



City of Yuba City
Planning Division Agenda Report
Planning Commission Meeting

February 25, 2009

DATE: February 20, 2009
TO: Yuba City Planning Commission
FROM: Community Development Department
SUBJECT: Agenda Report – Meeting of February 25, 2009

COMMISSION CONSIDERATION:

REQUEST FOR EXTENSION OF PREVIOUSLY-APPROVED DEVELOPMENT PLAN #DP 07-01 FOR A 39-UNIT APARTMENT COMPLEX UTILIZING A 35% DENSITY BONUS LOCATED IN THE 1200 BLOCK OF PLUMAS STREET; ASSESSOR'S PARCEL NUMBER: 51-540-092; APPLICANT: GLOBAL PREMIER DEVELOPMENT; PROPERTY OWNER: PLUMAS FAMILY ASSOCIATES

Background:

On March 7, 2007, the Planning Commission approved the Development Plan for the above-referenced project, known as “Plumas Family Apartments”. Section 8-5.7105 of the Yuba City Municipal Code states that approved Development Plans shall expire if construction has not substantially commenced within two years of the date of the approval. Section 8-5.7106 of the Yuba City Municipal Code states that the body that originally considered the application may grant a two-year extension of time if the applicant has made a written request for an extension prior to the expiration date of the permit and if it is determined that conditions have not changed to the extent that would warrant denial of the extension. No public hearing is required to grant an extension of time.

Staff Analysis:

On February 11, 2009, the applicant, Global Premier Development, Inc. submitted a request for an extension of DP 07-01. Because the project is designed to be affordable to low-income families, staff has been working with the applicant to secure funding sources for the project. The City Council, acting as the Redevelopment Agency Board, supported this project by allocating \$600,000 in Redevelopment Agency Housing Set-Aside funds to be used in conjunction with tax credit financing through the State of California. In June, 2008, the project was awarded tax credit financing, which had to be returned to the State because of difficulty securing the

remainder of the construction financing. The Redevelopment Agency's allocation of \$600,000 has expired, and staff expects the applicant to petition the Board again, once updated financial information for the project is provided.

Conditions in the vicinity of the project have not changed to the extent that would warrant denial of the extension.

Recommended Action:

Staff recommends that the Planning Commission extend its approval of Development Plan DP 07-01 for two years.

PUBLIC HEARINGS:

- 1. TENTATIVE MAP SM 08-02 TO SUBDIVIDE ONE PARCEL INTO TWO PARCELS LOCATED AT 2125 EAST ONSTOTT FRONTAGE ROAD; ASSESSOR'S PARCEL NUMBER: 51-280-060; PROPERTY OWNER/APPLICANT: AMERICAN NATIONAL RED CROSS, THREE RIVERS CHAPTER**

Project Description:

The applicant proposes to subdivide a 3.9-acre parcel into two parcels of approximately 1.2 acres and 2.7 acres. The purpose of the map is to provide the applicant the ability to sell the portion of its site that is not used for Red Cross operations.

Property Description:

The 3.9-acre parcel is currently developed with two 11,600 square foot office buildings, a 3,200 square foot storage building, and related site improvements, such as parking and landscaping. Parcel 1 will contain the building currently occupied by the Red Cross and the storage building, and Parcel 2 will contain the second building, most of the onsite parking, and a small, undeveloped portion of land. (See Attachment 1, "Aerial Photo".)

General Plan Designation:

Office & Office Park

Zoning Classification:

R-3, Multiple Family Residence District

Surrounding Land Use:

Single family homes surround the project on the north, east, and south sides. East Onstott Frontage Road and State Route 99 are located to the west.

Previous Actions and/or Policies:

UP 519: On December 11, 1985, the Planning Commission approved a Use Permit for a church to construct and occupy the two buildings that currently exist on the site.

UP 98-05: On January 13, 1999, the Planning Commission approved a Use Permit to allow the conversion of the buildings from a church to the current use by the American National Red Cross.

SM 02-22 (East Onstott Estates): The subject property was part of East Onstott Estates, which was approved, upon appeal, by the City Council on March 18, 2003. The City Council removed a condition that the overhead utilities along East Onstott Frontage Road be placed underground. SM 02-02 created all of the single-family parcels that currently surround the project site.

