



City of Yuba City
Planning Division Agenda Report
Planning Commission Meeting

August 25, 2010

DATE: August 20, 2010
TO: Yuba City Planning Commission
FROM: Community Development Department
SUBJECT: Agenda Report – Meeting of August 25, 2010

PUBLIC HEARINGS:

- 1. USE PERMIT UP 10-05 TO RETAIN A PRE-EXISTING, NON-CONFORMING POLE SIGN AT 1290 LOUISE AVENUE; ASSESSOR’S PARCEL NUMBERS: 52-014-004; APPLICANT/PROPERTY OWNER: ALLIED FARMS INC.**

Project Description:

The applicant is requesting a Use Permit to retain one pre-existing, non-conforming pole sign at the site of the former Country Waffle business at 1290 Louise Avenue. The applicant proposes that without the continued use of the non-conforming pole sign for their new tenant, they will have no visibility from Highway 99. The City’s Sign Standards allows requests for increase sign area and height to be approved through the Use Permit process if the Planning Commission makes the finding that “the sign is needed to advertise a business(es) that have limited visibility from the adjacent public right-of-way.

Property Description:

The project site consists of one .76-acre parcel, which has frontage on Louise Avenue and Kelton Way which are both public streets. The property is developed with a 4,000 sq. ft. commercial building that was formerly occupied by the Country Waffle restaurant. Parking for the building is located to the east of the property. Refer to the attached aerial (Attachment 1 for details)

General Plan Designation:

Regional Community

Zoning Classification:

C-3, General Commercial District

Surrounding Land Use:

Highway 99 and Kelton Way are located to the west, Fitness System Health Club is located to the south, Louise Avenue is located to the north, and K-Mart is located to the east (See Attachment 1).

Previous Commission Actions and/or Policies:

None.

Environmental:

No environmental review is necessary as staff is recommending denial of the project.

Staff Comments:

In July 2009, the City initiated its “Corridor Enhancement Strategy” which was aimed at improving the aesthetic appearance of the City’s major roadway corridors. The major component of that effort included the removal of all non-conforming temporary banner signs. However, another key piece was the removal of non-conforming pole signs.

Recently, City staff identified eleven (11) pre-existing, non-conforming pole signs that have been abandoned and sent letters to notify property owners of the non-conforming condition. This list included the former Country Waffle restaurant which went out of business in April of 2009. The existing pole sign is shown in the attached exhibit (See Attachment 2). The site of the former business has been vacated since April of 2009 and therefore the sign is considered to be a pre-existing non-conforming sign. In accordance with Yuba City Zoning Regulations Section 8-5.7306 non-conforming signs, the sign must be removed and brought into conformance with the new code within six months after the sign has been abandoned.

The current property owner does not want to remove the non-conforming pole sign as they are in the process of opening a new business who desires the exposure to Highway 99. The only possible opportunity for the property owner to retain the continued use of the non-conforming sign is through the Use Permit process.

Section 8-5.6310B of the Yuba City Zoning Regulations requires a Use Permit be approved by the Planning Commission prior to construction of a sign that exceeds the height or area limitations set by the Zoning Regulations. In addition the Planning Commission is required to make the finding that the larger sign is needed to advertise a business(es) that has limited visibility from the adjacent public roadway. Provided below is an evaluation of the findings required to deny the Use Permit. The required findings are in bold, italicized font.

1. The building has been vacant for longer than six months.

Staff analysis: Since the site has been vacant since April of 2009, the sign is considered to be a pre-existing, non-conforming pole sign. In accordance with Section 8-5.7306 non-conforming signs, the sign must be removed and brought into conformance with the new code within six months after the sign has been abandoned.

2. There is visibility from the adjacent right-of-way.

Staff analysis: As shown on site plan/aerial the business has frontage on both public streets (Louise Ave and Kelton Way). There are many opportunities for the installation of a monument sign that complies with the current sign code on either street to provide sufficient visibility on those two roads. The sign code would allow one monument sign for each 300' linear feet of street frontage, not to exceed 64 sq. ft. in area and a maximum of 10' in height.

Furthermore, while not a vested right, exposure to Highway 99 can still be achieved through the use of new wall signage on the west side of the building facing the highway. The applicant would be allowed ½ sq. ft. for each one lineal foot of building frontage. Additionally, up to two (2) contiguous building sides, provided each has frontage, may be used to calculate allowable sign area. Such allowances will afford the new business sufficient signage on the building that could be visible from Highway 99.

