



City of Yuba City
Planning Division Agenda Report
Planning Commission Meeting

November 18, 2009

DATE: November 13, 2009
TO: Yuba City Planning Commission
FROM: Community Development Department
SUBJECT: Agenda Report – Meeting of November 18, 2009

Commission Consideration:

- 1. REQUEST FOR EXTENSION OF PREVIOUSLY-APPROVED DEVELOPMENT PLAN #DP 07-09 FOR A 74,000 SQUARE FOOT HEALTH CLUB AND A 4,500 SQUARE FOOT OFFICE BUILDING LOCATED AT THE SOUTHERLY PORTION OF THE SOUTHEAST CORNER OF THARP ROAD AND BUTTE HOUSE ROAD; ASSESSOR'S PARCEL NUMBER: 59-010-052; APPLICANTS: JERRY TOLLER AND PETER BAKIS.**

Background:

On December 19, 2007, the Planning Commission approved the Development Plan for the above-referenced project. 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 November 4, 2009, the applicants, Jerry Toller and Peter Bakis, submitted a request for a two-year extension of #DP 07-09 anticipating that the plans will be completed early in 2010, with construction beginning in late spring. Conditions placed on the project have not changed.

Recommended Action:

Staff recommends that the Planning Commission extend its approval of Development Plan #DP 07-09 for two years with a new expiration date of December 19, 2011.

Public Hearing:

- 1. USE PERMIT UP 07-13 FOR CONSTRUCTION OF A CHURCH, SCHOOL, AND RELATED USES AT THE SOUTHEAST CORNER OF STATE ROUTE 20 AND EL MARGARITA ROAD; ASSESSOR'S PARCEL NUMBER: 63-010-090; APPLICANT: CLIFF SMART; PROPERTY OWNER: CALVARY CHRISTIAN CENTER**

Project Description:

The applicant is requesting a Use Permit for the proposed construction of a church campus on 23 acres located at the southeast corner of State Route 20 and El Margarita Road. The proposed project will be constructed in phases and consists of the following buildings and improvements:

- 80,000 square foot, 2084-seat sanctuary building with staff offices (Phase 1)
- 16,380 square foot elementary school capable of accommodating up to 300 students (Phase 2)
- Playground facilities, baseball diamond, and soccer fields (Phase 3)
- 612 parking spaces (constructed as needed, to accommodate the other developments)

The existing Calvary Christian Center is located across El Margarita Road from the project site. The proposed project would replace and augment the operations at the applicant's current location.

Property Description:

The project site consists of a single vacant parcel, which has frontage on SR 20, El Margarita Road, and Spirit Way. Ingress and egress to the project site will be via one driveway on El Margarita Road and three driveways on Spirit Way. (See Attachment 1, "Aerial Photo")

General Plan Designation:

Office & Office Park

Zoning Classification:

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

Surrounding Land Use:

State Route 20 and single-family residences are located to the north, the site for the approved "John L. Sullivan" car dealership and Harter Parkway are located to the east, Spirit Way and

River Valley High School are located to the south, and El Margarita Road, the current site of Calvary Christian Center, and single-family homes are located to the west.

Previous Commission Actions and/or Policies:

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

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

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

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

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

Environmental:

A Mitigated Negative Declaration (Exhibit A) was prepared for the project and is attached for Commission review and consideration. Mitigation measures to offset possible adverse impacts from the construction and operational phases are contained in the conditions of approval. Specific traffic mitigation measures are discussed in greater detail below. Staff requests that the Planning Commission adopt the attached Mitigated Negative Declaration, as shown in Exhibit A.

Staff Comments:

Section 8-5.1102 of the Yuba City Zoning Regulations requires a Use Permit approved by the Planning Commission prior to construction of a place of worship in the C-O District. Section 8-5.7003 requires the Planning Commission to make five findings in order to approve a Use

Permit. Provided below is staff’s evaluation of the findings, which are in bold, italicized font.