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 exceed the 10,000 square foot minimum lot size and meet all setbacks that are required in the R-3 District. Offices are permitted with the approval of a Use Permit by the Planning Commission. As noted above, a Use Permit for the current use was approved on January 13, 1999.

- 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. By requiring cross access and parking easements, Condition Number 7 ensures that the owners of the northerly building will be allowed to use the parking located on Parcel 2.

- 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 will not result in environmental damage or public health problems. Condition Number 6 requires that the applicant enter into a deferred improvement agreement for undergrounding the utilities along East Onstott Frontage Road.

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: As shown on the tentative map, the existing sewer lines serving both buildings are located in an easement that runs along the back yards of four homes on the southeast corner of the project site. The proposed subdivision does not interfere with this easement. The applicant or future owners of the site will be required to conform to Section 6-5.301(c) of the Yuba City Municipal Code, which requires two things. First, it requires the owners of the property to develop an agreement for maintenance of the sewer line. Second, it requires the owners of the property to enter into a subdivision agreement with the City wherein the owners agree to connect immediately to a sewer line when it exists in the public right-of-way adjacent to the parcels. Because all properties to the north and south of the subject parcel are already served by City sewer, it is unlikely that a sewer line will be constructed in East Onstott Frontage Road adjacent to the Red Cross property. Conditions 3 and 8 ensure compliance with Section 6-5.301(c) of the Yuba City Municipal Code.

Recommended Action:

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

A. Adopt the following findings:

1. SM 08-02, 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 SM 08-02 is consistent with the Yuba City General Plan and the Yuba City Zoning Regulations.
3. The site of the proposed SM 08-02 is physically suited for the type and proposed density of development.
4. The design of SM 08-02 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 SM 08-02 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 SM 08-02 subject to the following 8 conditions of approval:

General

1. Tentative Map SM 08-02 is approved as shown in Exhibit A and as conditioned herein.
2. Approval of Tentative Map SM 08-02 shall expire two years from the date of the project approval.

Prior to Final Map Recordation

Engineering Division

3. The applicant and the City shall enter into a Subdivision Agreement stipulating that the property owner agrees to connect immediately to the public sewer when it exists in the public right-of-way adjacent to the property. All construction costs and City fees associated with the new connection shall be the responsibility of the property owner.
 4. All domestic, landscape, and fire service water lines, including existing lines, shall have reduced pressure backflow preventers.
 5. 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.
 6. A Deferred Improvement Agreement shall be executed providing for the future undergrounding of all existing overhead utilities (of 26,000 volts or less). This does not include surface mounted transformers, pedestal mounted terminal boxes and meter cabinets.
 7. Cross easements shall be reserved in deeds for all underground utilities, ingress and egress, parking, drainage, landscaping, and the maintenance thereof to the benefit of all parcels involved in the division.
 8. A Maintenance Agreement shall be drafted providing for maintenance of the sewer line servicing both properties from Northwoods Drive and the shared storm drain lines on-site.
2. **USE PERMIT UP 08-08 FOR USE OF AN EXISTING BUILDING AS A BUSINESS OFFICE AT 326 B STREET; ASSESSOR'S PARCEL NUMBER: 52-520-030; PROPERTY OWNER: STEPHEN PEARSALL; APPLICANT: CANNERY WORKERS, PROCESSORS, WAREHOUSEMEN, AND HELPERS 601 (A.K.A. "TEAMSTERS LOCAL 601")**

Project Description:

The applicant, Teamsters Local 601, has submitted an application for a Use Permit to allow the existing building located at 326 B Street to be used for a business office. As indicated in a letter from the applicant (see Attachment 2) the property would be used on a daily basis by a small number of regular employees and union members in search of assistance. The union holds monthly membership meetings in the evening, biannual fundraisers, and biannual workshops. The applicant has agreed to hold such gatherings offsite.

Property Description:

The property is located at the southwest corner of B Street and Boyd Street. (See Attachment 1, “Aerial Photo”) The property is nearly occupied entirely by an approximately 4,400 square-foot building and an informal parking area near the front door of the building. The building was formerly occupied by “The Depot”, a second-hand thrift store. There are no street frontage improvements along either the B Street or Boyd Street frontage.

