

RESOLUTION NO. 2024-XXX

RESOLUTION OF THE CITY OF MARYSVILLE PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL APPROVE A DEVELOPMENT PLAN REVIEW, USE PERMIT NO. 22-03 AND DESIGN REVIEW NO. 23-82 FOR THE B STREET PROJECT

WHEREAS, Engstrom Properties, Inc. and The Presidio Companies, LLC filed for consideration of a Development Plan Review for a project over 75,000 sf, a Design Review Application No. DR 23-82 for construction of a 113 room, 62,620 SF 4-story hotel with 2,500 SF event space, a 2,500 SF quick service restaurant and a 16,000 SF retail/market space; and Use Permit Application No. UP 22-03 to allow a quick serve restaurant with dual drive-thru lane, with the City of Marysville.

WHEREAS, the Marysville Planning and Historic Preservation Commission considered the request for Development Plan Review, Design Review Application DR 23-82 and a Use Permit Application No. UP 22-03, reviewed the staff report, and heard testimony relative to the B Street Project at a duly noticed public hearing held on February 7, 2024, and adopted a resolution recommending the City Council approve the Development Plan Review, Design Review Application 23-82 and approving a Use Permit Application No. U-22-03; and

WHEREAS, the Project qualifies as Exempt from the California Environmental Quality Act (CEQA) Guideline Section 15332 which identifies the Class 32 categorical exemption for projects characterized as in-fill development less than five-acres in size and surrounded by urban uses. The site has been previously developed, is consistent with the General Plan and Zoning District, is within the city limits, has no value as habitat for endangered, rare, or threatened species, approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and the site can be adequately served by all required utilities and public services. There are no unusual circumstances that will result in a significant effect.

BE IT, THEREFORE, RESOLVED, that the Marysville Planning and Historic Preservation Commission has made the following findings regarding the request for Development Plan Review, Design Review Application DR 23-82 and a Use Permit Application No. UP 22-03:

Development Plan Review Findings:

- 1. The site for the proposed use is adequate in size and shape to accommodate said use, and public access, parking and loading, setbacks, landscaping, and other development standards required by Title 18 (Zoning) are met.**

There is no minimum lot size for the proposed uses, but the site is adequate to accommodate the hotel, event space, quick service restaurant, and retail/market space, together with adequate parking and driveway access as required by the Municipal Code. There is adequate access for vehicles to access the site from adjacent public roadways. The proposed project complies with the development standards including setbacks, minimum yard, landscaping, and height requirements.

- 2. There will be adequate infrastructure, including but not limited to sewer, water, storm water drainage, and adequate street capacity to carry the quantity of traffic anticipated for this project.**

The project as proposed together with the conditions of approval ensure that adequate roads, utility, and drainage facilities will meet the demands of the proposed lodging and retail center. Vehicular access to the site is conveniently located from two existing driveways from the B Street frontage and one on 14th Street. A traffic and transportation analysis indicates how many trips the proposed project could generate and there is adequate street capacity to accommodate that quantity of trips (and therefore vehicular traffic) anticipated for this project. The building plans will be reviewed and approved by the Marysville Building Division before a permit is issued. Grading and drainage plans will be reviewed and approved by the City Engineer and Public Works Department. Adequate water, sewer, and storm drainage is available to the site. Utilities such as electricity, natural gas, and solid waste are available to the site.

- 3. The site design, design of the building and scale of the project will be compatible with neighboring uses.**

The proposed project has been designed to fit within the existing urban context and serve the City's existing demand for the proposed uses. The buildings have been designed to architecturally complement the neighboring buildings and provide complementary uses to the existing neighborhood uses. The scale of the project is compatible with the existing development surrounding the site.

