



City of Yuba City

Council Chambers

May 24, 2017

7:00 p.m.

The meeting was called to order at 7:02 p.m.

**Roll Call:**

Present: Commission Members Michele Blake, Jana Shannon, John Sanbrook, Dale Eyeler, Jackie Sillman, and Chairperson Daria Ali.

Absent: Commissioner Larry Robinson.

Also present were Arnolando Rodriguez, Development Services Director/Recording Secretary, Edwin Palmeri, Senior Planner, and Diana Langley, Public Works Director.

**Pledge of Allegiance to the Flag:**

Led by Commissioner Dale Eyeler

**Public Communication:**

No comments made during this time.

**Presentation:**

Item #4. Recognition of Paul Basi's service as Sutter County liaison to the Planning Commission

This item was continued to the next meeting.

**Public Hearing:**

Item #5. Consideration of General Plan Amendment (GP 16-07), Rezone (RZ 16-06) Development Plan (DP 16-01), Tentative Subdivision Map (SM 16-04), and Environmental Assessment (EA 16-16): Yuba Crossing.

Commissioner Eyeler recused himself from acting on the project to avoid a conflict of interest given that his place of business was located proximate to the site. After recusing himself, Commissioner Eyeler removed himself from the Council chambers.

Presented by Senior Planner Edwin Palmeri

Senior Planner Edwin Palmeri reviewed the project indicating that the applicant had previously submitted several applications, including a General Plan amendment, rezone, development plan, and use permit for the site that were considered by the Planning Commission and City Council in 2013. The applicant proposed to reclassify the site from the Low Density Residential and One-Family Residential (R-1) designations to the Community Commercial (C-2) designation to facilitate the development of the site

with a commercial center, a self-storage facility, and a pharmacy with a drive-through. Ed noted that at its meetings of July 10 and July 24, 2013, the Planning Commission expressed concerns relative to compatibility with the surrounding residential areas and traffic impacts to local roadways. The applicant's 2013 site plan included improvements to a portion of Oji Way to accommodate the additional traffic that would be generated by the project and would also make improvements to the existing signalized intersection. The Planning Commission, on a 3-3-0 vote, forwarded the project without a recommendation to the City Council. On August 20, 2013, the City Council approved the general plan amendment, rezone, and use permit with the condition that Oji Way be improved as part of the initial phase of the project.

Senior Planner Palmeri discussed the applicant's most recent request, which includes a general plan amendment, rezone, tentative subdivision map, development plan, and environmental assessment for 8.7 acres located on the north side of Franklin Road approximately 575 feet west of the intersection of State Route 99 and Franklin Road. More specifically, Palmeri indicated that the project included the following entitlements:

1. *General Plan Amendment (GPA) 16-07*: To redesignate the northern 5.9 acre portion of the property from the Community Commercial Planned Land Use designation of the City's General Plan to the Low Density Residential designation;
2. *Rezoning (RZ) 16-06*: To rezone the northern 5.9 acre portion of the property from the Community Commercial District (C-2) zone district to the One-Family Residential District/Combining District (R-1 X) zone district and 2.8 acres from the Community Commercial District (C-2) zone district to the Community Commercial/Combining District (C-2 X) zone district;
3. *Development Plan Review (DP) 16-01*: To develop a mixed-use complex consisting of 53 zero lot line single-family lots and 10 three-story live-work units in Phase 1. Phase 2 consists of 26 second-story apartments above commercial space, internal roads, on-site amenities, parking, landscaping and public improvements;
4. *Tentative Subdivision Map (SM) 16-04*: Tentative subdivision map to create 57 lots for residential and commercial/retail/office use in two phases.
5. *Environmental Assessment (EA) 16-16*: Environmental assessment of the proposed project.

Palmeri indicated that a mitigated negative declaration had been prepared for the project and circulated to the State Clearinghouse for review by state agencies and circulated for Native American tribal consultation. He noted that a traffic impact study was prepared for the project by Ken Andersen & Associates. The study surmised that traffic impacts would be mitigated with implementation of one of three scenarios. The traffic study recommended improvements to a portion of Oji Way as part of Phase 2 of the project, the southernmost portion of the project, along the Franklin St. frontage. Palmeri noted that until Oji Way was improved at some future date, the only access in and out of the site would be from a proposed 40-foot wide access drive via Franklin, while Kean Avenue would serve as a gated emergency access road to the site.

Commissioner Sandbrook inquired if eastbound vehicle movements on Franklin Road would be able to make a left hand turn into the project and if there was an existing turn lane to make that movement.

Palmeri responded that they would be able to turn left into the project. Public Works Director Diana Langley noted there is an existing continuous left hand turn lane that is available for left hand turns into the project. Langley clarified that the traffic impact study provided several turning movement options including a left hand turn out of the project in Phase I onto Franklin Road.