Recommended Action:

Staff recommends that the Planning Commission take the following actions:

A. Deny the Use Permit based on the following:

1. The pre-existing non-conforming sign is not needed to advertise business at the subject address as the property has significant visibility from both adjoining public streets.
2. **GENERAL PLAN AMENDMENT GP 10-02, REZONE RZ 10-03, DEVELOPMENT PLAN DP 10-02; AND SUBDIVISION MAP SM 10-01 FOR THE DEVELOPMENT OF A 146 UNIT INDEPENDENT LIVING FACILITY LOCATED AT 658 EL MARGARITA WAY; ASSESSOR'S PARCEL NUMBERS: 63-010-107, 63-010-106; APPLICANT: JOHN OCHIPINTI; PROPERTY OWNERS: UNITY HEALTH CARE, LLC.**

Project Description:

The applicant, John Ochipinti/Unity Health Care LLC, has submitted the following applications:

1. General Plan Amendment GP 10-02 to change the General Plan designation from Low Density Residential to Low-Medium Density Residential on 16.23 acres of the property,

and from Low Density Residential on 4.21 acres in the southeast portion of the property to Office and Office Park. (See Exhibit B)

2. Rezone RZ 10-03 to change the Zoning classification from Single Family Residential, Special Standards Combining (R-1, X-24) District to Multi-Family Residential, Special Standards Combining (R-3, X-24) District on 16.23 acres of the property, and to Commercial Office, Special Standards Combining (CO, X-24) District on the remaining 4.21 acres in the southeast portion of the property. (See Exhibit C)
3. Development Plan DP 10-02 to construct a 146 unit independent living facility, fifty-two attached residential condo units, and associated club house, on-site amenities, parking and landscaping. (See Exhibit D)
4. Subdivision Map SM 10-01 to subdivide the 20.44 acres into 52 lots for age restricted senior housing, two lots for the independent living facility, and four lots for future office building development. (See Exhibit E)

Property Description:

The vacant project site is located south of Highway 20 on the east side of El Margarita Way. The existing residence on the property located in the southeastern corner of the site will be removed as part of the proposed project. (See Attachment 1)

General Plan Designation:

Low Density Residential

Zoning Classification:

R-1, X-24 Single Family Residential, Special Standards Combining District

Surrounding Land Use:

A single-family residence and farm land are located to the north; vacant property planned for a future school and park site is located to the east across El Margarita Way; another single family residence and farm land are located to the south; and vacant low density residential land is located to the west. (See Attachment 1, Aerial Photo)

Previous Actions and/or Policies:

Rezone 06-03: On December 19, 2006 the City Council approved a Rezone request by Valley Development to approve pre-annexation zoning for the majority of property within the Master Plan boundaries. The properties within the El Margarita Estates and Wilder Estates subdivisions (along with the 40 acres located between subdivisions) were excluded from the pre-annexation zoning approval due to concerns voiced by property owners within those respective subdivisions (see Attachment 2).

Annexation #332: On April 26, 2007 the Local Agency Formation Commission (LAFCO) approved the reorganization of territory to annex the subject property to the City of Yuba City and detach the land from Sutter County.

City Council Action: On March 2, 2010, the City Council approved a request from the applicant who had requested that they be relieved of the requirement to prepare a Master Plan for the El Margarita Road area so that they can apply for the development of their property with an Independent Living Facility and office complex. As shown on Attachment 2, the subject property is located within the boundaries of an area to be master planned prior to any significant development being allowed.

As part of their approval of the request, the Council required that the applicant contribute their fair share of the cost to prepare a Master Plan for the area which equated to \$18,000. This requirement is incorporated into the project's conditions of approval. A copy of the March 2, 2010 council staff report is included as Attachment 3.

Environmental:

A Mitigated Negative Declaration (Exhibit A) was prepared for the project and is attached for Commission review and consideration. Mitigation measures to offset possible adverse impacts from construction are contained in the conditions of approval. Staff requests that the Planning Commission adopt the attached Mitigated Negative Declaration and recommend that the City Council adopt the attached Mitigated Negative Declaration.

Staff Comments:

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

General Plan Amendment GP 10-02:

General Plan Amendment GP 10-02 is to change the General Plan designation from Low Density Residential to Low-Medium Density Residential on 16.23 acres of the property, and from Low Density Residential on 4.21 acres in the southeast portion of the property to Office and Office Park as shown on Exhibit B. The applicant is requesting the change because the Low-Medium Density Residential General Plan designation is necessary to accommodate the proposed attached residential units, and independent living facility, while the Office and Office Park General Plan designation is needed for the future development of professional office buildings.