General Plan Designation:

Medium/High Density Residential

Zoning Classification:

R-3 SP, Multiple-Family Residence, Specific Plan Combining District

Surrounding Land Use:

B Street and a vacant lot are located to the north, Comcast occupies the building and property to the northeast, Boyd Street and a National Guard armory are located to the east, a vacant building formerly used as an air conditioning business is located to the south, and residences are located to the west. All of the surrounding properties have the same General Plan designation and Zoning classification as the subject property, with the exception of the vacant lot located to the north, which is zoned for business, technology, and light industrial uses.

Previous Actions and/or Policies:

On October 24, 2007, the Planning Commission denied a Use Permit for the use of the subject property as a business office and storage facility for a heating and air conditioning business that had occupied the building without first securing the proper permits.

Environmental:

Categorically Exempt per Section 15303 pertaining to new construction or the conversion of small structures.

Staff Comments:

The proposed use of the building requires the approval of a Use Permit per the Zoning

Ordinance. Provided below is an evaluation of the findings required to approve the Use Permit. The required findings are in bold, italicized font.

1. The proposal is consistent with the General Plan.

Staff analysis: The R-3, SP zoning classification is consistent with the Medium/High Density Residential General Plan designation. The Central City Specific Plan, (CCSP) which governs the use of the subject property, does not explicitly permit the requested use. However, Chapter VIII of the CCSP states that additional uses as “determined by the City to be of the same general character” as the permitted uses may be allowed with the issuance of a conditional use permit. The proposed use of the building as a business office as conditioned herein is consistent with the Zoning classification, as well as with the General Plan designation with the issuance of a use permit.

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

Staff analysis: The building at 326 B Street has existed prior to any zoning classifications being placed on the property. Deficiencies in the onsite parking, setbacks, and landscaping are not possible to remedy, given the physical constraints on the property. Despite the fact that the property does not meet the requirements of the Zoning Code with respect to parking, there are adequate parking spaces onsite to accommodate the daily demands of the proposed use.

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

Staff analysis: B Street and Boyd Street, although they are not fully improved, are adequate to carry the negligible quantity of traffic anticipated to be generated by the proposed use. It is likely that the proposed union office will generate less traffic than what was generated by the previous use of the building, The Depot, which was a second-hand thrift store. To ensure that the needed frontage improvements are eventually installed, condition number 7 requires the property owner to enter into a deferred improvement agreement to construct the required street frontage improvements, including curb, gutter, landscape strip, and sidewalk on B Street and curb, gutter, and sidewalk on Boyd Street, at such time the City determines the improvements are warranted.

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

Staff analysis: The only modifications to the exterior of the building proposed are those that are required to bring the building into compliance with the City’s Building Code. For example, the sliding door that currently exists on the front of the building will be replaced with an ADA compliant door. Any future exterior modifications will be required to comply with the Central City Specific Plan Design Guidelines. All signage will be required to conform to the CCSP requirements pertaining to size and lighting. As such, the design of the building will complement neighboring facilities.

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

Staff analysis: It is possible that the proposed office use will at times bring more vehicles to the site than can be accommodated by the on-site parking. There is adequate parking on the surrounding streets to accommodate intermittent parking demands. Condition number 1 limits the use of 326 B Street strictly to a business office to ensure that large gatherings of people do not adversely impact the neighborhood. As conditioned, the proposed business office 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.

Recommended Actions:

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

A. Adopt the following findings:

1. Use Permit UP 08-08 is consistent with the General Plan.
2. The site for the proposed use is adequate in size and shape to accommodate said use, public access, parking and loading, yards, landscaping, and other features required by this chapter.
3. The streets serving the site are adequate to carry the quantity of traffic generated by the use of a business office and showroom.
4. The site design and size and design of the building will complement neighboring facilities.
5. The establishment or operation of the use or building applied for will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the vicinity of the proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

B. Approve Use Permit UP 08-08 for the use of 326 B Street as a business office for a union subject to the following twenty (20) conditions of approval:

General:

1. Use Permit 08-08 is for the use of 326 B Street as a business office.
2. Use Permit UP 08-08 is approved as conditioned herein.

