



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

Date: April 24, 2019

To: Chair and Members of the Planning Commission

From: Development Services Department

Presentation By: Darin Gale, Interim Director

Public Hearing: *Tentative Parcel Map (TPM) 18-01 (Hilbers/Jones Properties LLC):*
Proposal to subdivide a 2.02-acre parcel into five commercial parcels ranging in size from 0.28 acre to 0.69 acres.

Project Location: The project site is located at 590 Colusa Avenue, which is on the southeast corner of Colusa Highway (SR 20) and Olive Street. Assessor's Parcel Number 52-161-042 (Attachment 2).

Project Proposal:

The proposal is to subdivide a 2.02-acre parcel into five commercial lots ranging in size from 0.28 acre to 0.69 acre. Two of the proposed parcels are already developed with the Waffle House Restaurant and the Java Retreat Coffee drive-through business. Three of the proposed parcels are undeveloped.

Background:

The western portion of the property (Waffle House) has been a restaurant for many years, likely back to the 1960s or 70s. As such the site does not meet today's development and design standards for landscaping, access driveways, trash enclosure, parking lot layout, shading, etc. The proposed eastern parcel contains the coffee drive-through business, which was developed about 15 years ago and does contain landscaping. The property also originally contained an auto gas station that was removed many years ago. The site has been determined to be clean by the state.

Access and Public Improvements:

The property is served by City services including, water, sewer, and storm-water drainage. Primary access is off Colusa Highway (SR 99) but also with driveways off Olive Street. The two driveways nearest the corner of Colusa Highway/Olive Street intersection are very close to the corner and do not meet today's standards. According to Caltrans those two driveways present operational and safety concerns. There are several other driveways onto the property.

Property Description:

The site is relatively flat with no unique topographic features such as rock outcroppings or heritage-type trees. There is an existing restaurant on the Colusa Highway/Olive Street corner with associated parking and a pole sign. The eastern portion of the property contains a coffee

drive-through business. The middle portion of the property is vacant with some remnant paving from a former auto gas station. The former gas station site has been determined by the state to be clean from contaminants. The primary frontage is onto Colusa Highway with several driveways onto the property. On the south side of the property Chestnut Street, which passes through a residential area, terminates and is fenced from access to the property.

Bordering Uses:

Table 1: Bordering Information and Uses			
	<i>General Plan Land Use Classification</i>	<i>Zoning</i>	<i>Existing Land Use</i>
<i>Project Site</i>	Regional Commercial	General Commercial (C-3)	Restaurant, coffee drive-through business with the center of the property vacant.
<i>North</i>	Community Commercial and Regional Commercial	C-3	Commercial uses across SR 20.
<i>East</i>	Regional Commercial	C-3	Bank
<i>West</i>	Regional Commercial	C-3	Commercial uses across Olive Street.
<i>South</i>	Low Density Residential	One-family Residential (R-1)	Single-family residences

General Plan Land Use Designation:

Regional Commercial – intended for commercial development that serves the greater area.

Zoning:

General Commercial (C-3), which is the City's commercial zone district that provides for the greatest range of commercial uses.

Previous Commission/Council Actions:

There have been no recent Planning Commission or City Council actions on this property.

Staff Comments:

Upgrading the property:

Staff appreciates that the new property owners want to upgrade this property, as compared to the alternative of developing orchard land on the outer edge of the City. In some ways this property has become blighted, which can also cause a downhill slide for other nearby properties. This property's revitalization will be beneficial to this older portion of the City, as investing in this property may encourage other nearby property owners to do the same. These improvements will complement the improvements that will be occurring nearby across Colusa Highway at the new

Dutch Brothers Coffee drive-through facility that the Planning Commission recently approved.

Staff is recommending conditions to improve this property. Two of the proposed parcels are already developed. Parcel 1 contains an existing Waffle Barn restaurant and Parcel 3 contains the Java Detour drive-through coffee business. The other three parcels are vacant.