Section 8-8 of the Yuba City Municipal Code specifies that a member of the public may initiate a General Plan amendment. The Municipal Code requires the Planning Commission to forward its recommendation and findings to the City Council for action. The Municipal Code does not contain any required findings for the amendment of a General Plan. However, Section 65358 of the California Government Code states that a City may amend its General Plan if it deems the amendment to be in the public interest. In the case of General Plan amendment GP 10-02, staff reasons that the proposal is in the public interest because the land use change will provide

opportunities for the development of new independent living facilities that are needed within the community. Additionally, the proposal for Office and Office Park land use will provide opportunities for new office space which is also needed within the community. Therefore, staff recommends that the Planning Commission make the following finding:

General Plan Amendment GP 10-02 to change the General Plan land use designation from Low Density Residential to Low-Medium Residential and Office & Office Park is in the public interest.

Rezone RZ 10-03:

Rezone RZ 10-03 is to change the Zoning classification from Single Family Residential, Special Standards Combining (R-1, X-24) District to Multi-Family Residential, Special Standards Combining (R-3, X-24) District on 16.23 acres of the property, and to Commercial Office, Special Standards Combining (CO, X-24) District on the remaining 4.21 acres in the southeast portion of the property as shown on Exhibit C. The applicant is requesting the change because the current zoning classifications do not accommodate attached residential housing and future office development.

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. In the case of Rezone RZ 10-03, if the Planning Commission and the Council find that the General Plan amendment is in the public interest and approve GP 10-02, the proposed zoning of R-3, X-24 and CO, X-24 will be consistent with the new General Plan designation of Low-Medium Density Residential and Office and Office Park. Staff recommends that the Planning Commission make the following finding:

Rezone RZ 10-03 is consistent with the Low-Medium Density Residential and Office and Office Park land use designations as described in the Yuba City General Plan.

Rezone RZ 10-03 was initiated by the applicant for the purpose of constructing a new independent living complex and age restricted attached residences, as well as for future office development. As shown on the project plans, Exhibit D, the proposed project has been designed to be compatible with the surrounding land uses which are planned for future low density residential development. Both the proposed duplexes and triplexes will be single-story in height and will have rear yard setbacks of twenty (20) feet. The two-story independent living facility is setback from the closest adjoining property line (south) over seventy (70) feet, while the one-story future office buildings are proposed to be setback from the southern property line over 50 feet. The proposed setbacks exceed the requirements of the City's Zoning Ordinance and will ensure that the proposed project will be compatible with future surrounding development. In addition to the enhanced building setbacks, the project will be conditioned so that the future office development will be required to construct a masonry wall along the shared property line with the future residential development to the south. Additionally, the future office development will be required to construct a masonry wall between the office development and the proposed

duplexes. The installation of these walls will further ensure the compatibility of the proposed project with the existing and planned surrounding development.

Development Plan DP 10-02:

Development Plan DP 10-02 is to construct a 146 unit independent living facility in two phases that totals 169,716 square feet in size, fifty-two attached residential condo units, and associated club house, on-site amenities, parking and landscaping. Please note that while the proposed site plan includes conceptual plans for four proposed office buildings, these are not proposed as part of this approval due to the fact that the applicant does not have the final design details completed for this component of the ultimate project. This portion of the project has been shown for conceptual purposes to demonstrate that the size of the property is large enough to accommodate the planned office buildings and associated site improvements. As a result, when the future office development plans have been completed and are ready for construction, those plans will be required to be processed at a later date through the appropriate review process.

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.

The property is 20.44 acres in size of which 16.23 acres are planned for the residential component of the project with the remaining 4.21 acres planned for the future office development. As shown on the project development plans (Exhibit D), the subject property is large enough to accommodate both components of the residential development as well as the future office development. The project will be accessed from El Margarita Road at two points of ingress/egress that are located near the north and south property lines. These locations will be gated for security purposes. Upon entering the site, the project is accessible by an internal loop road that will provide the necessary access for residents and guests of the facility as well as for emergency vehicles. Although the project is to be constructed in multiple phases, the project is designed (and conditioned) so that all applicable infrastructure and hardscape improvements (e.g. water, wastewater, roads) will be installed in such a manner to serve the project as the different phases are completed.