1. The proposal is consistent with the General Plan.

Staff analysis: The property is zoned C-O, Commercial Office District, which is consistent with the existing General Plan designation of Office & Office Park. As previously noted, the C-O District requires a Use Permit to allow a place of worship.

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 23-acre project site is large enough to accommodate the proposed development and all associated parking, lighting, and landscaping required by the Zoning Regulations. Below is a table that contains a list of the code requirements and what is provided by the project.

	Required	Provided
Parking (Phase1)	521 spaces	528 spaces
Parking (Phases 1-2)	561 spaces	564 spaces
Parking (Phases 1-3)	609 spaces	612 spaces
Shade Coverage	50%	50.23%
Perimeter Landscape	Trees on 30-foot centers	Trees on 30-foot centers

The driveways on Spirit Way are oriented to minimize conflict with the high school, which is located to the south. The driveway on El Margarita Road was redesigned, per direction from Caltrans, in order to minimize conflict with the State Route 20/El Margarita Road intersection. Specifically, the driveway shall be limited to right turns only, as required by Condition Number 39. Fehr & Peers conducted a site access evaluation and determined that although there are likely to be significant vehicle wait times while exiting the site following Sunday services, the site is designed to maximize the flow of traffic and prevent significant vehicle stacking on the surrounding public streets.

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

Staff analysis: Fehr & Peers Transportation Consultants conducted a traffic impact study (TIS) to analyze the impact of the proposed project. Based on input from the Yuba City Public Works Department and the California Department of Transportation (Caltrans), Fehr & Peers analyzed the following intersections during the weekday morning (7:30 to 8:30 AM), the weekday afternoon (3:00 to 4:00 PM), and the Sunday morning (10:15 to 11:15) peak hours:

- State Route 20/El Margarita Road
- Colusa Frontage Road South/El Margarita Road
- Spirit Way/El Margarita Road
- Franklin Road/El Margarita Road

- Spirit Way/Harter Parkway

The TIS found that the project would result in an impact at the State Route 20/El Margarita Road and the Spirit Way/Harter Parkway intersections. The following mitigation measures have been incorporated into the project to ensure that the project's impacts are less than significant:

With development of Phase 1, the project applicant shall be responsible to construct exclusive northbound left-turn and right-turn lanes at the State Route 20/El Margarita Road intersection. The project contributes to the need for a traffic signal. However, the installation of a traffic signal may not be warranted for several years. Therefore, the project applicant shall be responsible to make a fair-share payment (8%) to the City towards the future installation of a traffic signal at the State Route 20/El Margarita Road intersection.

The project applicant shall be responsible to make a fair-share (17%) payment to the City towards the future installation of a traffic signal at the Spirit Way/Harter Parkway intersection.

The applicant shall enter into a Deferred Improvement Agreement to construct an exclusive southbound right-turn lane at the Spirit Way/Harter Parkway intersection in conjunction with development of Phase 2 of the project.

Additionally, as noted in the discussion of the action to approve Rezoning RZ 01-04, the developer of the subject property is required to pay fair-share contributions per the terms of the "Harter Parkway/State Route 20 Intersection Improvement Reimbursement Agreement", dated October 2, 2007. Conditions 39 through 42 ensure compliance with the aforementioned traffic mitigation measures. The payment of fair-share contributions and the execution of the Deferred Improvement Agreement shall take place prior to issuance of a building permit for Phase 1.

