



**CITY OF YUBA CITY  
PLANNING COMMISSION  
STAFF REPORT**

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**Meeting Date:** September 28, 2022  
**To:** Chair and Members of the Planning Commission  
**From:** Development Services Department  
**Presentation By:** Doug Libby, Deputy Director of Development Services

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**Subject:** **Use Permit (UP) 14-07 Amendment to allow the construction of a new approximately 5,700 sq. foot addition to the existing Twin Rivers Charter School at 2510 Live Oak Blvd.**

**Recommendation:** A. Conduct a Public Hearing and make the necessary findings to;  
B. Adopt a Resolution to determine the project is Categorical Exempt from CEQA pursuant to CEQA Guidelines Section 15314, Minor Additions to School, and approve Use Permit Amendment 14-07, subject to the Conditions of Approval, to allow the construction of approximately 5,700 sq. foot pre-engineered metal building at Twin Rivers Charter School located at 2510 Live Oak Blvd.

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**Applicant/Owner:** Mike Paustian / EK LLC  
**Project Location:** 2510 Live Oak Blvd, APN 51-580-021, -022, -023  
**Project Number:** Use Permit Amendment 14-07  
**General Plan and Specific Plans:** Low Density Residential  
**Zoning:** One-Family Residence District, R-1

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**Purpose:**

To approve Use Permit Amendment 14-07 to allow the construction of a single story +/- 5,712 sq. pre-engineered metal building to add additional classroom space, visual arts performance room and restroom facilities.

**Project Proposal:**

The applicant is proposing to construct a new single story approximately 5,700 square foot pre-engineered metal building to house two Transitional Kindergarten (TK) classrooms, one multi-purpose classroom with an accordion door to be used for after school programs, and one visual arts performance room for the current Twin Rivers Charter School students. There will also be multi-stall boys' and girls' restrooms, storage, drinking fountains and faculty restroom.

**Background**

The Planning Commission approved Use Permit 14-07 in December 2014, which allowed the construction and operation of a kindergarten through eight grade charter school in an R-1 zone district. In accordance with the requirements of Section 8-5.502 of the City's Zoning Ordinance, a public or quasi-public use such as a charter school requires the approval of a Use Permit when proposed in an R-1 zone district.

The school is currently designed to accommodate up to 470 students and has 45 full time and 9 part time staff to make a total of 54 staff members. TK hours are 8:45 am – 12:00pm and K-8 hours are 8:45 am – 2:30pm. The parent drop off time for each grade will be given a time slot to drop off the children.

**Property Description:**

The actual school facility is on 5.84 acres of the overall 10-acre site near the southern property line which is shared with the Water Treatment Plant. Access into the site will be from Live Oak Boulevard only, and an existing pedestrian connection to Northridge Park.

**Analysis:**

The applicant is proposing to construct a new single-story pre-engineered metal building to house two TK classrooms with separate bathrooms, one multi-purpose classroom, and one visual arts performance room for the current students. The project also proposes to add multi-stall boy and girls' restrooms, storage, drinking fountains and a faculty restroom. The design of the proposed improvements will match with the existing school facilities.

The existing school currently has 455 students enrolled at the end of the 2021-2022 school year. The application proposes to increase the school population by 1 TK class in 2023-2024 with 20 students required by the state guidelines. The remainder of the addition will be used for existing students.

In 2014, a traffic study was prepared and analyzed for 470 students. The addition of 20 students puts them just slightly over what was analyzed. After staff review and consideration, staff determined no additional traffic study is required as part of this application.

Additionally, Condition of Approval #38 from the original Use Permit states the following:

*The northerly portion of the original 10 acres of land, along the frontage of Live Oak Boulevard, that is not part of the school development, is to be improved at such time of future adjacent development. Improvements shall include road widening to a half-width (centerline to back of curb) of 24.5 feet. Frontage improvements shall include, a 2.5-foot curb and gutter, an 8.0-foot*

*landscaped parkway strip (measured from back of curb), and a 6.0-foot-wide sidewalk. The area between the back of curb and the sidewalk shall be landscaped.*

The applicant applied for a Lot Line Adjustment and moved the northerly portion of the lot to be extended approximately 68 feet. Staff has added a condition that the landscape, curb and gutter shall be extended to the new northerly property line.

In regards to the vacant lot that has been used as a drop off for students in the past, the applicant has stated they used the gravel area to comply with social distancing requirements during COVID-19. The school will not use that area for drop-off or pick-up moving forward.

### **Environmental Determination:**

City staff have performed a preliminary Environmental Assessment of this project and have determined it falls within the Categorical Exemption set forth in CEQA Guidelines Section 15314, Minor School Additions. Furthermore, Staff has determined that none of the exception to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project.

### **Recommended Action:**

Conduct a public hearing and make the necessary findings to:

#### **Environmental:**

- A. Determine the project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15314, Minor School Additions.

#### **Use Permit Amendment 14-07:**

Based upon analysis of the Use Permit application, and subject to the applicant's compliance with the Conditions of Approval, staff concludes that the following required findings of Section 8-5.7003(d) of the Zoning Regulations can be made (*the required findings are in italics*):

- 1. The proposal is consistent with the General Plan.***

Staff analysis: The property is zoned R-1, Low Density Residential, which is consistent with the existing General Plan designation of Low Density Residential. The R-1 District allows a public or quasi-public use such as a charter school through the approval of a Use Permit by the Planning Commission.

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

Staff analysis: As shown on the project Site Plan, the actual school facility is on 5.84 acres of the overall 10-acre site near the southern property line which is shared with the Water Treatment Plant. Access to the school is from Live Oak Boulevard only, while there is a pedestrian connection to Northridge Park. Previous site improvements accommodate drop-off and pick-up activity, improvements to Live Oak Boulevard to handle turning movement in and out of the facility and outdoor play areas include both paved areas and grass fields. The

paved areas are located and configured to be used for basketball courts and overflow parking when and if needed. These improvements are located along the southern property line away from the residences to the north.