Use Permit Findings:

- 4. The proposal is consistent with the general plan and any relevant specific plan, neighborhood plan, or area plan.**

The proposed use is consistent with the General Plan and the Zoning District which allows development of hotel, drive-through and grocery uses. The General Plan Goal for Commercial Land Use is to retain and renew existing commercial land uses and designate sufficient new commercial areas to meet future City needs. The proposed project will renew an existing development site within the City. The proposed hotel, restaurant and grocery uses will benefit the City's economic development goals and provide convenient services to Marysville residents. There is no relevant specific plan, neighborhood plan, or area plan.

- 5. The site for the proposed use is adequate in size and shape to accommodate said use and its associated yards, parking, landscaping and other improvements required by Title 18 of the Municipal Code and other relevant city standards.**

There is no minimum lot size for the proposed uses, but the site is adequate to accommodate the hotel, event space, quick service restaurant, and retail/market space,

together with adequate parking and driveway access as required by the Municipal Code. The project site is a split C-3 General Commercial and M-1 Light Manufacturing zoning district. The project has met all the development standards set forth in the Municipal Code for the respective zoning districts including but not limited to building height, setbacks, landscaping requirement, and parking requirements.

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

A vehicle miles traveled (VMT) analysis was conducted which shows the project will have no effect on adjacent roadways. No encroachment permit or improvements are required by this project along the Caltrans Hwy 70/B Street frontage and conditions of approval require compliance with the Municipal Code.

7. The site design and the size and design of the building(s) will complement neighboring facilities.

The quality of the project submittal, adherence to the development standards of the respective C-3 and M-1 zoning district, together with the conditions of approval associated with the design review request assure the project is of high quality and compatible with surrounding development. The site design accommodates the needs of the existing use on the corner of 12th and B streets. The buildings have been designed to fit within the existing neighborhood context and serve the needs of the community and neighbors.

8. The establishment and operation of the use 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.

The proposed project is designed to improve the health, safety, peace, comfort, and general welfare of persons residing or working nearby. It proposes to add needed services and retail opportunities on a vacant site that has been underutilized in recent years. This improves safety and activity in a vibrant area of town. It also provides improved access to a market and quick-serve restaurant. As conditioned, the B Street Project will not constitute a nuisance to surrounding properties, or be determinantal to the health, safety, or welfare of City residents. In addition, adequate conditions of approval have been incorporated into the project.

Drive-Through Performance Standards

9. Per section 18.96.030 of the Municipal Code regarding Drive-through facility performance standards, the project complies with all the following standards:

- a) The Proposed Project is seeking the required use permit to be approved by the Planning Commission.
- b) Entries and/or exits to drive-through facilities are a minimum of one hundred feet from both the B and 14th Street and B and 12th Street intersections, and there are no other drive-thru lanes within one hundred feet of the proposed quick serve restaurant.

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- c) Drive-through stacking lanes are well beyond one hundred feet from any residential zoned lot. The nearest residentially zoned property is on the other side of the Railroad Right of Way east of the project.
- d) Sound attenuation walls, landscaping or other mitigation measures are not required to screen or mitigate drive-through speaker and traffic noise on nearby residential uses because they are far enough away not to require such measures.
- e) The Drive-through aisles are a minimum twelve-foot width on curves and a minimum eleven-foot width on straight sections.
- f) The Drive-through aisle is a dual entry system with sufficient stacking area behind the menu board to accommodate a minimum of six cars.
- g) The Drive-through aisles do not exit directly onto a public right-of-way, and aisles integrate with the on-site circulation and merge with the on-site driveways.
- h) The Drive-through aisle is separated from landscaping areas by a six-inch high, poured in place, concrete curb.
- i) Landscaping screens drive-through aisles from the public right-of-way, an additional condition of approval avoids headlight glare from oncoming traffic, and landscaping minimizes the visual impacts of readerboard signs and directional signs.