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

Staff analysis: The buildings are attractively designed with a stucco finish and a tile roof, and the site is creatively landscaped with over forty palm trees and other decorative landscape materials. The height at the peak of the roof of the main church building is fifty-two feet, six inches, and the height of the structure, including the belfry, is seventy-one feet. Section 8-5.1103 of the Zoning Regulations states that the maximum building height for structures in the C-O District is 52 feet, and Section 8-5.5603 of the Zoning Regulations states that belfries (and other structures or building features with no usable purpose) may be built to a height greater than the limit established for the district. Condition Number 4 requires that the building height meet the requirements of the Zoning Regulations. Staff believes that the site design and the buildings 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: The proposed project will not be detrimental to the health, safety, or welfare of persons residing or working in the vicinity of the project. The project has been conditioned to offset and prevent significant construction phase air quality impacts and traffic impacts. As noted above, staff considers the proposed use to be complementary to the mixture of existing and future surrounding land uses.

Recommended Action:

Staff recommends that the Planning Commission take the following actions:

- A. Find that, with the incorporation of the mitigation measures, the proposed project will have no significant impact on the environment.
- B. Adopt the Mitigated Negative Declaration.
- C. Adopt the following findings:
 - 1. Use Permit UP 07-13 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 proposed use.
 - 4. The site design and size and design of the buildings will complement neighboring facilities.
 - 5. The establishment or operation of the use 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.
- D. Approve Use Permit UP 07-13, subject to the following seventy-two conditions of approval:

General

- 1. Use Permit UP 07-13 is approved as described and conditioned herein and as shown in Exhibits A-C.

2. Approval of Use Permit UP 07-13 shall be null and void two years from the date of approval, or on November 18, 2011, if construction of the project has not substantially commenced, as described in Section 8-5.7105 of the Yuba City Zoning Regulations.
3. The Conditions of Approval shall be attached to, and be made an integral part of, the improvement plans.

Planning Division

4. The height of the building shall not exceed the height limitations established by the Yuba City Zoning Regulations.
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. *(Mitigating Measure)*
6. The applicant shall implement a Fugitive Dust Control Plan that meets the requirements of the Feather River Air Quality Management District. *(Mitigating Measure)*
7. All construction equipment shall be properly tuned and shall not exceed FRAQMD Regulation III, Rule 3.0 for exhaust emissions. *(Mitigating Measure)*
8. Implement a vehicle idling policy requiring all vehicles, including construction equipment, to adhere to a 5-minute idling policy. *(Mitigating Measure)*
9. Electrical outlets shall be installed on the exterior walls to promote the use of electric landscape maintenance equipment. *(Mitigating Measure)*
10. Paints and finishes used in all buildings shall be of low Volatile Organic Compound (VOC) type. *(Mitigating Measure)*
11. Existing power sources or clean fuel generators shall be used, rather than temporary generators. *(Mitigating Measure)*

Engineering Division

12. The Developer shall prepare and submit improvement plans for the construction of all public improvements including water, sanitary sewer, storm drain facilities, roadway improvements, curbs, gutters, sidewalks, parkway strips, signing, striping and streetlights

13. 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).
14. 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.
15. In the event that the City is forced to condemn or acquire off-site property interest in connection with required off-site improvements, the developer shall fund the cost of condemnation or acquisition, including but not to be limited to the amounts necessary to purchase the easement or fee simple interest, document preparation, and severance or other damages payable to the owners of the land upon which the improvements are to be located, the actual cost and acquisition and all fees, including attorney's fee and/or other expenses necessary to prosecute the condemnation action, including expert witness and appraisal fees. In the event that the City elects to proceed with acquisition or condemnation pursuant to Government Code Section 66462.5, the developer shall, within 60 days of written notice by the City, deposit with the City, as an advance, the full estimated cost of such acquisition
16. 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)*
17. Onsite dirt piles or other stockpiled particulate matter shall be covered, wind breaks installed, and water and/or soil stabilizer employed to reduce wind blown dust emissions. Incorporate the use of approved non-toxic soil stabilizer according to manufacturers' specifications to all previously-graded construction areas that have been inactive for 96 hours. Contractor to provide the specifications to the City Inspector. *(Mitigating Measure)*
18. To help contain fugitive dust, construction sites shall be watered down during the construction phase of the project as directed by the Public Works Department. All transfer processes involving a free fall of soil or other particulate matter shall be operated in such a manner as to minimize the free fall distance and fugitive dust emissions. *(Mitigating Measure)*
19. Temporary silt fencing shall be erected during construction and permanent fencing shall be completed prior to occupancy so that transport of construction debris can be retained on-site. *(Mitigating Measure)*