Due to the nature of the proposed use, a truck loading ramp is proposed at the rear of the attached residential building, away from public view. Parking for the project has been designed to exceed the requirements specified in the Zoning Ordinance as shown below:

| Use | Parking Required | Parking Proposed |
|--------------------------|------------------------|------------------------|
| Duplex/Triplex | 104 (2 spaces/unit) | 104 (2-car garages) |
| Assisted Living Facility | 88 (.6 spaces/unit) | 130 (.89 spaces/unit) |
| Office (Future) | 160 (1 space/300 s.f.) | 222 (1 space/216 s.f.) |
| Total | 352 | 456 |

In addition to the hardscape improvements being made, the project also includes on-site amenities and landscape improvements that enhance the design and appearance of the project. As shown on the project site plan, these include: gazebos, bocce ball courts, pool, fitness center, and multiple open space landscaped areas. In addition to the landscaping proposed among the buildings and passive open spaces, the project landscape plan also provides adequate landscaping for screening along the shared property lines, streetscape landscaping, and for parking lot shading throughout the project. The proposed plans meet all requirements of the Zoning Regulations.

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

Prior to receiving approval from the Council for the request to proceed forward with the proposed project without the preparation of a Master Plan, staff analyzed the proposed traffic that would be generated by the proposal. It was determined that even with the future office development, that the proposed project would not adversely impact the circulation improvements that serve the subject and surrounding properties.

Although the project will be required to dedicate and improve right-of-way along El Margarita Road as part of the project, the City's Engineering Division has determined that El Margarita Road is adequate to carry the quantity of traffic expected to be generated by the proposed project.

In accordance with the requirements of the mitigation measures and traffic study associated with the River Valley Commercial project (SM 04-08) the applicant will be required to pay the project's fair share of the improvements/traffic signals at El Margarita and Highway 20. Additionally, the applicant will be required to pay their fair share of the traffic signal at Harter Parkway and Highway 20 per the comments received from Cal Trans.

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

The design of the buildings and the design of the site all comply with the requirements of the Zoning Regulations and the Design Guidelines with respect to building height, setbacks, materials, and all other aspects. As shown in the project plans (Exhibit D) the proposed elevations incorporate multiple elements and building materials in order to provide architectural interest for the project. The design and materials are used throughout the different components of the project for continuity purposes. The scale of the project is complementary to neighboring existing and future facilities.

In accordance with Section 8-5.70 of the Yuba City Zoning Regulations, the Planning Commission is the approving body for the subject application. Since approval of DP 10-02 is contingent upon approval of the request to change the General Plan designation and the Zoning classification, Condition number 5 states that approval of DP 10-02 shall not take effect until such time as the General Plan amendment and Rezone take effect following approval by the City Council.

Subdivision Map SM 10-01:

The final component of the proposed project is the subdivision of the property for the different elements of the project. As shown on Exhibit E, the applicant is proposing to subdivide the 20.44 acres into a total of 62 lots which are allocated as follows: 52 condo lots for the residential (duplex, triplex) units; 4 lettered lots (common areas around the condos); 2 lots for the attached independent living facility (phases 1 and 2); and, 4 lots for the future office buildings.

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 project density will be 12.2 units per acre, which is between the density range of 6 to 14 units per acre prescribed by the General Plan.

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

Staff Analysis: The site remains physically suited for the creation of 52 condo lots, 4 lettered lots, 2 lots for the independent living facility, and 4 lots for the future office buildings.

- 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: As noted above, a mitigated negative declaration was prepared for the project. Public improvements will be completed in accordance with the mitigation measures, and the subdivision is not expected to cause environmental damage or 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.***

Staff Analysis: There are no easements through the property with which the proposed subdivision will conflict.

Recommended Actions:

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

- A. Adopt the Mitigated Negative Declaration as shown in Exhibit A.

- B. Recommend that the City Council adopt the finding that General Plan Amendment GP 10-02 to change the General Plan designation from Low Density Residential to Low-Medium Density Residential on 16.23 acres of the property, and from Low Density Residential on 4.21 acres in the southeast portion of the property to Office and Office Park is in the public interest.
- C. Recommend that the City Council approve General Plan Amendment GP 10-02 to change the General Plan designation from Low Density Residential to Low-Medium Density Residential on 16.23 acres of the property, and from Low Density Residential on 4.21 acres in the southeast portion of the property to Office and Office Park as shown in Exhibit B.
- D. Recommend that the City Council adopt the finding that Rezone RZ 10-03 is consistent with the Low-Medium Density Residential and Office and Office Park land use designations as described in the Yuba City General Plan.
- E. Recommend that the City Council approve Rezoning RZ 10-03 to change the Zoning classification from Single Family Residential, Special Standards Combining (R-1, X-24) District to Multi-Family Residential, Special Standards Combining (R-3, X-24) District on 16.23 acres of the property, and to Commercial Office, Special Standards Combining (CO, X-24) District on the remaining 4.21 acres in the southeast portion of the property as shown in Exhibit C.
- F. Adopt the following three findings for Development Plan DP 10-02:
 - 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 proposed use.
 - 5. The site design, design of the buildings, and the scale of the project will complement neighboring facilities.
- G. Approve Development Plan DP 10-02 to construct a 146 unit independent living facility, fifty-two attached residential condo units, and associated club house, on-site amenities, parking and landscaping subject to the conditions below.
- H. Adopt the following four findings for Subdivision Map SM 10-01:
 - 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.
- I. Approve Subdivision Map SM 10-01 to subdivide the 20.44 acres into a total of 62 lots which are allocated as follows: 52 condo lots for the residential (duplex, triplex) units; 4 lettered lots (common areas around the condos); 2 lots for the attached independent living facility (phases 1 and 2); and, 4 lots for the future office buildings as shown in Exhibit E subject to the attached conditions of approval.

