

**MINUTES
PLANNING COMMISSION
CITY OF YUBA CITY
September 11, 2019
6:00 P.M. – REGULAR MEETING**

Materials related to an item on this Agenda, submitted to the Commission after distribution of the agenda packet, are available for public inspection at City Hall at 1201 Civic Center Blvd., Yuba City, during normal business hours. Such documents are also available on the City of Yuba City's website at www.yubacity.net, subject to staff's availability to post the documents before the meeting.

Call to Order

Chairperson Eyeler called the meeting to order.

Planning Manager, Vicrim Chima called the attendance roll.

Roll Call:

Commissioners in Attendance:

Dale Eyeler (Chairperson)

Jana Shannon

John Shaffer

Daria Ali

Lorie Adams (Telephone)

Richard Doscher (Sutter County Representative)

Commissioners Absent:

Michele Blake (Vice Chairperson)

Commissioner Shaffer led those in attendance in the Pledge of Allegiance.

Public Comment on Items not on the Agenda

The Planning Commission welcomed those in attendance and encouraged them to participate in the meeting. Public comment is taken on items listed on the agenda when they are called. Public comment on items not listed on the agenda will be heard at this time. Comments on controversial items may be limited and large groups are encouraged to select representatives to express the opinions of the group.

Chairperson Eyeler opened public comment. No one spoke. He then closed public comment.

1. Written Requests

Members of the public submitting written requests, at least 24 hours prior to the meeting, will be normally allotted five minutes to speak.

2. Appearance of Interested Citizens

Members of the public may address the Planning Commission on items of interest that are within the City's jurisdiction. Individuals addressing general comments are encouraged to limit their statements to three minutes.

Approval of Minutes

3. Minutes from May 22, 2019

Motion: To approve the minutes from the May 22, 2019 Planning Commission meeting.

Moved by: Commissioner Ali

Seconded by: Commissioner Shaffer

Vote: Dale Eyeler, aye, Jana Shannon, aye, John Shaffer, aye, Daria Ali, aye, Lorie Adams, aye, Richard Doscher, aye

The vote passed 6:0

4. Minutes from June 26, 2019

Commissioner Ali noted minor corrections on pages two and three of the minutes.

Motion: To approve the minutes from the June 26, 2019 Planning Commission meeting with noted corrections.

Moved by: Commissioner Ali

Seconded by: Commissioner Shannon

Vote: Dale Eyeler, aye, Jana Shannon, aye, John Shaffer, aye, Daria Ali, aye, Lorie Adams, aye, Richard Doscher, aye

The vote passed 6:0

Planning Manager, Vicrim Chima asked the commission if they had a preference on the number of minutes placed on an agenda for approval.

Chairperson Eyeler stated that he would like the minutes to be caught up as fast as possible started with the most recent meeting minutes.

Public Hearings

After the staff report for each agendized item, members of the public shall be allowed to address the Planning Commission regarding the item being considered. Any person wishing to testify should first state their name and address.

All interested parties are invited to attend the hearing and express their opinions on this project. If you challenge this project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

5. Use Permit (19-02) Stabler Rehab, LLC: To allow operation of a Psychiatric Health Facility (PHF) and Mental Health Rehabilitation Center (MHRC) providing therapeutic and rehabilitation services in an existing 51,000 sq. ft. structure.

Mr. Chima introduced Gary Pedroni, Contract Planner with Land Logistics.

Mr. Pedroni stated that he had worked for Mendocino County for 25 years and worked in contract planning for the last eight years. He indicated that he has been working in the city for about one month. He then provided an overview of the application and mentioned that the project is located

on a 5.46-acre parcel on Stabler Avenue. Staff is requesting a determination regarding the project being categorically exempt from CEQA due to it being an existing facility. This is allowed if there are no major changes to existing facilities. Staff believes this project qualifies. Staff is recommending approval of the use permit with conditions listed in the staff report. The general plan of the property is office/office park and the zoning is Office Commercial. The proposal includes a 56 to 60-unit facility licensed by the State of California. There are anticipated to be a maximum of 50 employees on site. There will be some out patient services on site. The facility will be locked at all times with staff on site 24/7. The two operators are Willow Glenn and North Valley Behavioral Health. They are contracting with up to 25 northern California counties. About 20% of the clientele will be from Yuba-Sutter area. Clients will arrive through a third party. The building is single story and has indoor and outdoor defined activity spaces. The site is already landscaped. He then presented the landscaping plan and tree canopy to the Commission. The landscaping appears acceptable but needs care. A five-foot fence surrounds the property and is in good condition. The property contains 137 parking stalls including seven ADA spaces which exceed code requirements. All public improvements are in place. Retail is located to the north, religious to the east, commercial to the west and retail and police to the south. The closest residence is 500 feet to the north. No general plan or zoning incompatibilities were identified by staff. In 1988 the Planning Commission approved the facility for the use as a psychiatric hospital. The structure was built in 1989. The facility closed in 2008.