Because this property was built upon many years ago, they do not meet many of today's standards for driveway safety, parking lot layout, lighting, landscaping, trash enclosure etc. It is always the City's goal to upgrade property to today's safety and aesthetic standards where possible and feasible. In this case the conditions are applied so that the public and property-wide improvements, such as Colusa Highway landscaping and lighting, and the rear masonry wall are included with the creation of these parcels. The interior private improvements, such as parking lot paving, lighting, and landscaping will be installed in the future when those properties develop.

The process of requiring public improvements as part of the subdivision of this to be redeveloped commercial property is the same process used for greenfield developments on the City's edge. To that end, staff has balanced the timing of the improvements that are needed to the property. That is, initial subdivision development approval typically requires public improvements be installed. Later, when individual commercial pads are to be built on, the adjoining parking, landscaping, lighting, and other site improvements will be installed. Conditions are included for this land division that are typically public in nature:

Cross-easements – As there will be several parcels sharing parking, driveway access, landscape maintenance, trash disposal, cross easements are needed to ensure this cooperation occurs. This is provided for in Condition # 24.

Streetscape Landscaping: The City has developed a beautification program for the Colusa Highway corridor. A condition is included to install this landscaping along the property frontage, although modified to the extent needed to reflect the property's existing conditions. Interior landscaping and tree shading are deferred until buildings are constructed or redeveloped on those parcels.

Lighting and interior landscaping: Public street lighting and Colusa Highway frontage landscaping is required as part of this land division. But interior parking lot lighting and landscaping is deferred until buildings are constructed on the new parcels.

Parking: The pavement on the existing parking area is deteriorated with potholes. In some places it is dirt or gravel. New paving is needed, but will not be required until the first property is to be developed with new or upgraded buildings.

Commercial/Residential buffer wall and pedestrian gate: At the rear of the property is a break between commercial and residential uses, a portion of which is divided by a wooden fence (the remainder of the rear property line is lined with an existing masonry wall). The fence also serves to terminate Chestnut Street at the property line. The City Zoning Regulations require a masonry wall be constructed between commercial and residential properties as a buffer. Condition #9 requires that wall as well as a pedestrian gate that will serve the residents living in the Chestnut Street area. The inclusion of a residential gate will allow the Chestnut Street area residents to utilize the commercial services offered without needing to drive to the property. The wall will also provide additional buffering for the residents if a drive-through aisle is constructed along the rear of the property. If a drive-through is proposed, the Zoning Regulations require a use permit so an individual review will occur to ensure the nearby residential property owners are buffered from drive-through speakers, car radios, etc.

Pole Sign: There is an existing pole sign located at the corner of SR 20 and Olive Street,

which is a non-conforming sign. The City has not permitted pole signs for over 20 years and in recent years many of them have been replaced with more appropriate signage. An ongoing effort has been made, especially on Colusa Highway, to clean the City up from these signs. In the past this portion of Colusa Highway has been used in the media as an example of sign clutter and how not to provide aesthetically pleasing experiences to people passing through the City. A condition is included that prior to filing the final map this pole sign will be removed. As a replacement a monument sign may be installed on the property, which will be in addition to the existing monument sign for Java Detour.

These improvements are important if there is a desire to upgrade the older parts of the City, to minimize possible future blight, and to improve the City's aesthetics for passers-through that will improve their impression of the City.

Traffic and Circulation:

The two existing driveways nearest the corner of SR 20 and Olive Street do not meet today's standards for safety and operations, per Caltrans comments. There is a condition included that requires closing the most westerly driveway on SR 20, and closing or limiting the most northerly driveway on Olive Street to ingress only. If Caltrans agrees, the Olive Street driveway nearest the highway could remain for vehicle ingress only, thus allowing the continued use of the parking spaces that can only be accessed by utilizing that driveway. The southerly driveway onto Olive Street will remain.