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 SM 10-01 is approved as shown in Exhibit E and as conditioned herein.
3. Development Plan DP 10-02 is approved as shown in Exhibit D and as conditioned herein.
4. Approval of Development Plan DP 10-02 shall be null and void without further action if utilization of Development Plan DP 10-02 has not been substantially commenced within 2 years of the date of the approval of Rezone RZ 10-03 by the City Council.
5. Approval of Development Plan DP 10-01 is contingent upon the receipt of City Council approval of General Plan amendment GP 10-02 and Rezone RZ 10-03.

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. The future development of the office buildings shall comply with the provisions of the City's Zoning Ordinance at the time the buildings are submitted for review and approval.

Building Division

8. Applications for building permit submitted on or after January 1st 2010 are required to comply with the new 2010 California Building Standards Code as mandated by the State of California as follows:
 - o 2010 California Building Code based on the 2009 International Building Code.
 - o 2010 California Residential Code based on the 2009 International Residential Code.
 - o 2010 California Green Building Standards (CAL Green) (Mandatory Green Building Standards)
 - o 2010 California Electrical Code based on the 2008 National Electrical Code.
 - o 2010 California Mechanical Code based on the 2009 Uniform Mechanical Code.
 - o 2010 California Plumbing Code based on the 2009 Uniform Plumbing Code.
 - o 2010 California Fire Code based on the 2009 International Fire Code.

Fire Department

9. There will be no parking allowed on any of the interior streets due to width. All streets are to be properly identified as “No Parking – Fire Lane” per the Cal Vehicle Code.
10. All buildings will be required to be provided with an automatic fire sprinkler system throughout complying with the appropriate codes in force at the time of building permit application.
11. Gated entries/exits shall comply with YCFD gate standards as specified in the Yuba City Municipal Code.

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 the current edition of the FHWA Manual on Uniform Traffic Control Devices for Streets and Highways.
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. All grading operations on the project shall be suspended as directed by the Feather River Air Quality Management District when winds exceed sustained winds 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)*

16. 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. If the contractor elects to incorporate the use of approved non-toxic soil stabilizer, it shall be applied according to manufacturers' specifications. Contractor to provide the specifications to the City Inspector. *(Mitigating Measure)*
17. To help contain fugitive dust, construction sites shall be watered down during the construction phase of the project as directed by the Public Works Department. *(Mitigating Measure)*
18. 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)*
19. 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)*
20. 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)*
21. 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 to reduce vehicle dust emissions. An effective measure is to enforce vehicle traffic speeds at or below 15 mph. *(Mitigating Measure)*
22. 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)*
23. 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)*

24. 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*)
25. 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 insure compliance.
26. 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.
27. 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.
28. Storage of construction material is not allowed in the travel way.
29. 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.
30. All interior streets are considered private. The storm drain lines, landscaping, streetlights, sidewalks and roadways will be considered to be private facilities and shall be maintained by the property owners. The water line and sewer main will be the property of the City and will be maintained by the City.

Prior to issuance of Grading Permit

Engineering Division

31. 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.

32. Project shall comply with the City's Stormwater Management and Discharge Control Ordinance.
33. 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.
34. Existing and proposed grade elevations at perimeter of the proposed land development shall be shown on the improvement 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.
35. A master grading plan for all phases of the subdivision shall be submitted to the Public Works Department as part of the improvement plans with the first subdivision phase.
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 lots/parcels that are created by this subdivision that are adjacent to existing residential development shall have the same finish grade elevation as those lots within tolerances as approved by the Public Works Department.
38. 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.