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

Staff analysis: Due to the nature of the proposed project, the City required the applicant to conduct a Traffic Impact Study (TIS), in coordination with Caltrans District 3 to determine if there were any potential impacts associated with the proposed project in 2014. A copy of the Caltrans approved TIS is on file with the Planning Department.

According to the TIS, the proposed project is projected to generate nearly 1,222 daily trips (1/2 inbound and 1/2 outbound). The highest volume hour in the morning would occur in the period before the school day begins. K-8 students would arrive between 7:45 to 8:35 a.m. which could generate 494 trips at that time. The highest volume hour in the afternoon is from 2:15 to 3:15 which could generate 404 trips during that time. Relatively little traffic would be generated in the normal p.m. commute hour (i.e. 80 trips). The TIS concludes that the proposed project with the appropriate mitigation measures will not have an adverse impact upon the surrounding area.

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

Staff analysis: There are two buildings that comprise the school facility which are separated by an outdoor student plaza. The two buildings include one structure that is 21,363 square feet to house the kindergarten through fifth grade classrooms, administrative offices, the main eating area and other miscellaneous rooms that can be used for special education, counseling and storage. The second structure includes 19,218 square feet to house the classrooms for sixth through eighth grades and an inside multi-purpose room that is sized and configured to accommodate a basketball court and an elevated stage area that can either be oriented to the inside or outside area depending upon the use and weather conditions. This building also includes rooms for music, art and science. Both of these structures are single story buildings, although the building that includes the multi-purpose room is taller in order to accommodate the intended uses of the multi-purpose room. The buildings have been designed to be both highly energy efficient and sustainable.

The new steel-building matches the existing classroom and will complement the site.

**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 addition will not be detrimental to the health, safety, peace, comfort or general welfare of persons residing or working in the vicinity of the area. Staff considers the charter school use to be consistent and complimentary with the surrounding land uses. Furthermore, the new building will be required to comply with all applicable building, fire, and life safety codes.



Given the project's location near the major roadway system and the nearby railroad tracks to the east, the applicant has an emergency evacuation plan of their own for the facility. It is believed that the most critical condition is that the railroad is moving away from the proposed school site and the proximate tracks are on the east side of an approximately 20 feet high levee. There is no high-pressure gas line adjacent to the track and there are no pedestrian or similar facilities with access to the railroad facility. There is no grade to the rail track as the ground is mostly flat and the curve in the tracks is slight as may be necessary to have the rail facility cross the Feather River. There are no crossings of the tracks by either vehicles or pedestrians. An evacuation plan prepared for the school to address a wide variety of issues, including the rail issues. The proposed project was routed to other city and regulatory agencies for review and comment. No comments were received regarding the proposed project.

**6. *At least one of the findings found in Title 6, Chapter 9, Article 6 of the Municipal Code is satisfied.***

Staff analysis: This project complies with this finding as the Sutter Butte Flood Control Agency (SBFCA) is the "Local Flood Management Agency" for the Sutter-Butte Basin and as such, has completed improvements to provide an urban level of flood protection in urban and urbanizing areas as required by Municipal Code Section 6-0.602 (a).

- B.** Adopt a Resolution to determine the project is Categorically Exempt from CEQA pursuant to CEQA Guidelines Section 15314, Minor Additions to School, and approve Use Permit Amendment 14-07, subject to the Conditions of Approval, to allow the construction of approximately 5,700 sq. feet pre-engineered metal building at Twin Rivers Charter School located at 2510 Live Oak Blvd.

**Attachments:**

1. Resolution approving Use Permit Amendment 14-07  
Exhibit A: Conditions of Approval
2. Location Map
3. Proposed Building Elevations
4. Use Permit 14-07 Conditions of Approval

# ATTACHMENT 1

**PLANNING COMMISSION RESOLUTION NO. PC 22-10**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YUBA CITY TO DETERMINE THE PROJECT IS CATEGORICALLY EXEMPT FROM CEQA PURSUANT TO CEQA GUIDELINES SECTION 15315, MINOR LAND DIVISIONS, AND APPROVE USE PERMIT AMENDMENT 14-07, SUBJECT TO THE CONDITIONS OF APPROVAL, TO ALLOW CONSTRUCTION OF APPROXIMATELY 5,700 SQ. FEET PRE-ENGINEERED METAL BUILDING AT TWIN RIVERS CHARTER SCHOOL LOCATED AT 2510 LIVE OAK BLVD.**

**WHEREAS**, Yuba City Municipal Code Section 8-5.7003, provides the process by which permits are obtained, findings, the permit review process, as well as the appeals process for any denials; and

**WHEREAS**, the applicant submitted an application for Use Permit Amendment 14-07 in June 2022 to allow the construction of a pre-engineered metal building; and

**WHEREAS**, the property is located in the R-1, Single Family Residence District, which allows public and quasi-public use with a Use Permit and which is consistent with the existing General Plan designation of Low Density Residential; and

**WHEREAS**, Staff have performed a preliminary environmental assessment of this project and have determined that it falls within the Categorical Exemption set forth in CEQA Guidelines section 15314 Minor Additions to School. Furthermore, Staff has determined that none of the exception to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project; and

**WHEREAS**, on September 28, 2022, the Planning Commission conducted a duly noticed public hearing on Use Permit Amendment 14-07, at which time it received input from City Staff, the applicant; public comment portion was opened, and public testimony and evidence, both written and oral, was considered by the Planning Commission, after which public testimony was closed; and

**WHEREAS**, the Planning Commission has reviewed the associated documents prepared for the project, and all of the evidence received by the Planning Commission; and

**WHEREAS**, after deliberation and consideration of all relevant items, the Planning Commission now desires to determine the project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15314, and approve Use Permit Amendment 14-07 subject to conditions, to allow the construction of an approximately 5,700 sq. feet pre-engineered building.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Yuba City approves Use Permit Amendment 14-07, subject to the Conditions of Approval, to allow the construction of an approximately 5,700 sq. feet pre-engineered building at 2510 Live Oak Blvd.