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

28. 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.
29. Sidewalks, within and adjacent to the construction area, shall be kept clean and remain accessible for American Disability Act compliance.
30. Storage of construction material is not allowed in the travel way.
31. The Developer and/or the Developer's Superintendent/Representative shall have a pre-construction meeting with the City prior to commencing construction of public improvements. The Developer shall notify the City of the meeting no less than two working days in advance of such meeting. Those in attendance at the meeting shall include: the City, the Developer and/or the Developer's Superintendent/Representative, the Contractor, the Design Engineer, the Developer's safety representative, the Developer's SWPPP representative.
32. No street parking will be permitted on either El Margarita Road or Spirit Way.

Prior to issuance of Grading Permit

Engineering Division

33. 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.
34. The improvement plans for the development of the subject property shall include all measures required to ensure that no drainage runoff resulting from the development of the property flow onto the adjacent residential or agricultural lands or impede the drainage from those properties. If retaining walls are required they shall be constructed of concrete or masonry block.
35. Existing and proposed grade elevations at perimeter of the proposed land development shall be shown on the grading plans. The Engineer of Record shall designate on the plans as to where any retaining walls are required and provide details of all proposed retaining walls. The retaining wall is required where grade differences between the proposed development and the surrounding land is greater than 6" (inches). The use of any type of wood as the retaining wall is not permitted.
36. 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.

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

- i. Inspect all BMPs before and after each storm event. Maintain BMPs on a regular basis and replace as necessary, through the entire course of construction.
- j. Contractor is to comply with the Storm Water Pollution and Prevention Plan.

Prior to issuance of Building Permit

39. The driveway on El Margarita Road shall be limited to right turns only.
40. In conjunction with the development of Phase 1, the applicant shall be responsible to construct exclusive northbound left-turn and right-turn lanes at the State Route 20/El Margarita Road intersection.
41. The project's proportionate share of the following traffic signals shall be paid:
 - a. Harter Parkway/State Route 20 - \$30,072 per Harter Parkway/State Route 20 Intersection Improvement Reimbursement Agreement (October 2, 2007).
 - b. Harter Parkway/Spirit Way - \$51,000 based on 17% of \$300,000.
 - c. El Margarita Road/State Route 20 - \$20,000 based on 8% of \$250,000.
42. The applicant shall enter into a Deferred Improvement Agreement to construct an exclusive southbound right-turn lane at the Spirit Way/Harter Parkway intersection. Construction of the intersection is required in conjunction with Phase 2 of the development.

Prior to approval of Improvement Plans

Engineering Division

43. An Improvement Agreement outlining any costs (hot tap, connection fee, fair share contribution, etc.) associated with the development shall be accepted by the City prior to approval of plans.
44. Obtain all necessary approvals from City, State, and Federal agencies, utilities and other affected parties that are required for the project including, but not limited to, the preparation of drawings, studies, reports and permit applications, and payment of fees. Prior to City approval of improvement plans, the developer shall provide evidence, to the satisfaction of the Public Works Department, that all such obligations have been met.
45. An encroachment permit from the State of California Department of Transportation will be required for all work to be done within any State Highway right-of-way. Encroachment Permit staff can be reached at (530) 741-4403. A copy of this permit must be supplied to the City prior to approval of the improvement plans.
46. Sidewalks along El Margarita Road and Spirit Way shall be detached with a landscape planter between the back of curb and face of sidewalk.