3. The maximum occupancy of the building shall be forty-nine (49) people. A sign noting the maximum occupancy shall be prominently posted inside the building.
4. A building permit shall be obtained and necessary improvements shall be completed prior to occupancy of the structure.

Prior to Issuance of Building Permit:

5. A 10-foot Public Utility Easement shall be dedicated along B Street and along Boyd Street. City will prepare easement deed and legal description.
6. All domestic, landscape, and fire service lines shall have reduced pressure backflow preventers.
7. 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.

Prior to Issuance of Certificate of Occupancy:

8. The property owner shall enter into a Deferred Improvement Agreement with the City for the construction of street improvements on B Street and Boyd Street across the frontage of the property. The street section on B Street shall include a detached sidewalk and landscape strip similar to the properties further west. Said improvements shall be designed and constructed per current City standards and specifications.

Upon City's Request That Improvements Be Constructed In Accordance With the Deferred Improvement Agreement:

9. The property owner shall hire an engineer to prepare and submit improvement plans for the construction of all public improvements including roadway improvements, curbs, gutters, and sidewalks.
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. An Improvement Agreement outlining any costs associated with the improvements may be required by the City prior to approval of plans.
12. Should artifacts or unusual amounts of bone or shell be uncovered during demolition or construction activity, all work shall be stopped and a qualified archeologist shall be contacted for on-site consultation. Avoidance measures or appropriate mitigation shall be completed according to CEQA guidelines. The State Office of Historic Preservation has issued recommendations for the preparation of Archeological Resource Management

Reports which shall be used for guidelines. If the bone appears to be human, California law mandates that the Sutter County Coroner and the Native American Heritage Commission be contacted.

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. 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.
15. During construction, the Contractor shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and roadways. Failure to do so may result in the issuance of an order to stop work.
16. Storage of construction material is not allowed in the travel way.
17. The following minimum Best Management Practices (BMPs) shall be required during construction:
 - i. Construction crews shall be instructed in preventing and minimizing pollution on the job.
 - ii. 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.
 - iii. Protect drain inlets from receiving polluted storm water through the use of filters such as fabrics, gravel bags or straw wattles.
 - iv. Be prepared for rain and have the necessary materials ready before the rainy season.
 - v. 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.
18. The contractor shall obtain an Encroachment Permit from the City prior to performing any work within public rights of way.
19. The structural section of all road improvements shall be designed using a geotechnical investigation which provides the basement soils R-value and expansion pressure test results. The structural section shall be designed to the following standards:
 - a. Use 3” minimum for residential, and 4” minimum for collectors and arterials, of ‘Type A’ asphaltic concrete over Class 2 aggregate base (the thickness of the base shall be designed to the R-value of the soil)
 - b. Use a traffic index of 6 for residential streets
 - c. Use a traffic index of 7 for collector streets
 - d. Use a traffic index of 10 for arterial streets

A copy of the geotechnical investigation, including R-value, test locations and structural section calculations, shall also be submitted with the first improvement plan check. Public Works Department may waive requirement for geotechnical investigation if deemed appropriate.

20. Prior to acceptance of the improvements, all sidewalks along the City right-of-way shall be free of any non-control joint cracking. In addition, any concrete with cracks, chips, blemishes, and spalling greater than an inch in diameter shall be replaced from control joint to control joint.

3. USE PERMIT UP 08-05 FOR A NEW RESTAURANT WITH A DRIVE-THRU FACILITY; 866 WEST ONSTOTT FRONTAGE ROAD; ASSESSOR'S PARCEL NUMBERS 58-060-004 AND 58-060-019 (PARTIAL); APPLICANT: MILESTONE ASSOCIATES, INC.; OWNER: GHAI MANAGEMENT SERVICES

Project Description:

The applicant is requesting a Use Permit to construct a 2,157 square foot restaurant with a drive-thru facility consisting of a single lane and one drive-thru window on a vacant site located at 866 West Onstott Frontage Road. Additional site improvements consist of construction of a parking lot and installation of landscaping.