1. Recitals. The Planning Commission hereby finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.
2. CEQA. Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the City, as the Lead Agency, has analyzed the proposed project have

determined that it falls within the Categorical Exemption set forth in CEQA Guidelines section 15314, Minor Additions to School. Furthermore, Staff has determined that none of the exception to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project.

3. Findings. Based upon analysis of the Use of the Use Permit application, and subject to the applicant's compliance with the Conditions of Approval, staff concludes that the following required findings of Section 8-5.7003(d) of the Zoning Regulations can be made:
  1. The proposal 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 the size and design of the building will complement neighboring facilities.
  5. The establishment or operation of the use or building applied for will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the vicinity of the proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.
  6. The application satisfies at least one of the findings found in Title 6, Chapter 9, Article 6 of the Municipal Code.
  
4. Evidence.
  1. The property is zoned R-1, Low Density Residential, which is consistent with the existing General Plan designation of Low Density Residential. The R-1 District allows a public or quasi-public use such as a charter school through the approval of a Use Permit by the Planning Commission. The site is adequate in size to facilitate the public / quasi-public use of an ambulance rest station.
  2. As shown on the project Site Plan, the actual school facility is on 5.84 acres of the overall 10-acre site near the southern property line which is shared with the Water Treatment Plant. Access to the school is from Live Oak Boulevard only, while there is a pedestrian connection to Northridge Park. Previous site improvements accommodate drop-off and pick-up activity, improvements to Live Oak Boulevard to handle turning movement in and out of the facility and outdoor play areas include both paved areas and grass fields. The paved areas are located and configured to be used for basketball courts and overflow parking when and if needed. These improvements are located along the southern property line away from the residences to the north. The proposed use will utilize an existing building and facility.
  3. Due to the nature of the proposed project, the City required the applicant to conduct a Traffic Impact Study (TIS), in coordination with Caltrans District 3 to determine if there were any potential impacts associated with the proposed project in 2014. A copy of the Caltrans approved TIS is on file with the Planning Department.

According to the TIS, the proposed project is projected to generate nearly 1,222 daily trips (1/2 inbound and 1/2 outbound). The highest volume hour in the morning would occur in the period before the school day begins. K-8 students would arrive between 7:45 to 8:35 a.m. which could generate 494 trips at that time. The highest volume hour in the afternoon is from 2:15 to 3:15 which could generate 404 trips during that time. Relatively little traffic

would be generated in the normal p.m. commute hour (i.e. 80 trips). The TIS concludes that the proposed project with the appropriate mitigation measures will not have an adverse impact upon the surrounding area.

There are two buildings that comprise the school facility which are separated by an outdoor student plaza. The two buildings include one structure that is 21,363 square feet to house the kindergarten through fifth grade classrooms, administrative offices, the main eating area and other miscellaneous rooms that can be used for special education, counseling and storage. The second structure includes 19,218 square feet to house the classrooms for sixth through eighth grades and an inside multi-purpose room that is sized and configured to accommodate a basketball court and an elevated stage area that can either be oriented to the inside or outside area depending upon the use and weather conditions. This building also includes rooms for music, art and science. Both of these structures are single story buildings, although the building that includes the multi-purpose room is taller in order to accommodate the intended uses of the multi-purpose room. The buildings have been designed to be both highly energy efficient and sustainable.

The new steel-building matches the existing classroom and will complement the site.

5. The proposed addition will not be detrimental to the health, safety, peace, comfort or general welfare of persons residing or working in the vicinity of the area. Staff considers the charter school use to be consistent and complimentary with the surrounding land uses. Furthermore, the new building will be required to comply with all applicable building, fire, and life safety codes.

Given the project's location near the major roadway system and the nearby railroad tracks to the east, the applicant has an emergency evacuation plan of their own for the facility. It is believed that the most critical condition is that the railroad is moving away from the proposed school site and the proximate tracks are on the east side of an approximately 20 feet high levee. There is no high-pressure gas line adjacent to the track and there are no pedestrian or similar facilities with access to the railroad facility. There is no grade to the rail track as the ground is mostly flat and the curve in the tracks is slight as may be necessary to have the rail facility cross the Feather River. There are no crossings of the tracks by either vehicles or pedestrians. An evacuation plan prepared for the school to address a wide variety of issues, including the rail issues. The proposed project was routed to other city and regulatory agencies for review and comment. No comments were received regarding the proposed project.

6. This project complies with this finding as the Sutter Butte Flood Control Agency (SBFCA) is the "Local Flood Management Agency" for the Sutter-Butte Basin and as such, has completed improvements to provide an urban level of flood protection in urban and urbanizing areas as required by Municipal Code Section 6-0.602 (a).
7. Certification. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.
8. Effective Date of Resolution. This Resolution shall become effective immediately.

The foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Yuba City held on September 28, 2022 by the following vote:

Ayes:

Noes:

Absent:

Recused:

By order of the Planning Commission of the City of Yuba City.

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Michele Blake, Planning Commission Chair

ATTEST:

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Benjamin Moody, Secretary to the Planning Commission

Exhibit A: Conditions of Approval

# EXHIBIT A

**CITY OF YUBA CITY  
CONDITIONS OF APPROVAL  
USE PERMIT 14-07 AMENDMENT  
SEPTEMBER 28, 2022**

**TWIN RIVERS CHARTER SCHOOL  
2510 LIVE OAK BLVD  
YUBA CITY, CA 95991**

**NOTICE TO PROJECT APPLICANT**

In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within ninety (90) calendar days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

**IMPORTANT: PLEASE READ CAREFULLY**

Please note that this project is subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies, those determined through the use permit review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community, and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings can be made.

All discretionary conditions of approval will ultimately be deemed mandatory unless appealed by the applicant to the City Council within 10 days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

Approval of this use permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development.