Commissioner Ali asked about the City's timeframe for construction of Oji Way. Director Langley explained that the City would need to purchase intervening property between Franklin Road and Whyler Road. The project is in the major street impact road program; however, construction will depend on acquiring the right-of-way. She noted that the City currently owns one of the four parcels, sans the two parcels as part of this project, and the City would need to acquire three additional parcels.

Commissioner Sandbrook noted the he drove the parking lot of the Cinemark theatre lot where Oji Way would be extended and it is approximately 2/10 of a mile. Sandbrook asked if the City would have to purchase a portion of the parking lot of the Cinemark movie theatre to complete Oji Way. Development Services Director Rodriguez, employing Google maps, remarked that it is approximately 614 feet north of the portion of right-of-way included in the project. Director Langley indicated the City has an irrevocable offer on the Cinemark Oji Way section and would investigate if the City would need to purchase additional right-of-way to complete Oji Way.

Commissioner Sillman inquired if traffic would be using Kean Avenue. Palmeri stated the City would prefer that traffic not use Kean Avenue except for emergency access to the project.

Commissioner Sandbrook asked if the project's portion of Oji Way was 160 feet in length. Palmeri responded that was correct.

Commissioner Shannon stated the City should build Oji Way from Whyler Road to Kean Avenue.

Chairperson Ali opened the item for public comment and asked for comments from persons in favor of the project.

Applicant's architect Lex Coffroth introduced New Faze personnel in the audience. He briefly went over the project.

Commissioner Sandbrook noted that he liked the concept and the project was unique to Yuba City. Sanbrook inquired as to what happened with the previously approved commercial project. Coffroth stated the economics of the commercial project did not work out and that the site location, parcel configuration, and access do not lend themselves well for commercial development. Coffroth indicated the Yuba Crossings project is similar to others built in the Sacramento area.

Commissioner Sandbrook inquired as to the price points for the project. Sanbrook also asked if there would be a Home Owners Association and the anticipated monthly fees. Coffroth responded that the cost of the units is be driven by the market and the project did offer both single family and apartment units. Coffroth indicated there would be an HOA but did not have a figure as to the HOA fees.

Ken Anderson, project traffic engineer with Ken Anderson and Associates, indicated the traffic impact study provided three mitigations to reduce traffic impacts to less than significant and described the three

options for the project to avoid significant impacts: 1. Reduced project size, 2. Prevent left hand turns out of the project, and 3. Install Oji Way improvements in Phase 2.

Commissioner Shannon noted that Oji Way is speculative and has been planned for a long time. She recommended that Kean Avenue should be improved for the benefit of the residents on Kean Avenue.

Commissioner Sillman noted the desire for a walkable community and the need to look at installation of a bus shelter with the ability of the bus to pull into the shelter area. Director Rodriguez pointed out that there is an existing bus bench on both the north and south side of Franklin Road immediately adjacent to the project site.

Commissioner Sandbrook indicated that the interior driveway for persons exiting the project would be operating at a Level of Service E, which is not acceptable. Ken Anderson confirmed that a LOS E would occur for persons exiting the project.

Naar Heer, 2307 Grove Court, Yuba City, spoke in favor of the project.

With no one else to speak either for or against the project Chairperson Ali closed the public hearing and opened for Commission discussion and a motion.

Commissioner Blake indicated the project was refreshing. She noted that we are dependent on vehicles and this project would provide an opportunity for active modes of transportation and bus transportation. Commissioner Blake asked if Franklin Road would be striped for cyclist. Director Langley responded that Franklin Road is striped with Class 2 bike lanes. Langley also indicated Kean Avenue would remain open with an emergency access gate into the project.

Commissioner Blake inquired as to how we would ensure that there will be no commercial vacancies. Senior Planner Palmeri responded that keeping commercial space full was a market place function.

Commissioner Sanbrook stated the project is unique. He expressed concerns regarding compatibility with homes on Neil Drive and setback for homes in Victoria Estates. Commissioner Sanbrook did note there is a block wall proposed along the westerly project boundary. Palmeri responded that there was sufficient set back given the loop access road in the project and there is a 15-foot setback adjacent to Victoria Estates. It was also pointed out the project includes a decorative block wall along the easterly boundary adjacent to future extension of Oji Way.

Commissioner Sanbrook expressed some concern regarding setbacks adjacent to Victoria Estates, but indicated it was not a big issue. He noted that Phase I includes two-thirds of the project and the project was nearly twice the average 4.6 density for single-family residential. In addition, he noted the size of the lots vs. the standard lot size, and rear yards between 5 to 15 feet. Commissioner Sanbrook pointed out that the access drive would operate at LOS E in the PM hours, and noted General Plan policies require operation at LOS D or better. Sanbrook inquired as to what would trigger Phase 2 completion with construction of Oji Way and stated common sense requires improvement of Oji Way with Phase I.