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

Building Division

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

Prior to approval of Improvement Plans

Planning Division

41. The Developer shall be required to construct a 6-foot high decorative masonry block wall separating the office park from the residential areas, and along El Margarita the full length of residential portion of the project. A detail of the wall shall be shown on the improvement plans with the first phase of development for each unit. Design of the wall

shall be reviewed and approved by the City prior to its construction in each phase. (*Noise Mitigating Measure*)

Engineering Division

42. A Subdivision Agreement outlining any costs (hot tap, connection fee, fair share contribution, etc.) associated with the development shall be accepted by the City prior to recordation of map.
43. If the project is to be phased, provide a phasing plan for the infrastructure, which shall be approved by the Public Works Department.
44. Obtain all necessary approvals from City, State, and Federal agencies, utilities and other effected 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. The contractor shall obtain an Encroachment Permit from the City prior to performing any work within public rights of way.
46. 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.
47. Improvement plans shall be approved by the Yuba City Fire Department.
48. El Margarita Road shall be widened to a half-width (centerline to lip) of 34.0 feet. Right-of-way shall be dedicated to a width of 61.5 feet including a 12 foot PUE behind the sidewalk. Frontage improvements shall include 2.5 foot curb/gutter, 5 foot wide sidewalk.
49. The interior streets shall be constructed to a width of 29.0 feet back of curb to back of curb. Right-of-way shall be dedicated to a width of 35.0 feet together with a 10.0 foot PUE behind the right-of-way. Construction shall include curbs, gutters, and 5.0 foot sidewalks, street trees, and street lights except as otherwise shown on the tentative map and approved by the Public Works Department.
50. 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.

- 51. 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.
- 52. All service laterals (water, sewer, irrigation, fire suppression), along with required meters, are to be shown on the civil improvement plans. All applicable fees shall apply.
- 53. All domestic, landscape, and fire service lines shall have reduced pressure backflow preventers.
- 54. The Developer shall be responsible for preparation of a street tree and irrigation plan that is deemed acceptable by the Public Works Department prior to entering into a Subdivision Agreement with the City.
- 55. The street trees and street lighting on El Margarita Road 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 subdivision when the improvement plans are submitted for the first improvement plan check.
- 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 specie(s) shall be a shade type approved by the City Arborist and the Public Works Department. Only one tree specie shall be planted on any street.
- 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 public landscaping shall be irrigated. A separate meter shall be installed on the landscape service. More than one meter may be required. The Developer shall pay all applicable fees.
- 59. Prior to the approval of the Improvement Plans, the Developer shall submit to the Sutter County Public Works Department a drainage plan for any drainage improvements that utilize County facilities for approval by the Sutter County Public Works Director.
- 60. The drainage system shall be oversized to handle additional drainage generated by adjacent properties. Reimbursement agreements shall be entered into between Sutter

County and the developer that guarantees the developer reimbursement of over sizing costs as other properties that benefit from the oversized system develop.

61. 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.

62. Special drop inlet frames and grates shall be installed at all drop inlets and junction drop inlets throughout the development area. Cast into the curb back shall be a message "Dump No Waste – Drains to River". If casting cannot be found that fits the City's standard drop inlet, then designated markers, approved by the City, shall be installed to the manufacturer's specifications on the top of curb, or at an appropriate alternative nearby location when no curb is available, at all storm drain inlets in the development area.

63. The Improvement Plans shall show provisions for the placement of centralized mail delivery units in the Public Utility Easement (P.U.E.). Developers will provide a concrete base for placement of the centralized mail delivery unit. Specifications and location of such base shall be determined pursuant to the applicable requirements of the Postal Service and the Yuba City Public Works Department, with due consideration for street light location, traffic safety, security and consumer convenience.

64. The Design Engineer shall provide calculations analyzing available sewer and storm drain capacity and certify additional demands of the subdivision can be satisfied. If the demands cannot be satisfied, the Design Engineer shall provide offsite improvement plans to do so and the Developer shall construct any necessary offsite improvements.

65. The Design Engineer shall provide technical reports to substantiate the sizing of pipes. The reports shall include:

- a. hydrology/hydraulic calculations
- b. sewer calculations
- c. calculations using the City's water model

66. Required Improvement Plan Notes:

- a. "Any excess materials shall be considered the property of the contractor/owner and shall be disposed of away from the job site in accordance with applicable local, state and federal regulations."
- b. "During construction, the Contractor shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and roadways. The Contractor shall be responsible that all construction equipment is

equipped with manufacturers approved muffler baffles. Failure to do so may result in the issuance of an order to stop work.”