Approval of this use permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this use permit,



the zoning ordinance, and all City standards and specifications. This use permit is granted, and the conditions imposed, based upon the application submittal provided by the applicant, including any operational statement. The application is material to the issuance of this use permit. Unless the conditions of approval specifically require operation inconsistent with the application, a new or revised use permit is required if the operation of this establishment changes or becomes inconsistent with the application. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the use permit or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the use permit review process or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this use permit or subsequent amendments or revisions. These conditions are conditions imposed solely upon the use permit, and are not conditions imposed on the City or any third party. Likewise, imposition of conditions to ensure compliance with federal, state, or local laws and regulations does not preclude any other type of compliance enforcement.

These conditions are applicable to any person or entity making use of this use permit, and references to “developer” or “applicant” herein also include any applicant, property owner, owner, leasee, operator, or any other person or entity making use of this use permit.

### **CONDITIONS OF APPROVAL**

1. To the furthest extent allowed by law, applicant/property owner shall indemnify, hold harmless and defend City and each of its officers, officials, employees, consultants, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, damages and costs (including attorney's fees, litigation expenses and administrative record preparation costs) arising from, resulting from, or in connection with any Third-Party Action (as hereinafter defined). The term “Third Party Action” collectively means any legal action or other proceeding instituted by (i) a third party or parties, or (ii) a governmental body, agency or official other than the City, that: (a) challenges or contests any or all of these Conditions of Approval or any approval associated with entitlements associated with the project (collectively “Approvals”); or (b) claims or alleges a violation of CEQA or another law in connection with the Approvals by the City, or the grant, issuance or approval by the City of any or all Approvals. Applicant's/property owner's obligations under this paragraph shall apply regardless of whether City or any of its officers, officials, employees, consultants, agents or volunteers are actively or passively negligent, but shall not apply to any loss, liability, fines, penalties forfeitures, costs or damages caused solely by the active negligence or willful misconduct of the City or any of its officers, officials, employees, agents or volunteers. The provisions of this section shall survive any termination, revocation, overturn, or expiration of an approval.

Nothing in this section shall obligate the City to defend any claim and the City shall not be required to pay or perform any settlement arising from any such claim not defended by the City, unless the City approves the settlement in writing. Nor shall the City be prohibited from independently defending any claim, and if the City does decide to independently defend a claim, the applicant/property owner shall be responsible for City's attorneys' fees, expenses of litigation, and costs for that independent defense, including the costs of preparing any required administrative record. Applicant/property owner shall submit all documents filed in the Third-Party Action for review and approval of the City Attorney prior to filing of said documents on behalf of the City.

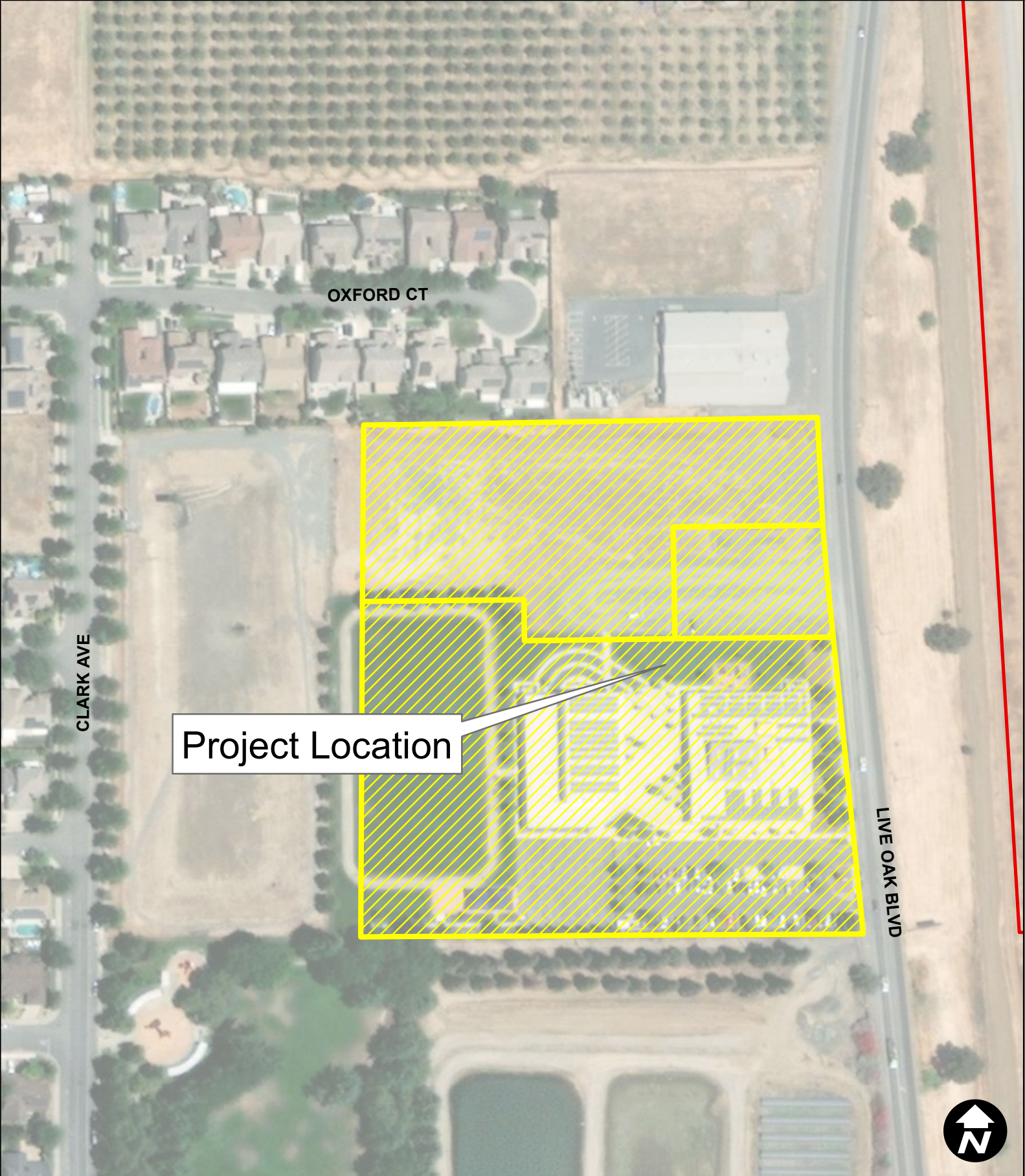
The City may, at any time, require the applicant to reimburse the City for costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of processing or defending any Third-Party Actions. The City shall provide applicant/property owner with an invoice detailing all reasonable costs incurred. Applicant/property owner shall tender to the City payment-in-full of all reasonable and necessary costs within thirty (30) days from the date upon the invoice. Applicant/property owner shall contact the City within a reasonable time to arrange any extension of the thirty (30) day time period for payment-in-full of the invoiced amount. Applicant/property owner further acknowledges and agrees, failure to timely tender payment-in-full to the City shall be considered a breach and non-compliance with the conditions of approval for the project. Applicant/property owner shall also be required, upon request of the City, to deposit two month's estimated costs anticipated by the City to be incurred, which may be used by the City as a draw down account to maintain a positive balance pending tender of payment by Applicant/property owner as noted herein.