Chairperson Ali indicated she likes the project but is concerned about traffic and agrees with Commissioner Sanbrook regarding timing of Oji Way in Phase I.

Chairperson Ali asked if there was a motion to make a Commission recommendation to City Council.

Commissioner Sanbrook motioned to forward a recommendation to City Council to approve a resolution making the necessary findings to approve General Plan Amendment (GP 16-07), Development Plan (DP 16-01), Tentative Subdivision Map (SM 16-04) with the amended condition of project approval that Oji Way be improved as part of Phase 1 rather than Phase 2, adopt an ordinance to approve Rezone (RZ 16-06) and adopt Environmental Assessment (EA 16-16).

Commissioner Blake seconded the motion. The Commission voted to approve the project by a vote of 5 yes, 0 no, 1 absent, and 1 abstain (Commissioner Eyeler recused himself from acting on the project to avoid a conflict of interest given that his place of business was located proximate to the site.)

### **General Items**

#### **Item #6 Review General Plan Consistency of the City's proposed Capital Improvement Program Budget for 2015-2020.**

Presentation by Senior Planner Palmeri and Public Works Director Diana Langley

Senior Planner briefed the Commission regarding the purpose of the Capital Improvement Program (CIP), the City's comprehensive multi-year plan for the development and improvement of the City's capital facilities and infrastructure. Palmeri indicated that the plan is updated annually and outlines the capital projects that may take place over the next five years. The Planning Commission reviews the CIP prior to its adoption by the City Council each fiscal to determine whether the plan is consistent with the Yuba City General Plan.

Commissioner Sanbrook noted there is \$250,000 budgeted for Oji Way. Public Works Director Langley pointed out that you need a willing seller in order to proceed with full development of Oji Way.

Chairperson Ali inquired if there are grants available for road damage due to the recent rain. Director Langley noted grants are generally for "active transportation" projects and not typical road repair. Over the next 10 years, the City anticipates receiving approximately \$15 million from gas tax. In response to Commissioner Sanbrook, Director Langley said she would confirm if the City is required to purchase the Cinemark theatre property for the extension of Oji Way.

Commissioner Eyeler commented that it appears that most funding was in the next two years. Director Langley responded there are a number of reoccurring projects. In addition, some projects rely on one-time funds until the City is able to identify a funding source for the full project.

Chairperson Ali inquired about wastewater projects and if there is another percolation system required. Director Langley explained that an \$11.5 million dollar diffuser project is required downstream from the existing exposed diffuser because of river water levels. Currently the City is discharging wastewater into City holding ponds.

Commissioner Eyeler asked if the City is liable for wastewater emanating from homeless camps that goes into the river. Director Langley responded that this appears to be an issue in County areas along the river and such treatment is not a part of our discharge permit.

Chairperson Ali asked if there was a motion to make a Commission recommendation to City Council regarding consistency of the Capital Improvement Plan with the General Plan.

Commissioner Sanbrook motioned to find the City of Yuba City Capital Improvement Program Budget for 2015-2020 consistent with the 2004 City of Yuba City General Plan goals and policies.

Commissioner Sillman seconded the motion. The Commission voted to find the CIP consistent with the General Plan by a vote of 6 yes, 0 no, and 1 absent.

*Item #7. Planning Commission preference as to delivery and format of the Planning Commission packet.*

There was a brief discussion regarding the Planning Commissioners preference as to when to receive the Planning Commission packet and if the packet should be in an electronic or paper format. Several of the Commissioners indicated they would like to continue receiving a paper packet. All Commissioners indicated they would prefer receiving the electron packet on the Wednesday before the meeting and a full packet with large sized attachments and exhibits on Friday.

Chairperson Ali asked if there was a motion regarding delivery and format of the Planning Commission packet.

Commissioner Eyeler moved that electronic packets be received on the Wednesday before the meeting and the complete packet on the Friday before the meeting. The Commission approved the motion by a vote of 6 yes, 0 no, and 1 absent.

**Development Service Director Reports**

Director Rodriguez reviewed a number of projects under construction throughout the City. The projects include significant Yuba City Mall façade enhancements, a new El Polo Loco, and Farm Credit Bank at the intersection of Lassen and Tharp. Director Rodriguez noted there would be no meeting June 14, 2017, but there would be a meeting June 28, 2017.

**Report of Actions of the Planning Commission**

Chairperson Ali and Commissioner Sillman reported on recent Sutter County Planning Commission action to bring the county second dwelling unit ordinance into line with recent changes in State planning law.

**Adjournment:**

There being no further business, the meeting was adjourned at 9:17 p.m. to the next regular meeting by Chairperson Ali.

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Arnoldo Rodriguez, Secretary  
YUBA CITY PLANNING COMMISSION