- c. “If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Sutter County Environmental Health Department, the Fire Department, the Police Department, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies.”
- d. "The Contractor(s) shall be required to maintain traffic flow on affected roadways during non-working hours, and to minimize traffic restriction during construction. The Contractor shall be required to follow traffic safety measures in accordance with the CalTrans “Manual of Traffic Safety Controls for Construction and Maintenance Work Zones.” The City of Yuba City emergency service providers shall be notified, at least two working days in advance, of proposed construction scheduled by the contractor(s).”
- e. “Soil shall not be treated with lime or other cementitious material without prior express permission by the Public Works Department.”

Prior to acceptance of Public Improvements

Engineering Division

- 67. Prior to paving, the Developer shall vacuum test all manholes to ensure no leakage will occur.
- 68. Prior to paving, the Developer shall hydroflush, and televise, all storm drain mains and all sewer mains. In addition, prior to the City’s acceptance of the subdivision improvements, and at the Public Works Department’s discretion, the storm sewer and sewer mains shall be re-hydroflushed.
- 69. Where soil or geologic conditions encountered during grading operations are different from those anticipated in the geotechnical investigation, or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic investigation shall be submitted for approval by the Public Works Department. It shall be accompanied by an engineering and geological opinion as to the safety of the site from hazards of settlement and seismic activity.
- 70. The contractor shall maintain record drawings of the improvements and keep them on site at all times. When the project is complete, the contractor shall deliver a marked set of plans to the Engineer of Record. The Engineer of Record shall update the improvement plans with the record information. Once the changes have been added to the plans, the Engineer of Record shall submit both an electronic copy (AutoCad version 2000 or newer) and hard copy (on mylar) to the City. The City will not accept the completion of the improvements until the electronic copy and hard copy have been submitted.

71. All existing well(s), septic tank(s), and service lines shall be destroyed in accordance with the requirements of the Sutter County Environmental Health and Yuba City Building Departments, respectively.

Prior to Final Map Recordation

Engineering Division

72. Property is part of the Harter Parkway/State Route 20 Intersection Improvements Reimbursement Agreement. APN 63-010-106 owes \$2,017.33 and APN 63-010-107 owes \$23,581.46 payable at the first building permit.
73. Property shall pay its fair share towards a traffic signal at State Route 20 and El Margarita Road which is calculated to be 1% of \$900,000 payable at the first building permit.
74. Property shall participate in an Assessment District for maintenance of the streets (if public), participate in City's Community Facilities District for police and fire services, and participate in a Lighting and Landscape Maintenance District for maintenance of street lights.
75. 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, maintaining the street lights, and maintaining the masonry walls. The Engineering Division shall be reimbursed actual costs associated with the formation of the district.
76. All public street lighting shall be dedicated to the City of Yuba City.
77. A public utility easement shall be provided along all interior streets extending 10 feet minimum behind the back of the sidewalk or curb in areas without sidewalk.
78. A public utility easement shall be provided along the street frontages of El Margarita within the boundary of the map extending 12 feet behind the back of the sidewalk.
79. Cross easements over all property not occupied by buildings shall be reserved in deeds for all underground utilities, ingress and egress, parking, drainage, landscaping, and the maintenance thereof to the benefit of all parcels involved in the division.
80. A 10' easement centered on the water mains and (domestic and fire) water services from the water main to the meter box within the project shall be dedicated to the City.
81. A 10' easement centered on the sewer mains shall be dedicated to the City.

82. 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.
83. A preliminary soils report, prepared by a civil engineer licensed in the state of California, shall be submitted to the Public Works Department per Government Code Section 66490.

Prior to Building Permit

Engineering Division

84. 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

85. All street lighting shall be energized prior to the issuance of any building permits.
86. A building pad certificate from a licensed engineer as well as a lot grading certificate from a licensed surveyor shall be provided to the City.

Prior to Certificate of Occupancy

Engineering Division

87. Each lot shall be landscaped between the residence and the curb prior to occupancy between October 15th and April 15th. If it is deemed impractical, by the Public Works Department, to have the landscaping completed prior to occupancy, the Builder/Developer shall provide security for the value of the landscaping and commit to a water quality control plan to prevent the input of pollutants from the lot to the urban drainage system as approved by the Public Works Department.
88. The curb, gutter, sidewalk, and lot drainage shall be inspected and approved by the City. Any curb, gutter and sidewalk which is not in accord with City standards or is damaged before or during construction, shall be replaced.
89. Prior to the issuance of the first certificate of occupancy of the first residence in each phase, the perimeter subdivision wall and/or fence shall be in place to the satisfaction of the Public Works Department.
90. 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.