Compatibility with neighboring uses:

There is not expected to be compatibility issues between this commercial property and like commercial uses on three sides of this property. The single-family residences to the south, or rear of the property could see minor additional impacts from parking lot lighting and noise. If a drive-through is constructed that is close to the property line the potential impacts to those residential neighbors could increase. However, the City's Zoning Regulations require a use permit for new drive-through facilities and those issues will be addressed if and when a drive-through is proposed.

Availability of City Services:

All City services, including water, sewer and storm-water drainage are available to serve this site.

Environmental Determination:

The Project is categorically exempt from environmental review pursuant to Section 15315, Minor Land Divisions, of the California Environmental Quality Act (CEQA) Guidelines, which pertains to the division of a property into four or fewer parcels when the division is consistent with the General Plan and Zoning and has all urban services available, the slopes are less than 20 percent, and has not been subdivided within the last two years.

All development requirements of this section are met including the General Plan and Zoning standards, and all City services are to the flat site and the conditions of the map requires the property to be brought up to today's development standards and no variances to City standards are being requested. An exception to the description of this exemption is that the proposal is to create five new parcels as compared to the four allowed. However, this exemption remains applicable for two reasons. Two of the proposed parcels are fully developed with commercial uses so any increased impacts will be from only three parcels. Secondly the Subdivision Map Act allows minor land divisions (as compared to subdivisions) for more than four parcels, therefore

this remains a minor land division.

Recommended Action:

A. Adopt the following findings:

1. Environmental: After reviewing and considering the project in its entirety, this staff report, and other available information, there is not a potential for the project to create any significant environmental impacts. The project is therefore exempt from CEQA per Section 15315, "Minor Land Divisions."

2. TPM 18-01: Yuba City Municipal Code Section 8-2.609, and the California Subdivision Map Act Section 66474 require that City deny the parcel map if it makes any of the following findings (the required findings are in italics).

a. The proposed tentative parcel map is not consistent with the applicable General Plan and specific plan:

The General Plan designates the area for most commercial uses and office buildings. Commercial buildings exist on two of the proposed parcels and commercial uses are proposed for the two undeveloped parcels. There is no specific plan applicable to this property.

b. The design and improvement of the tentative parcel map is not consistent with applicable general and specific plans or adopted City standards:

The proposed parcel sizes, as shown on the parcel map that was submitted, are large enough to accommodate smaller commercial uses; and the property location is suited for such uses as it is located on a major transportation corridor and is located between other commercial uses. Further, any new use that locates onto one of the parcels is required to meet all zoning, building and public works development standards and be consistent with the General Plan.

c. That the site is not physically suited for the density of development:

With the conditions of approval applied to this division of the property into five commercial parcels, all City public improvement standards are required to be met. All private parking and landscaping standards will be met once the properties are developed.

d. That the site is not physically suited for the type of development.

The applicant has provided draft site plans showing how commercial buildings, along with required parking and landscaping will fit on each parcel.

e. That the design of the parcel map or likely improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat:

As provided earlier in this staff report, there is not a potential for the project to cause significant environmental damage or impact to any fish or wildlife habitat.

f. That the design of the parcel map or the type of improvements is likely to cause serious public health problems:

Every new parcel will be connected to City water, sewer and storm drainage systems in order to avoid public health problems.

- g. That the design of the parcel map or the type of improvements will conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision:*

The property is served by State Route 20 (Colusa Highway) and Olive Street, which is a City maintained street. Internal circulation for the parcels within the proposed project is required to be provided by an internal driveway system that are preserved in recorded cross easements that will run with the property. That internal system will be constructed when those lots are developed.

As provided above, none of the required findings that would require denial of the parcel map can be made. Therefore the tentative map may be approved.