Design Review Criteria**10. Per section 18.87.070 of the Municipal Code regarding design review, the architectural consideration is based on the following criteria:**

- a) The height, bulk, and area of the subject building and other buildings in the same vicinity. The height, bulk, and area of the buildings in the proposed project will fit within the neighborhood context, including the other existing buildings in the same vicinity and the project complies with all the development standards including height limits, setbacks, and landscape requirements.
- b) The color and materials to be used and their compatibility with adjacent buildings and with any other regulations applicable thereto. The proposed color and materials of the proposed project are of a high quality and in alignment with other similar projects. The colors are consistent with the Historic District color palette. They are compatible with the adjacent buildings, and they comply with all applicable regulations.
- c) The site, layout, orientation and location of the building and its relationship with open areas. The site has been laid out and the buildings oriented such that they are located in a logical arrangement that is to accommodate the hotel, event space, quick service restaurant, and retail/market space, together with adequate parking and driveway access as required by the Municipal Code. There is adequate access for vehicles to access the site from adjacent public roadways. The proposed project complies with all development standards including setbacks, minimum yard, landscaping, and height requirements.
- d) The appropriateness of sign designs, exterior lighting and graphics. The sign designs are not approved with this application and may be considered at the staff level. The proposed project includes a photometric lighting plan and is conditioned to avoid lighting problems, including safety considerations within the drive-through. The graphics, if proposed, will be considered with the sign application.

BE IT, THEREFORE, RESOLVED, that the Planning Commission does hereby recommend that the City Council approve the Development Plan thereby approving Design Review application 23-82 and Use Permit Application No. U-22-03, subject to the following conditions of approval:

Land Use: The proposed land use shall be established and operated in accord with the application materials and development plans for Use Permit 23-03 and Design Review 23-82 and as approved by the City of Marysville Planning and Historic Preservation Commission.

1. All construction shall conform in substance and be maintained in general conformance with plans and exhibits dated 01-09-2024 as attached, including modifications required by the conditions of approval, and as required for approval by the Planning Commission.
2. Subsequent modifications to the approved architecture and color scheme shall be submitted for review and approval to the Community Development Staff. Should the modifications be considered substantial in the opinion of the staff, the Architectural Review Board shall review the modifications.
3. Construction permits shall be obtained for all future construction work, as required by the City of Marysville, Building Division.
4. Prior to the issuance of any construction permits, the utility relocation plan shall be approved in concept by affected utilities, including but not limited to PG&E, Cal Water, and the City of Marysville Public Works Department. Easements for relocated on-site utility lines shall be recorded prior to the issuance of a building permit.
5. The project shall be required to bring the 14th Street project frontage (curb, gutter, sidewalk, and pavement section to centerline) to City Standards, generally from the proposed eastern driveway/curb cut to the west of the former Chestnut Street alleyway as determined necessary by the City Engineer. This would include repairing and/or installing new curb gutter and sidewalk and installing new pavement section or bringing the current pavement section to a Pavement Condition Index (PCI) of above 80. An Encroachment Permit shall be required for work within 14th Street right-of-way.
6. The Permittee shall comply with the noise ordinance and shall take such measures as may be necessary or as may be required by the City to prevent offensive noise, lighting, dust, or other impacts which constitute a hazard or nuisance to motorists, persons on the property and in the surrounding areas.
7. The project shall provide a landscape screen or a "headlight shield" to safeguard ingress drivers at night from confusion when confronted with headlights on the right from the quick serve restaurant queuing traffic.
8. All development shall be designed to local, state, and federal flood standards.
9. **Stormwater Management:** The applicant shall furnish a Stormwater Pollution Prevention (SWPPP) signed and sealed by a Qualified SWPPP Developer (QSD) since the site area is over one acre.
10. Driveways must be maintained in such a manner as to prevent soil, rocks, and debris from tracking onto public roads.
11. The development shall comply with Yuba County / City of Marysville stormwater requirements and NPDES Post-Construction Standards Plan. The Post Construction information can be found here:

https://www.yuba.org/departments/community_development/public_works/stormwater/index.php .