2. All applicable Conditions of Approval from Use Permit 14-07, approved by Planning Commission on December 10, 2014, are still valid and apply.
3. The Developer shall prepare and submit improvement plans for the construction of all public improvements including but not limited to, storm drain facilities, roadway improvements, curbs, gutter, sidewalks, parkway strips, and any necessary signage.
4. Along the property frontage on Live Oak Blvd, of that portion of the new northern property line per Lot Line Adjustment 22-09, the adjacent roadway shall be widened to a half-width (centerline to back of curb) of 24.5 feet. Frontage improvements shall include a 2.5-foot curb and gutter, an 8.0 foot landscaped parkway strip (measured from back of curb), and a 6.0 foot wide sidewalk. The area between the back of curb and the sidewalk shall be landscaped and irrigation.

## ATTACHMENT 2

# Twin Rivers Charter School

Amended UP 14-07 | Location Map



OXFORD CT

CLARK AVE

Project Location

LIVE OAK BLVD



# ATTACHMENT 3



TWIN RIVERS CHARTER SCHOOL  
USE PERMIT AMENDMENT PRESENTATION



2510 LIVE OAK BLVD.  
YUBA CITY, CA 95991



Swift Lee Office

543A S. RAYMOND AVE.  
PASADENA, CA 91105  
T. 323.257.8200  
www.swiftleeoffice.com © 2021

JUNE 17, 2022

SCALE 1/16" = 1' - 0"





2510 LIVE OAK BLVD.  
YUBA CITY, CA 95991

TWIN RIVERS CHARTER SCHOOL EXPANSION\_SITE PLAN

JUNE 17, 2022

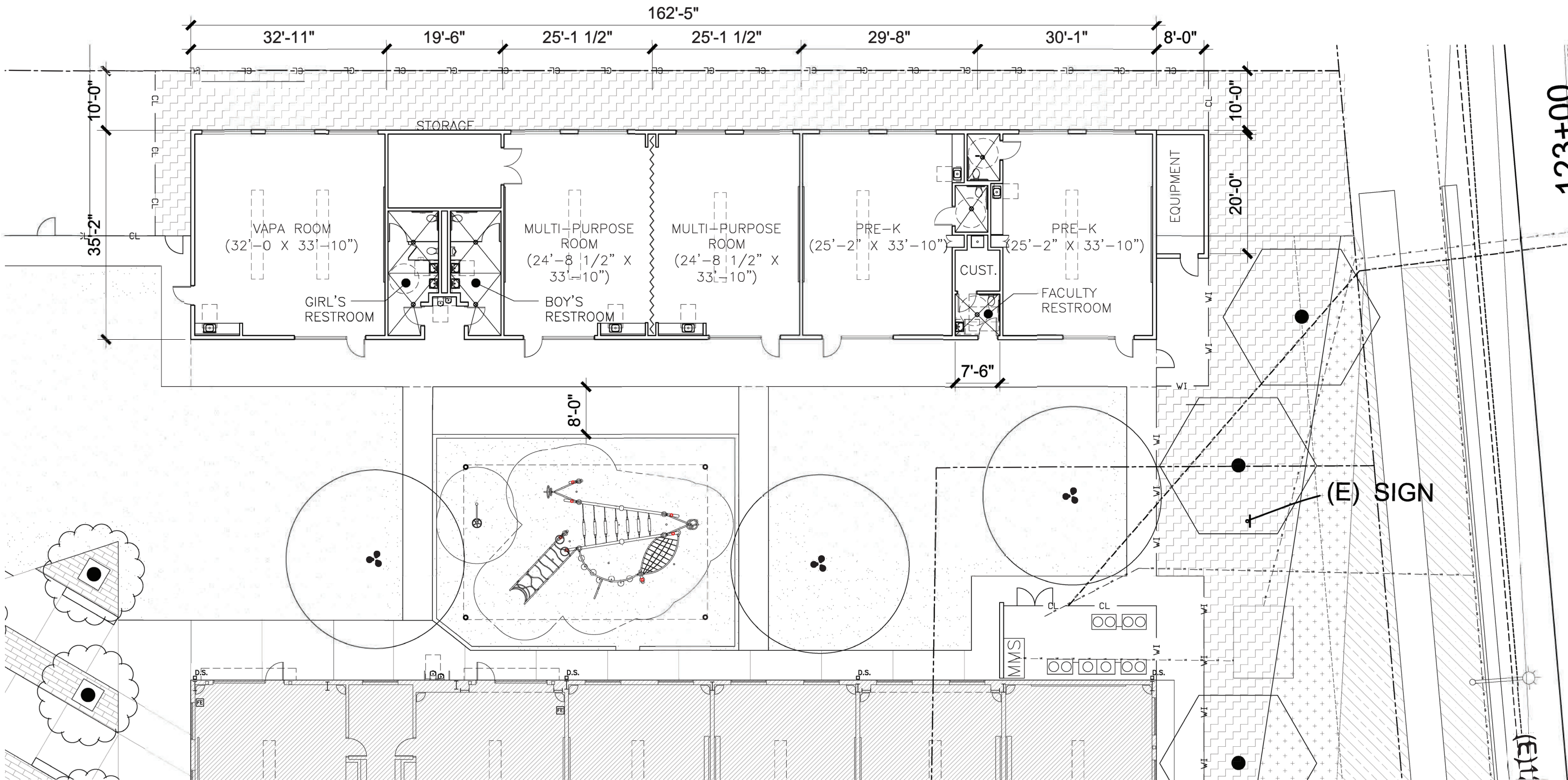
SCALE 1/16" = 1' - 0"