- B. Approve Tentative Parcel Map 18-01, subject to the Conditions of Approval (Attachment 1).**

Attachments:

1. Conditions of Approval
2. Aerial photo/Location Map
3. Tentative Parcel Map 18-01

Tentative Parcel Map 18-01 Conditions of Approval

General

1. Approval of this tentative map may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this tentative parcel map, the Zoning Ordinance, 2016 Uniform Building Code, and all Public Works Standards and Specifications. The City shall not assume responsibility for any deletions or omissions resulting from the permit review process or for additions or alterations to construction plan not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions.
2. The applicant, operator, and/or property owner ("Applicant" herein) is required to enter into an agreement with the City agreeing to indemnify, defend, and hold harmless the City of Yuba City, its officers, attorneys, agents, employees, departments, commissioners, authorized volunteers, and boards ("City" herein) against any and all liability, claims, actions, causes of action or demands whatsoever against them, or any of them, before administrative or judicial tribunals of any kind whatsoever, in any way arising from, the terms and provisions of this land use approval, including without limitation any California Environmental Quality Act (CEQA) approval or any related development approvals or conditions whether imposed by the City, or not, except for City's sole active negligence or willful misconduct. This indemnification condition does not prevent the Applicant from challenging any decision by the City related to this project and the obligations of this condition apply regardless of whether any other permits or entitlements are issued. The land use approval shall not become effective until Applicant executes a "Covenant to Indemnify."

Expiration and Development Impact Fees

3. Approval of TPM 18-01 shall be null and void without further action if either the project has not been substantially commenced within two years of the approval date of TM 18-01 or that a request for an extension of time, pursuant to Section 66452.6 and as amended, of the California Subdivision Map Act, has been submitted to the City prior to the map's expiration date.
4. Development Impact Fees. Impact fees shall be paid pursuant to the YCMC.

Planning Division

5. The lot design on the parcel map shall be designed in conformance with the TPM 18-01, as approved by the Planning Commission.
6. Tentative Map TPM 18-01 shall comply with the Conditions of Approval.
7. 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.

8. Proposed Parcel #1 has an existing nonconforming pole sign. This sign shall be removed prior to filing a final map. A conforming monument sign may be installed in place of the removed pole sign. Parcel #3 has an existing monument sign utilized by Java Retreat, but could be upgraded and utilized by any or all of the businesses. No additional freestanding signs are permitted within this project.
9. As required by Section 8-5.5904(b)(4), prior to recordation of the final map, a six-foot high masonry wall shall be constructed along all property lines that currently do not have a masonry wall and that are common with residentially zoned property. A pedestrian gate/access, at the north end of Chestnut Street, shall be constructed with pedestrian access improvements incorporated as part of the future adjacent development, as approved by the Public Works Department.

Public Works

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.
11. Paved streets shall be swept frequently (water sweeper with reclaimed water recommended; wet broom) if soil material has been carried onto adjacent paved, public thoroughfares from the project site.
12. The Developer, at their 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.
13. Storage of construction material is not allowed in the travel way.
14. 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 lands or impede the drainage from those properties.
15. 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.
16. An encroachment permit from the State of California Department of Transportation will be required for all work to be done within any State Highway right-of-way. Encroachment Permit staff can be reached at (530) 741-4403. A copy of this permit must be supplied to the City prior to approval of the improvement plans.
17. The contractor shall obtain an Encroachment Permit from the City prior to performing any work within public rights of way.
18. The developer shall install a minimum of 3,750 square feet of landscaping, including irrigation, along the State Route 20 frontage. The landscaping shall be in accordance with