Building Division

91. Prior to issuance of any certificate of occupancy, all existing overhead utilities (of 26,000 volts or less) and proposed utilities, both onsite and along all project frontages shall be placed underground. 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.
92. Prior to issuance of any certificate of occupancy, all underground utilities, public improvements, and site improvements, including rough grading, shall be completed.

Planning Division

93. The Developer shall be required to pay their fair share of the cost of the preparation of a Master Plan for the area. This contribution shall be \$16,000 and shall be paid prior to the issuance of any certificate of occupancy permit for any structure.

3. GENERAL PLAN AMENDMENT GP 10-03, REZONE RZ 10-04, FOR THE UPDATING OF LAND USE AND ZONING DESIGNATIONS ON MULTIPLE PROPERTIES FOR INTERNAL CONSISTENCY; APPLICANT: CITY OF YUBA CITY.

Project Description:

The proposed project includes the amendment of the City's General Plan land use designations and rezoning of multiple properties located citywide to ensure that the subject properties have consistent land use and zoning designations. In 2004 the City updated its General Plan and associated land use map, but did not make the necessary amendments to the zoning and General Plan designations on all affected properties. As a result, there are multiple inconsistencies between land use and zoning designations on properties throughout the community. While this may not present any immediate issues, there can be potential issues associated with the future development of a parcel with conflicting zoning and land use designations.

The purpose of this project is to amend the General Plan and Zoning designations on properties that have conflicting land use and zoning designations. The proposed amendments do not change the allowable existing uses on the subject properties. Initially there are over 1,500 properties that have conflicting land use and zoning designations that require updating. However, for this "first phase" of consistency amendments, staff is only proposing to amend those properties where there is no reduction in zoning value proposed which equates to nearly 950 properties. For example, where an existing single family residence that is surrounded by other single family residences and is designated with a General Plan designation of Low Density Residential but has R-3 zoning, staff is recommending that the zoning be changed to R-1 for consistency purposes. For those cases where a property owner could claim a reduction of zoning value, staff is proposing to address those properties as part of a future phase two project.

A complete listing of the affected properties is contained in Exhibit B which identifies: parcel number; property address; existing land use and zoning designations; proposed land use and zoning designations; actual use of property; and, any additional comments related to the proposed change. Where there is no information in the “proposed land use” or “proposed zoning” columns, this means that there is no change to that category.

Environmental:

A Negative Declaration (Exhibit A) was prepared for the project and is attached for Commission review and consideration. Staff requests that the Planning Commission adopt the attached Negative Declaration and recommend that the City Council adopt the attached Negative Declaration.

Staff Comments:

General Plan Amendment GP 10-03:

Section 8-8 of the Yuba City Municipal Code specifies that a member of the public may initiate a General Plan amendment. The Municipal Code requires the Planning Commission to forward its recommendation and findings to the City Council for action. The Municipal Code does not contain any required findings for the amendment of a General Plan. However, Section 65358 of the California Government Code states that a City may amend its General Plan if it deems the amendment to be in the public interest. In the case of General Plan amendment GP 10-03, staff reasons that the proposal is in the public interest because the land use changes will ensure that the land use and zoning designations are consistent with each other. Therefore, staff recommends that the Planning Commission make the following finding:

General Plan Amendment GP 10-03 to change the General Plan land use designation of the affected properties as shown in Exhibit B is in the public interest.

Rezone RZ 10-04:

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. In the case of Rezone RZ 10-04, if the Planning Commission and the Council find that the General Plan amendment is in the public interest and approve GP 10-03, the proposed zoning contained in Exhibit B will be consistent with the new General Plan designations. Staff recommends that the Planning Commission make the following finding:

Rezone RZ 10-04 is consistent with the proposed land use designations identified in Exhibit B.

Recommended Actions:

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

- A. Adopt the Mitigated Negative Declaration as shown in Exhibit A.
- B. Recommend that the City Council adopt the finding that General Plan Amendment GP 10-03 to change the General Plan designation of the affected properties in Exhibit B is in the public interest.
- C. Recommend that the City Council approve General Plan Amendment GP 10-03 to change the General Plan designation on the affected properties as shown in Exhibit B.
- D. Recommend that the City Council adopt the finding that Rezone RZ 10-04 is consistent with the proposed land use designations identified in Exhibit B.
- E. Recommend that the City Council approve Rezoning RZ 10-04 to change the Zoning classification on the affected properties as shown in Exhibit B.