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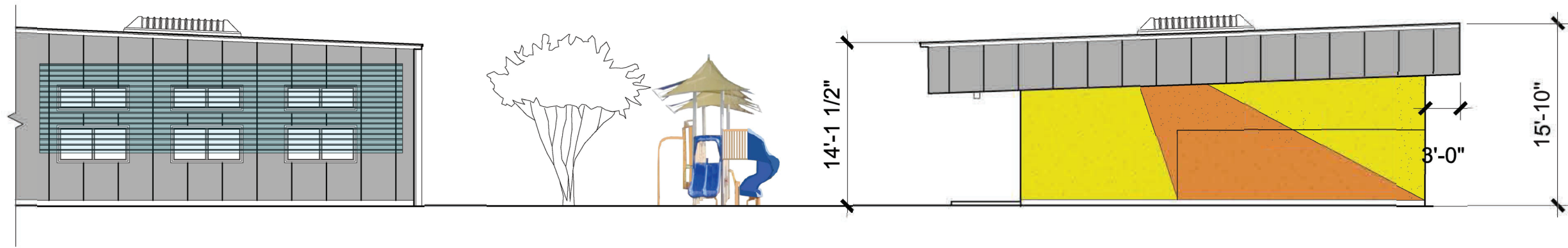


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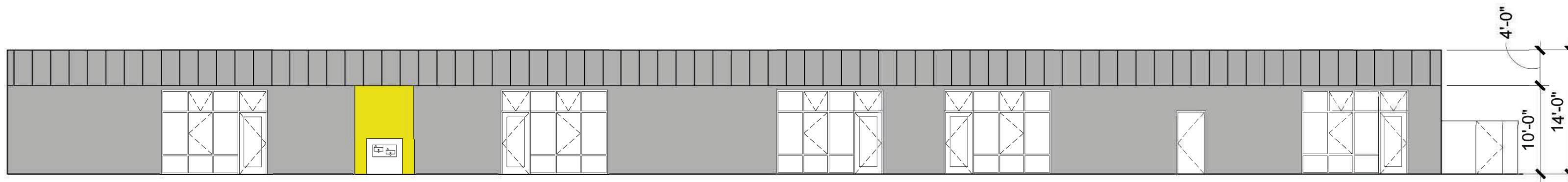
(E) SIGN







EAST ELEVATION



SOUTH ELEVATION



2510 LIVE OAK BLVD.  
YUBA CITY, CA 95991



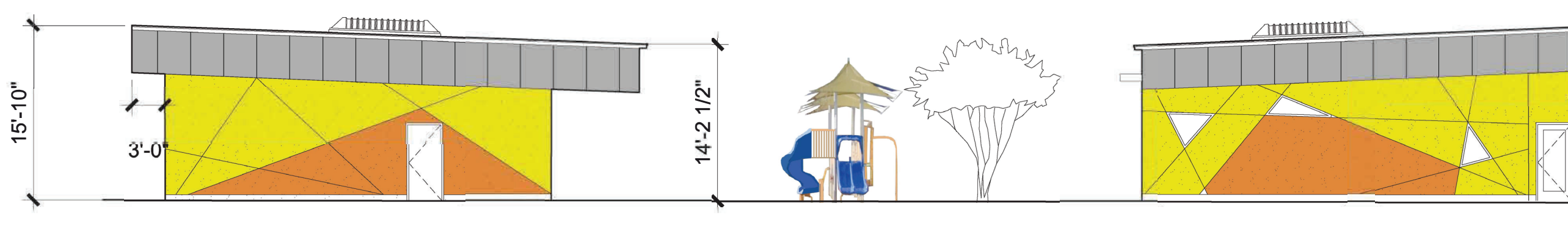
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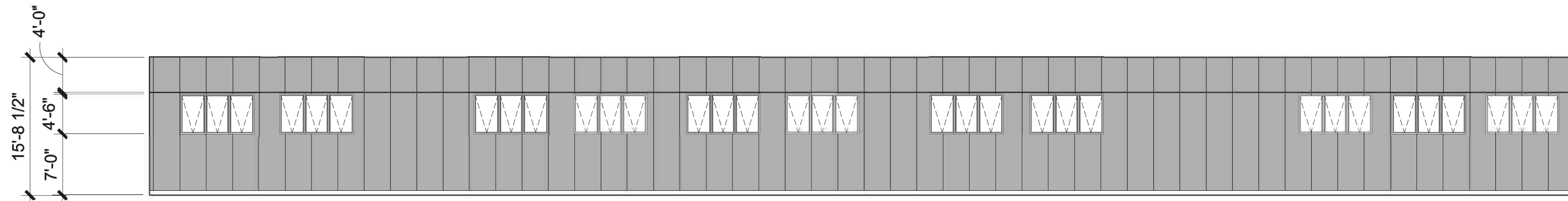
TWIN RIVERS CHARTER SCHOOL EXPANSION BUILDING ELEVATIONS

JUNE 17, 2022

SCALE: 3/32" = 1' - 0"



WEST ELEVATION



NORTH ELEVATION



2510 LIVE OAK BLVD.  
YUBA CITY, CA 95991



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TWIN RIVERS CHARTER SCHOOL EXPANSION\_BUILDING ELEVATIONS

JL JUNE 17, 2022

SCALE 3/32" = 1' - 0"



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## TWIN RIVERS CHARTER SCHOOL EXPANSION\_CONCEPT

JUNE 17, 2022

SCALE : N.T.S.