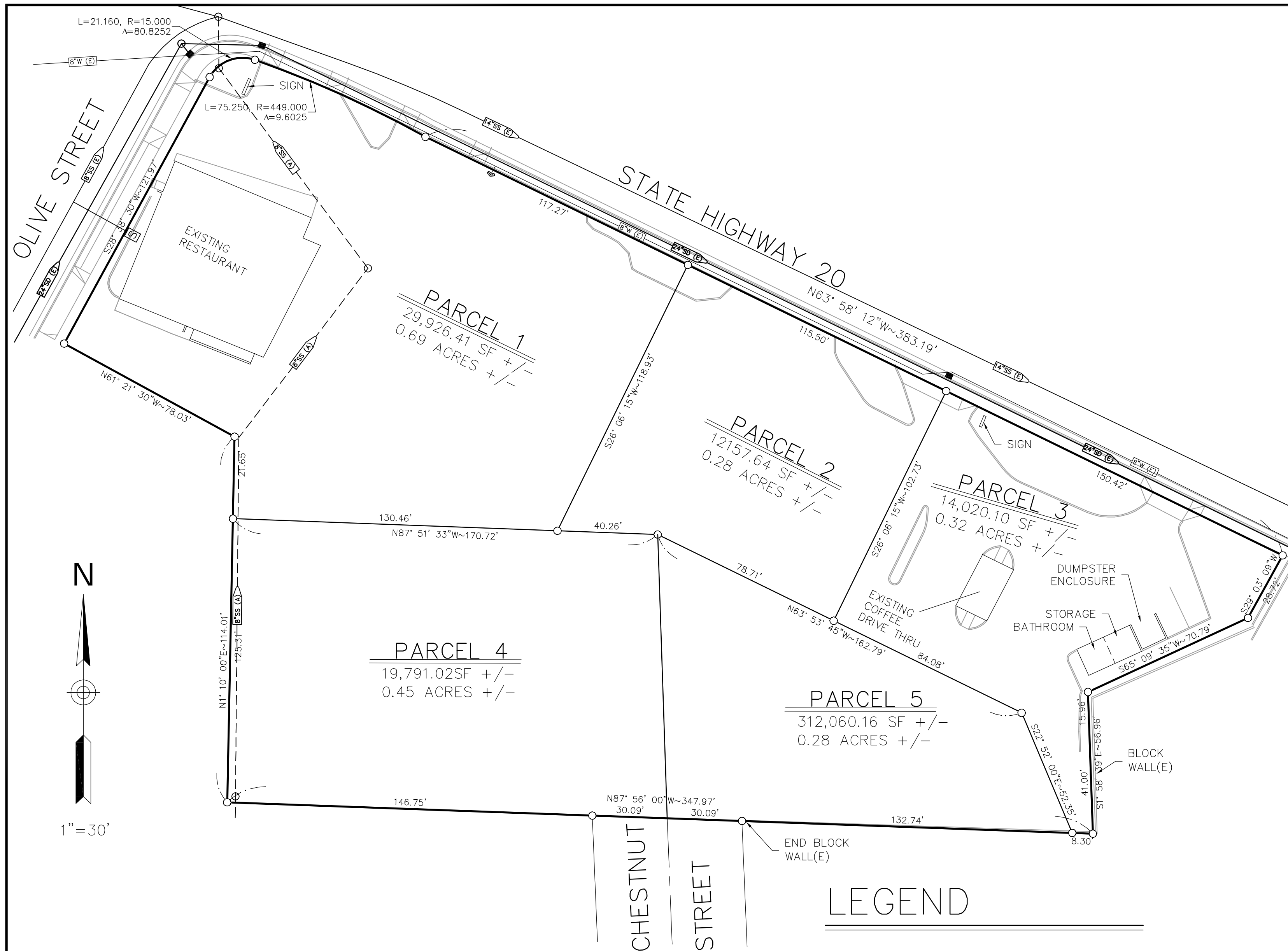
the Highway 20 Gateway and Streetscape Master Plan, or as approved by the Public Works Director. The landscaping is to be installed prior to recordation of map.