12. The Developer shall comply with all City requirements related to drainage, including submittal of a drainage plan for any drainage improvements for the proposed development. A drainage analysis, along with calculations, shall be submitted to the City Engineer for approval. The analysis shall include, but is not limited to:
 - a. Grading and drainage plan showing the proposed drainage conveyance and storage system.
 - b. Storm Drain Collection Systems- For the design of all pipeline conveyance facilities, the Hydraulic Grade Line (HGL) shall be maintained a minimum of one foot below the gutter flow line of all drain inlets and at least one foot below all maintenance hole rims during a 10-year, 24-hour storm event. The storm drain minimum pipe size shall be 12 inches. The minimum velocity shall be 2 fps.
 - c. Drainage systems, if required (pipes and street systems) shall be designed to accommodate the runoff from the development.
 - d. The drainage analysis shall be completed and stamped by a Professional Engineer and determined by the City Engineer, if necessary, to be comprehensive, accurate, and adequate.
13. **Signs:** Signs shown on the plans were not evaluated or approved with this application. Signs shall be considered and approved under separate applications and may be approved at the staff level.
14. A building permit must be issued, and substantial work in reliance on that permit must be completed within two years from the effective date of this decision. If said project is not completed or substantial progress has not been made within such time, the approval granted under these provisions shall expire. The applicant may request a 1-year extension in writing prior to the permit expiration, which shall be first considered by the Planning Commission.
15. **Indemnification:** Applicant shall hold harmless the City, its council members, officers, agents, employees, and representatives from liability for any award, damages, costs, and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.
16. **Water Efficient Landscaping:** All irrigation on-site shall be automatic drip irrigation. Per SB 1383 "Calgreen" requires a licensed landscape engineer to prepare landscape irrigation and planting plans to comply with water conservation guidelines. Such landscape engineer shall certify compliance with water efficient landscape guidelines prior to final building inspection and Certificate of Occupancy.
17. Perimeter fencing along the eastern property line abutting the Railroad ROW shall be installed and shall be six feet high black vinyl clad chain link with black posts and black rails. The Community Development Director may approve an alternate fence design.
18. **Air District Requirements:** The applicant shall pay the required Feather River Air Pollution Control District fee directly to the district prior to the issuance of a building permit.

19. Best Management Practices for Air Quality: The following measures shall be included in the project:

- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- b. All haul trucks transporting soil, sand, or other loose material off site shall be covered.
- c. All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
- f. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- h. All construction equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

20. Accessibility: The Site Plan shall include code compliant accessible parking spaces, access aisles, and an accessible route from accessible parking spaces to all entrances and exterior ground floor exits. The clear width for sidewalks and walks shall be 48" minimum. The slope of any accessible route shall not exceed 1:20 (5%) in the direction of travel for walking surfaces, slope of ramps and curb ramps shall not exceed 1:12 (8.3%), and the cross slope shall not exceed 1:48 (2%). Where the accessible route crosses onto a vehicular route of travel, provide a 36" long continuous detectable warning mat where the pedestrian path crosses or adjoins the vehicular way, such as a driveway, to warn of potential hazards.

21. At least one accessible route shall be provided within the site that connects accessible buildings, accessible facilities, accessible elements, and accessible parking spaces and accessible loading zones; public streets and sidewalks; and public transportation stops to the accessible building or facility entrance they serve. The project shall provide a direct pedestrian path from the public sidewalk on B Street to the Retail/Grocery Store. Said path may be combined with the Quick Serve Restaurant path.

22. Food Services: The hotel will require submittal of an application to Yuba County Environmental Health for plan check for the commercial kitchen including submittal of the kitchen plans; and the Market and Quick Serve Restaurant require an application for Tenant Improvement plan check for the Food Facility including submittal of a facility plans. A stamped set of plans by Yuba County shall be submitted to the City prior to the issuance of a corresponding building permit. (contact Clark Allen Pickell, Director Environmental Health (530) 749-7523 CPickell@CO.YUBA.CA.US)

PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY

23. All sidewalks along the City and Caltrans 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.

24. Prior to issuance of any certificate of occupancy, all underground utilities, public improvements, and site improvements, including rough grading, shall be completed in accordance with City requirements.