2510 LIVE OAK BLVD.  
YUBA CITY, CA 95991







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## TWIN RIVERS CHARTER SCHOOL EXPANSION\_COLLAGE

JUNE 17, 2022

SCALE : N.T.S.



2510 LIVE OAK BLVD.  
YUBA CITY, CA 95991



# ATTACHMENT 4

**CONDITIONS OF APPROVAL**  
**Use Permit # UP 14-07 Erik Karshoej Education Charter School**  
**December 10, 2014**

**General**

**Planning Division**

1. Use Permit UP 14-07 is approved as described and conditioned herein and as shown in Exhibit A and B.
2. Use Permit UP 14-07 shall be limited to a term of two years, with an opportunity to request a one-time two year extension prior to the expiration date of said Use Permit.
3. Should artifacts or unusual amounts of bone or shell be uncovered during demolition or construction activity, all work shall be stopped and a qualified archeologist shall be contacted for on-site consultation. Avoidance measures or appropriate mitigation shall be completed according to CEQA guidelines. The State Office of Historic Preservation has issued recommendations for the preparation of Archeological Resource Management Reports which shall be used for guidelines. If the bone appears to be human, California law mandates that the Sutter County Coroner and the Native American Heritage Commission be contacted. (*Mitigating Measure*)

**Engineering Division**

4. 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.
5. 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 (2010), AASHTO Policy on Geometric Design of Streets and Highways for local roads, and FHWA Manual on Uniform Traffic Control Devices for Streets and Highways (May 2012).
6. 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.
7. All grading operations on the project shall be suspended as directed by the Feather River Air Quality Management District when sustained 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.



8. 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 inactive construction areas. Contractor to provide the specifications to the City Inspector.
9. 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.
10. To help contain fugitive dust, construction sites shall be watered down during the construction phase of the project or as directed by the Public Works Department. Water conservation is a priority for the City, and therefore recommends that the contractor monitor their use and obtain water from alternate sources (e.g. agricultural wells) when available.
11. 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.
12. 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, etc.) 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.
13. 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.
14. Paved streets shall be swept frequently (water sweeper, wet broom) if soil material has been carried onto adjacent paved, public thoroughfares from the project site.
15. Provide temporary traffic control as needed, and/or as deemed appropriate by the Public Works Department, to improve traffic flow and to reduce vehicle dust emissions. Effective measures are to enforce vehicle traffic speeds at or below 15 mph and to reduce unnecessary vehicle traffic by restricting access. Provide appropriate training, onsite enforcement, and signage.
16. 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.

17. 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.
18. 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.
19. The Developer's Superintendent/Representative shall be onsite when contractor is working and be available to the City's Inspector(s) 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.
20. 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.
21. Sidewalks, within and adjacent to the construction area, shall be kept clean and remain accessible for American Disability Act compliance.
22. Storage of construction material is not allowed in the travel way.
23. 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, and the Developer's SWPPP representative.

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

#### **Engineering Division**

24. Provide evidence that a Notice of Intent has been submitted and received by the local Water Quality Control Board for a General Construction Activity Storm Water Permit.



Two copies of the project Storm Water Pollution Protection Plan shall be provided to the City.

25. Project shall comply with the City's Stormwater Management and Discharge Control Ordinance.
26. 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.
27. 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. If retaining walls are required they shall be constructed of concrete or masonry block. The retaining wall is required where grade differences between the proposed development and the surrounding land is greater than 6" (inches).
28. The area shall drain to the detention pond that is on City property east of Clark Avenue. The drainage plan shall conform to the report entitled "Northeast Yuba City Drainage Area Master Drainage Plan."
29. The improvement plans shall reflect coordination with Sutter Butte Flood Control Agency in the construction of the on-site storm drain line. A complete, operating storm drain system is to be constructed per City requirements.
30. 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.
31. 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 13, "Water Pollution Control," of the Caltrans Standard Specifications for construction of streets and local roads dated 2010, 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/>. 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.

32. 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 recordation of map.
33. 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.
34. The contractor shall obtain an Encroachment Permit from the City prior to performing any work within public rights of way.
35. 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.
36. Improvement plans shall be approved by the Yuba City Fire Department.
37. Along the property frontage on Live Oak Blvd, of that portion of the original 10 acres being currently developed, the adjacent roadway shall be widened to a half-width (centerline to back of curb) of 24.5 feet. Frontage improvements shall include a 2.5 foot curb and gutter, an 8.0 foot landscaped parkway strip (measured from back of curb), and a 6.0 foot wide sidewalk. The area between the back of curb and the sidewalk shall be landscaped.
38. The northerly portion of the original 10 acres of land, along the frontage of Live Oak Boulevard, that is not part of the school development, is to be improved at such time of future adjacent development. Improvements shall include road widening to a half-width (centerline to back of curb) of 24.5 feet. Frontage improvements shall include, a 2.5 foot curb and gutter, an 8.0 foot landscaped parkway strip (measured from back of curb), and a 6.0 foot wide sidewalk. The area between the back of curb and the sidewalk shall be landscaped.
39. Construct a northbound left turn lane along Live Oak Blvd. at the school access. A left turn lane is to be constructed in length that accommodates the morning peak queue of two cars and a bay taper for deceleration to stop from 40 mph. The total length for the turn lane and bay taper shall be at least 365.0 feet. Improvements are to include all necessary striping, markings, & signage. {Traffic Mitigation Measure 4}