19. The developer shall construct any sidewalk and driveway improvements along Olive Street and the State Route 20 frontages in accordance with City and Caltrans requirements, or as approved by the Public Works Director. The frontage improvements are to be constructed prior to recordation of map.
20. The project shall participate in ongoing maintenance associated with said improvements. The parcels shall also participate in a maintenance agreement with the City. The Agreement shall be binding on all subject properties and shall inure to the benefit of the City and Owner(s), and their respective successors, assigns, and their past, present and future officers, employees and agents. Agreement is to be at the satisfaction of the City and Caltrans.
21. The development shall meet the requirements of Caltrans (letter from CalTrans dated May 7, 2018) for closing the driveways at the southeast corner of Olive St and State Route 20, and for consolidating the existing driveways along State Route 20. A maximum of three total driveways shall be allowed along the State Route 20 frontage. The City is acceptable to maintaining the use of the existing furthest north driveway on Olive Street as an entrance (right in only) with the appropriate signage and infrastructure in place to establish the movement. This is to be allowed only if Caltrans is in agreement to the terms.
22. The City will supply a decorative light and pole (similar in style to the lights on Bridge Street adjacent to Palora) at the existing light on State Route 20, or as approved by the City Public Works Director. The light shall be installed by the developer prior to recordation of map.
23. The property shall petition for formation of a Zone of Benefit of the Yuba City Lighting Maintenance District for the purpose of maintaining the streetlight on the State Route 20 property frontage. The Engineering Division shall be reimbursed actual costs associated with the formation of the district.
24. Cross access easements shall be reserved in deeds or other acceptable format to facilitate all shared underground utilities, ingress and egress, parking, drainage, refuse collection, landscaping, and the maintenance thereof to the benefit of all parcels involved in the land division. The document is to be recorded and tied to the divided parcels.
25. The curb, gutter, sidewalk, and lot drainage shall be inspected and approved by the City. Any curb, gutter and sidewalk that 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.
26. Prior to the issuance of a certificate of occupancy, all reduced pressure backflow preventers shall be tested and a back flow preventer certification performed by an AWWA licensed tester shall be submitted to the Public Works Department.
27. Prior to recordation of the map, all underground utilities, public improvements, and site improvements that are described in the conditions above, shall be completed.

28. Based on future development, a traffic study may be required to analyze and determine any additional traffic mitigation measures.

Attachment 1: Project Map





APPLICANT
HILBERS JONES PROPERTIES LLC
CAL SIERRA LIMITED PARTNERSHIP
1210 STABLER LANE SUITE 100
YUBA CITY, CA 95993
(530) 673-2947

OWNER
HILBERS JONES PROPERTIES LLC
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(530) 673-2947

ENGINEER
GEORGE L. MUSALLAM
NORTH VALLEY ENGINEERING AND SURVEYING
1547 STARR DRIVE SUITE "J"
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GENERAL NOTES

WATER
EXISTING: YUBA CITY

SEWER
EXISTING: YUBA CITY

STORM DRAIN
EXISTING: YUBA CITY

ZONING
EXISTING: C3
PROPOSED: C3

GENERAL PLAN
EXISTING: REGIONAL COMMERCIAL
PROPOSED: REGIONAL COMMERCIAL

ASSESSOR PARCEL MAP (ACRES)
52-161-042 (2.02 +/-)

UTILITIES
ELECTRICITY AND GAS: P G & E
TELEPHONE: AT&T
CABLE: COMCAST

LOT DIMENSIONS
LOT AND BOUNDARY DIMENSIONS ARE APPROXIMATE
AND SUBJECT TO REVISION WITH THE FILING
OF THE PARCEL MAP.

CROSS EASEMENTS FOR ACCESS AND UTILITIES SHALL BE
RESERVED OVER AND UNDER ALL LOTS OF THIS SUBDIVISION

IMPROVEMENTS SHOWN ON THIS TENTATIVE MAP SUCH AS
PARKING LAYOUT, FRONTAGE IMPROVEMENTS AND UTILITIES
SHALL BE CONSIDERED APPROXIMATE AND SUBJECT TO
CHANGE WITH THE SUBMITTAL OF THE IMPROVEMENT PLANS

ACCORDING TO RECORD DATA, NO EASEMENTS ENCUMBER
THIS PROPERTY.

**TENTATIVE PARCEL MAP NO. --
HILBERS INC.**

BEING A PORTION OF THE NORTHEAST QUARTER OF
SECTION 22 AS PROJECTED INTO LOT 38 OF NEW
HELVETIA RANCH IN TOWNSHIP 15 NORTH, RANGE 3
EAST, M.D.B. & M. IN YUBA CITY
SUTTER COUNTY,CALIFORNIA

PREPARED BY:
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