Property Description:

The project site is located at the northwest corner of Annette Way and West Onstott Frontage Road. The drive-thru restaurant will occupy the entirety of parcel 58-060-004 and the vacant, easternmost portion of parcel 58-060-019. A lot line adjustment will be required and approved at the staff level to make the project site a single parcel. (See Attachment 1, "Aerial Photo")

General Plan Designation:

Regional Commercial

Zoning Classification:

General Commercial (C-3) District

Surrounding Land Use:

North: Yuba River Moulding/Millwork, Sizzler restaurant

South: Annette Way, Chili's restaurant

East: West Onstott Frontage Road, State Route 99

West: Storage building

Previous Commission Actions and/or Policies:

None

Environmental:

The project has been reviewed and determined to be exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15303 of the CEQA Guidelines. Section 15303 allows the construction of commercial buildings up to 2,500 square feet in floor area when all the necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

Staff Comments:

Staff recommends approval of this project with a minor modification to the proposed plans and subject to the conditions of approval. Further discussion of the conditions and the recommended plan modification is included under Finding Number 4. Listed below in bold, italicized font are the findings required to approve the Use Permit, followed by staff's analysis of each finding.

1. The proposal is consistent with the General Plan.

Staff analysis: The property is zoned C-3, General Commercial District, which is consistent with the existing General Plan designation of Regional Commercial. Section 8-5.1402 of the Yuba City Zoning Regulations allows drive-thru facilities with the issuance of a use permit from the Planning Commission.

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

Staff analysis: The 0.70-acre site is adequate to accommodate the restaurant, the drive-thru lane with stacking space for up to ten cars, and the required parking and landscaping.

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

Staff analysis: Significant improvements in the vicinity of the project have recently been completed, including Sunsweet Boulevard and Annette Way. The designs of the improvements were sized to accommodate a use on the subject site. Additionally, with the exception of the northeast corner of the site, where a driveway is to be located, the perimeter of the site is currently improved with curb, gutter, and sidewalk. Therefore, the streets serving the site are adequate to carry the quantity of traffic generated by the proposed use. The City's Engineering Division and Caltrans reviewed the proposed project and determined that payment of the required impact fees is sufficient mitigation for additional traffic generated by the project.

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

Staff analysis: The design maximizes the use of a site that is long, narrow, and somewhat difficult to develop. The proposed design provides maximum visibility for the building, a very large capacity for the drive-thru lane, and good vehicle circulation. The parking spaces meet the

requirements of the Zoning Ordinance, and the trash enclosure is easily accessible to Yuba Sutter Disposal Inc., trucks. The proposed building meets the requirements of the Zoning Regulations in terms of setbacks, building height, provision of landscaping, and parking. The proposed building meets the minimum requirements of the Yuba City Commercial Design Guidelines in that it provides material and color variation, changes in building height, and multiple planes of building surfaces. Additionally, the applicant has included a four-foot tall masonry screen wall and a sloped berm planted with various types of shrubs to screen the drive-thru from view as much as possible. The parapets on the top of the building are tall enough to screen the roof-mounted mechanical equipment from public view, and Condition Number 42 is included to ensure that the equipment is adequately screened. Condition Number 44 ensures that the trash enclosure is either constructed of decorative masonry or painted to match the building. The proposed monument sign meets the requirements of the Zoning Ordinance in terms of maximum height and area, and it is complementary to the building. The abandoned, nonconforming pole sign will be removed as part of this proposal, and Condition Number 41 ensures its removal prior to occupancy of the building.

Staff recommends approval of the entire design with the exception of the proposed canopy structure located near the ordering microphone, west of the building. Staff considers the canopy to be unnecessary, inconsistent with the design of the building, and inconsistent with other drive-thru facilities in the City. Condition Number 5 requires removal of the canopy from the project plans and precludes construction of the canopy at a later date.

- 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 construction of a drive-thru restaurant at the proposed location will not be detrimental to the health, safety, peace, comfort, and general welfare of persons working in the vicinity of the project. Staff considers the proposed drive-thru to be consistent with surrounding land uses. As such, the drive-thru will not be detrimental or injurious to property and improvements in the neighborhood.

Recommended Action:

Staff recommends that the Planning Commission take the following actions:

A. Adopt the following findings:

1. UP 08-05, in accordance with Section 15303 of the California Environmental Quality Act, is exempt from further environmental review since it consists of construction less than 2,500 square feet in an area that is not environmentally sensitive and where all the necessary public services are available.
2. Use Permit UP 08-05 is consistent with the General Plan.