40. A physical barrier at the driveway to limit exiting traffic to right turn only at peak traffic periods shall be installed. {Traffic Mitigation Measure 5}
41. Provide a southbound acceleration taper (100.0 feet long and 6.0 feet wide) in Live Oak Blvd south of the school's proposed driveway. Improvements shall include all necessary striping, markings, & signage. {Traffic Mitigation Measure 6}
42. 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.
43. The structural section of Live Oak Blvd 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 a traffic index of 10 for arterial streets. A copy of the geotechnical investigation, including R-value, test locations and structural section calculations, shall be submitted to the Public Works Department.
44. Striping, pavement markings and traffic signage shall be provided on Live Oak Blvd as required by the Public Works Department. Signage restricting parking and red painted curbing shall be installed where appropriate. These proposed speed limit signs shall be shown on the Improvement Plans.
45. All service laterals (water, sewer, irrigation, fire suppression), along with required meters, are to be shown on the civil improvement plans.
46. 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.
47. Any landscaping (bushes, ground cover) and the street trees shall be drought tolerant.
48. 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.
49. 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 species shall be planted.
50. The final improvement plans shall reflect street tree placement so that no interference with streetlights, traffic control signage, and driveways will occur to the satisfaction of the Public Works Department. The trees shall be planted no closer than 10.0 feet to the existing PG&E gas line.

51. Special drop inlet frames and grates shall be installed at all drop inlets and junction drop inlets throughout the project. 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.
52. The improvement plans shall show the modification of the fence at the northeast corner of Northridge Park to allow for a man-gate.
53. 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**

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

55. 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 improvements, and at the Public Works Department's discretion, the storm sewer and sewer mains shall be re-hydroflushed.
56. 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.
57. 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 2007 or newer) and a hard copy to the City. The City will not accept the completion of the improvements until the electronic copy and hard copy have been submitted.
58. The property shall petition for formation of a Zone of Benefit of the Yuba City Landscaping and Lighting Maintenance District for the purpose of maintaining street trees which are to be planted along Live Oak Blvd and maintaining the street lights. The Engineering Division shall be reimbursed actual costs associated with the formation of the district.
59. All street lighting shall be dedicated to the City of Yuba City.
60. The Developer's Superintendent/Representative shall submit three sets of Pacific Gas and Electric approved utility plans showing joint trench locations and distribution lines.
61. A building pad certificate from a licensed engineer as well as a lot grading certificate from a licensed engineer and/or surveyor shall be provided to the City.
62. Developer is to contribute an amount equivalent to the cost of signs, striping and pavement markings for an all-way stop to be installed by the City of Yuba City at the Northgate Drive / Gray Avenue, to help provide an alternative route to the SR 99 interchange. \$3,300.00 {Traffic Mitigation Measure 1 }
63. Modify the eastbound approach striping at the Live Oak Blvd. / Queens Avenue intersection to facilitate a left turn pocket adequate in size to handle Peak Hour traffic. {Traffic Mitigation Measure 2 }
64. Developer shall contact Caltrans District 3 one month before the school opens to inform Caltrans of the anticipated enrollment and bell schedule. If requested by Caltrans, the Developer shall provide new a.m. peak and p.m. peak hour traffic counts at the SR 99 /

Queens Avenue interchange ramp intersections after the school is in operation. {Traffic Mitigation Measure 3}

65. The project's proportionate share of traffic signal mitigation fees (as outlined in the Traffic Impact Analysis for the Twin Rivers Charter School on Live Oak Blvd; prepared by KD Anderson & Associates, Inc.; dated October 21, 2014) shall be paid as summarized below:
  - a. To mitigate the impacts from the project on the intersection of Live Oak Blvd and Pease Road the developer shall contribute 0.4% of the total cost for the installation of a traffic signal at this intersection. This project's proportional amount is \$1,468.00. {Traffic Mitigation Measure 8}
  - b. To mitigate the impacts from the project on the intersection of Live Oak Blvd and Northgate Drive the developer shall contribute 19.0% of the total cost for the installation of a traffic signal at this intersection. This project's proportional amount is \$69,730.00. {Traffic Mitigation Measure 9}
  - c. To mitigate the impacts from the project on the intersection of Queens Avenue and Clark Avenue the developer shall contribute 11.4% of the total cost for the installation of a traffic signal at this intersection. This project's proportional amount is \$41,838.00. {Traffic Mitigation Measure 10}
66. Modify Northridge Park to accommodate pedestrian traffic accessing the school from the north east corner of the park. Improvement work is to include the installation or modification of sidewalks, landscaping, and irrigation work per City requirements to accommodate a pedestrian access gate to the school.
67. No Parking signs shall be posted along Live Oak Blvd.

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

### **Engineering Division**

68. A Lot Line Adjustment showing the final configuration of the parcel shall be submitted to, and approved by, the City.
69. A 10.0 foot wide public utility easement shall be provided along the property fronting Live Oak Blvd.
70. The curb, gutter, sidewalk, and parcel 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. All sidewalks along the City right-of-way shall be free of any non-control joint cracking. In addition, any concrete with cracks, chips, blemishes, and spalling greater than an inch in diameter shall be replaced from control joint to control joint.

71. The school administration shall work with parents to clearly identify the limits of the school's parking supply and indicate the need to avoid off-site parking that interferes with the use of available parking spaces with adjacent properties.
72. The owner shall make provisions to provide for traffic monitors at the school access and drop-off areas to direct on-site traffic, at the school, to ensure that traffic does not queue back onto Live Oak Blvd. {Traffic Mitigation Measure 7}
73. If there is not sufficient parking within the parking lot, the hard courts shall be used to meet parking demand.
74. Overhead utilities along the west side of Live Oak Blvd. that are within the school site development, as shown on the civil plans dated October 10, 2014, are to be undergrounded. All other overhead utilities within the original 10 acres of land are to be undergrounded at such time that the adjacent land develops.