestic, landscape, and fire service lines shall have reduced pressure backflow preventers.

Prior to Certificate of Occupancy

15. The street light shall be energized.
16. 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.

4. PUBLIC HEARING: MODIFICATION OF CONDITIONS FOR SUBDIVISION MAP 04-03 DOMAIN ESTATES; NORTH OF BUTTE HOUSE ROAD, WEST OF BLEVIN ROAD AT THE TERMINUS OF QUEENS AVENUE; PROPERTY OWNER AND APPLICANT, PIARA JOHL

Project Description:

Request to modify Conditions 31 and 40 of the Conditions of Approval for Domain Estates (SM 04-03).

Property Description:

The property totals ±25.3 acres in size and was originally developed in orchard crop with one single-family home. Prior to the recordation of the Final Map, the property consisted of three parcels identified by Assessor's Parcel Numbers 59-530-003, -004, and -007. The project is located on the west side of Blevin Road, beginning approximately 700 feet north of Butte House Road and extending as far north as Calais Drive. There is a remainder of ±4.6 acres that has street frontage on the north side of Butte House Road.

General Plan & Zoning:

Of the ±25.3 acres, the 62-lot subdivision occupies ±20.7 acres, which has a General Plan designation of Low Density Residential (LDR). The ±4.6 acre remainder, which is not part of this project, is designated as Medium Density Residential. The Low Density Residential General Plan designation applies to residential developments of 2-8 dwellings per acre. This project has a density of 3 dwelling units per acre.

Surrounding Land Use:

Directly adjacent to and north of the subject property is a parcel of land developed as a one-story ranchette style home; beyond that are three single-family housing projects. To the south is one single-family home, and beyond that is Butte House Road. To the east are Blevin Road and single family homes. To the west are properties within the County, which are currently developed with a mix of housing types from small lot single-family homes to large ranchette style homes; beyond that is Elmer Road.

Previous Commission Action and/or Policies:

Subdivision Map (SM 04-03) for the subject project was approved by the Planning Commission on May 26, 2004. SM 04-10, for the property located to the north, was approved by the Planning Commission on November 10, 2004, with extensions granted on October 25, 2006 and May 14, 2008.

Environmental:

A mitigated negative declaration was prepared for the project and reviewed and considered by the Commission on May 26, 2004. Staff's request to modify Conditions 31 and 40 does not have

an impact on the mitigated negative declaration as the modifications proposed to the Conditions of Approval were not mitigating measures identified in the mitigated negative declaration.

Staff Comments:

Existing Conditions:

Staff recommends the modification of Conditions 31 and 40 of the Conditions of Approval which currently read as follows:

31. Along the west side of Blevin Road, from the north property line of Lot 62 along the full length of the proposed subdivision; all street, curb and gutter improvements shall be completed prior to the issuance of a building permit within the subdivision.
40. Existing overhead utilities on the west side of Blevin Road shall be underground from the south side of Queens Avenue to the northern terminus near Bradley Estates Drive.

Background:

When the applicant originally submitted the Tentative Map for the project, the new housing market was very strong in the City. The applicant intended to complete the project in one phase, and the Conditions of Approval were written accordingly.

Between the time that the Tentative Map was approved in 2004 and the Final Map was ready to record in 2006, the new housing market stalled. The applicant then approached staff about phasing the map, and Phase 1 of the map, which included 28 single family lots, was approved by the City Council on May 2, 2006. Security for the improvements associated with Phase 1 and conditions 31 and 40 was provided by the applicant through a Subdivision Agreement approved by the City Council on February 7, 2006.

The applicant constructed the improvements associated with Phase 1, and the portion of Conditions 31 and 40 adjacent to Phase 1. However, the portion adjacent to Phase 2 has not been completed, and the City is currently still holding security in the amount of \$238,521 in the form of an Irrevocable Letter of Credit for those remaining improvements.

Proposal:

The applicant is requesting to modify Conditions 31 and 40 to recognize the two phases of the Map, so that the City can release the remaining security being held. At the time that the applicant is ready to proceed with Phase 2, an Agreement will be required in which the applicant will be required to post security for all of the public improvements associated with Phase 2.

Recommended Actions:

Approve the modification of Conditions 31 and 40 of the Conditions of Approval to read as follows:

31. Along the west side of Blevin Road, from the north property line of Lot 12 along the full length of the proposed Phase 1 of the subdivision; all street, curb and gutter

improvements shall be completed prior to the issuance of a building permit within Phase 1 the subdivision. Along the west side of Blevin Road, from the north property line of Lot 12 to the north property line of Lot 62, all street, curb and gutter improvements shall be completed prior to the issuance of a building permit within Phase 2 of the subdivision.

40. Existing overhead utilities on the west side of Blevin Road shall be underground from the south side of Queens Avenue to the north property line of Lot 12 as part of Phase 1 of the project. Existing overhead utilities on the west side of Blevin Road shall be underground from the north property line of Lot 12 to the northern terminus near Bradley Estates Drive as part of Phase 2 of the project.