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 drive-thru restaurant.
 5. The site design and size and design of the building will complement neighboring facilities.
 6. The establishment or operation of the drive-thru restaurant 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 a drive-thru restaurant as shown in Exhibits A and B, subject to the following 46 conditions of approval:

General

1. Use Permit UP 08-05 is for construction of a restaurant with a drive-thru facility.
2. Use Permit UP 08-05 is approved as conditioned herein.
3. Approval of Use Permit UP 08-05 shall be null and void without further action if utilization of Use Permit UP 08-05 has not been substantially commenced within 2 years of the date of its approval, or on February 25, 2011.
4. The Conditions of Approval shall be attached to, and be made an integral part of, the improvement plans.

Planning Division

5. 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.
6. The proposed canopy is not approved and shall be removed from the building plans.

Building Division

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

Engineering Division

8. 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.
9. 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.
10. 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.
11. To help contain fugitive dust, construction sites shall be watered down during the construction phase of the project.
12. Temporary silt fencing shall be erected during construction so that transport of construction debris can be retained on-site.
13. To prevent track-out, wheel washers shall be installed where project vehicles and/or equipment exit onto paved streets 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.
14. 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.
15. 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.
16. 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.

17. The Developer, at his expense, shall be solely responsible for all quality control associated with the project. The quality control shall include, but is not limited to, the following: survey work, potholing existing utilities, all geotechnical testing, soil reports, concrete testing, asphalt testing, and any other required special testing/inspections. The City will only perform necessary testing to ensure compliance.
18. 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.
19. 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.
20. Sidewalks within and adjacent to the construction area shall be kept clean and remain accessible to persons with disabilities.
21. Storage of construction material is not allowed in the travel way.
22. No parking will be permitted on Annette Way or West Onstott Frontage Road.

Prior to issuance of Grading Permit

23. The applicant shall submit, with the first improvement plan check, to the City for review and approval, a detailed geotechnical investigation prepared by a Civil Engineer registered in the State of California and qualified to perform geotechnical work. The grading plan shall incorporate the recommendations of the approved geotechnical investigation.
24. The following minimum Best Management Practices (BMPs) shall be required during construction:
 - vi. Construction crews shall be instructed in preventing and minimizing pollution on the job.
 - vii. 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.
 - viii. 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.
 - ix. 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.
- x. 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.
 - xi. 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.
 - xii. Protect drain inlets from receiving polluted storm water through the use of filters such as fabrics, gravel bags or straw wattles.
 - xiii. Be prepared for rain and have the necessary materials onsite before the rainy season.
 - xiv. 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

- 25. The contractor shall obtain an Encroachment Permit from the City prior to performing any work within public rights of way.
- 26. 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.
- 27. All service laterals (water, sewer, irrigation, fire suppression), along with required meters, are to be shown on the civil improvement plans. All applicable fees (hot tap, connection fee, extension fee, etc.) shall apply.
- 28. All domestic, landscape, and fire service lines shall have reduced pressure backflow preventers.
- 29. 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.
- 30. Existing street lights shall be shown on Improvement Plans. A street light shall be installed at the north end of the driveway on West Onstott Frontage Road which shall comply with Yuba City Standard Details.
- 31. 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.

32. A Lot Line Adjustment is required in order to do the proposed development. All applicable fees shall apply. A copy of the receipt of the recorded Lot Line Adjustment shall be submitted to the Public Works Department.

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

Utilities Department

34. A grease trap shall be required and constructed in accordance with Utilities Department standards.

Prior to Building Permit

Engineering Division

35. 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.

Prior to Certificate of Occupancy

Engineering Division

36. All street lighting shall be energized and dedicated to the City of Yuba City.

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

38. 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.

39. 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.
40. 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.
41. All underground utilities, public improvements, and site improvements shall be completed.

Planning Division

42. The abandoned, nonconforming pole sign shall be removed.
43. All roof-mounted mechanical equipment shall be screened from public view.
44. Signage shall comply with the requirements of the Yuba City Zoning Regulations. A separate building permit shall be obtained for signage.
45. The trash enclosure shall be constructed of decorative masonry or painted to match the building. The metal gate shall be painted to match the building.
46. Landscaping shall be installed and maintained in good growing condition.