47. The contractor shall obtain an Encroachment Permit from the City prior to performing any work within public rights of way.
48. 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.
49. Improvement plans shall be approved by the Yuba City Fire Department.
50. Striping, pavement markings and traffic signage shall be provided on all streets as necessary and as required by the Public Works Department. Signage restricting parking and red painted curbing shall be installed where appropriate. Speed limit signs shall be installed at locations determined by the Public Works Department.
51. All service laterals (water, sewer, irrigation, fire suppression), along with required meters, are to be shown on the civil improvement plans.
52. All domestic, landscape, and fire service lines shall have reduced pressure backflow preventers.
53. The Developer shall be responsible for preparation of a street tree and irrigation plan that is deemed acceptable by the Director of Parks and Recreation prior to entering into an Improvement Agreement with the City.
54. 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.
55. The street landscape planters, the street trees, and street lighting are public improvements which shall meet the Parks Division Planting Standards and Yuba City Standard Details and be included in the improvement plans and specifications for the development when the improvement plans are submitted for the first improvement plan check. The plans shall reflect street tree placement so that no interference with streets, streetlights, and driveways will occur.
56. The street trees proposed by the Developer shall be a minimum of 15 gallon in size with a one-inch dbh (diameter at breast height). The tree species shall be a shade type approved by the City Arborist and the Public Works Department. Only one tree species shall be planted on any street.
57. The final improvement plans shall reflect street tree placement so that no interference with streets, streetlights, and driveways will occur to the satisfaction of the Public Works Department.
58. All landscaping shall be irrigated. The existing well may be used for irrigation purposes only. If City water is used for landscape irrigation, a separate meter shall be installed on

the landscape service. More than one meter may be required. The Developer shall pay all applicable fees.

59. 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.

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

61. Required Improvement Plan Notes:

- a. "Any excess materials shall be considered the property of the contractor or owner and shall be disposed of away from the job site in accordance with applicable local, state and federal regulations."
- b. "The Contractor(s) shall be required to maintain traffic flow on affected roadways during non-working hours, and to minimize traffic restriction during construction. The Contractor shall be required to follow traffic safety measures in accordance with the Caltrans "Manual of Traffic Safety Controls for Construction and Maintenance Work Zones." The City of Yuba City emergency service providers shall be notified, at least two working days in advance, of proposed construction scheduled by the contractor(s)."
- c. "Soil shall not be treated with lime or other cementitious material without prior express permission by the Public Works Department."

Prior to Certificate of Occupancy

Engineering Division

62. If sufficient rights of way do not already exist, additional rights of way and/or public utility easements shall be deeded in fee to the City of Yuba City to provide the specified one-half widths of the following indicated roads:

Spirit Way 30.0' R/W + 10.0' P.U.E.

El Margarita Road 62.0' R/W + 10.0' P.U.E.

63. With the exception of the pole located at the southeast corner of El Margarita Road and State Route 20, all existing overhead utilities (of 26,000 volts or less) and proposed utilities, both onsite and along all project frontages (El Margarita Road and Spirit Way) 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.
64. 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.
65. The Developer's Superintendent/Representative shall submit three sets of Pacific Gas and Electric approved utility plans showing joint trench locations and distribution lines.
66. Property shall participate in an Assessment District for maintenance of the streets (if public) and shall participate in City's Community Facilities District for police and fire services.
67. The property shall petition for formation of a Zone of Benefit of the Yuba City Landscaping and Lighting District for the purpose of maintaining street trees, which are to be planted along all streets, and for the purpose of maintaining the street lights. The Engineering Division shall be reimbursed for actual costs associated with the formation of the district.
68. All street lighting shall be dedicated to the City of Yuba City.
69. All street lighting shall be energized.
70. The City reserves the right to direct the Developer to hydroflush all storm drain mains and all sewer mains.
71. All reduced pressure backflow preventers shall be tested and a back flow preventer certification, performed by an AWWA licensed tester, shall be submitted to the Public Works Department.
72. By seeding and watering, ground cover shall be reestablished as soon as possible. (*Mitigating Measure*)