He overviewed operational standards and indicated that there will only be minor facility changes to meet current codes. Lighting onsite is adequate. Security was an issue with the Planning Commission two years. The police are suggesting cameras and this was included in condition 11. He mentioned that a representative from the police department is in attendance. Staff is recommending that the Planning Commission make a finding for exemption from CEQA class one and for a use permit. He referred to five findings that need to be made regarding the CEQA exemption. Staff believes that all findings are met. He pointed out a typo on page nine, number two.

Chairperson Eyeler stated that he has asked staff to track their comments so they can be captured in the motion. He asked if there were any questions for staff.

Commissioner Doscher asked if the facility operators and police will meet one year from approval to see if police presence is needed and security is sufficient.

Mr. Pedroni replied that this is his understanding.

Mr. Chima stated that they discussed this with the police in DRC and felt that due to the track record of the other facility in Yuba City, they are comfortable meeting again in one year to discuss the conditions of approval and see if any changes would be needed.

Commissioner Doscher mentioned that Willow Glen has an impeccable track record.

Assistant Police Chief, Jeremy Garcia stated that they did discuss this item at length and are familiar with the operators and they are comfortable with the one-year period to see how the operation unfolds and the demand it places on the department.

Commissioner Shannon asked about condition 12 and why they chose to state two times the number of calls for similar uses. She believes there should be more appropriate language used "are called in excess of calls for similar uses, the use permit shall be reviewed by the Planning Commission."

Mr. Chima commented that they will modify this since this is language use for a previous project.

Commissioner Adams asked what is the goal of condition 12. She wants the facility to call police and fire without fear of losing their use permit. She asked if this will deter them and result in the facility trying to handle issues internally. She stated that she would like to add the words "revoked" so they have a hammer if this is a problem facility.

Mr. Chima invited the applicants to address this question when the public comment is opened. He provided an overview of the use permit and validity during construction.

Commissioner Shaffer asked how many calls are they anticipating during construction.

Mr. Chima noted that the one-year timeframe will begin from the start of operation. The use permit will stay in place during operation. The use permit can be reviewed at anytime one operation begins.

Commissioner Ali stated she is confused by Commissioner Adams request. She indicated that her concern is regarding the two times the calls language.

Mr. Chima stated that this will be stricken to reflect the current permit.

Chairman Eyeler opened public comment and asked those in favor of the project to speak.

Brian Holloway, Holloway Land Company, representing the Stabler Rehab LLC, stated that Jeff Payne will be the lead operator of the facility. He mentioned that that staff was very efficient and able to get them to the Planning Commission meeting within one-third the timeframe of other cities. He stated that they are in agreement with the staff report and most conditions. He noted that they are in agreement with the revised language for condition 11 and worked with the police department on this. He said that they are in agreement with condition 12. He requested condition 29 be removed because they do not provide medical treatment for addiction. They will treat people with addiction as an ancillary service but they will not provide medical service for people with addictions. He mentioned that there are three reasons for this facility including the activation of an existing facility in the center of town, the facility will provide employment with above average wages, and the facility is much needed in the region. The others are located in the Bay area and Sacramento.

Chairman Eyeler asked those opposed to the project to speak. There were none. He then asked if there were questions of the applicant.

Commissioner Shaffer commented in the project description it states that the project "may include a psychiatric health facility and mental health rehabilitation." He asked if they don't follow through on one of these uses, then what are the other options.

Jeff Payne, Executive Director of Willow Glen Care Center stated that the word they should have used is "will."

Commissioner Shaffer asked if they could give them the worst possible experience that they have had with a patient that would be housed in the facility.

Mr. Payne replied that the most challenging patient is one that is a harm to oneself. These patients are located in the 16-bed psychiatric health facility. It is rare that they cannot handle a situation through staff. He commented that they have had a patient escape but he cannot comment if someone was hurt. They have staff follow the person and try to get them to return. Law enforcement will then be called.

Brian Holloway indicated that their typical patient is someone that needs assistance due to mental health issues. The people stack up in emergency rooms if beds are not available.

Commissioner Ali indicated that she worked in this field earlier in her career. This facility will be locked. She noted that she lives within a mile of the facility and is confident it will function well.

Commissioner Adams asked if they are able to clarify regarding her question on item 12. She stated that she is asking if the condition is standard for measuring impact for their type of facility.

Mr. Holloway commented that the hospital would not hesitate to call police in fear of losing their use permit.

Commissioner Adams asked if phase two showing the pool area is a part of this use permit approval and what the patient to provider ratio would be.

Mr. Holloway clarified that the phase two shown was a part of the previous permit and should be removed from these plans.

Mr. Payne responded that the MHRC staff to patient ratio would be 1 to 5 and for the PHF would be 1 to 3. Physicians and nurses being onsite are required as part of their license.

Commissioner Ali indicated that she is confused due to condition 11 regarding the police being able to add more cameras because staff later on spoke about the police meeting with the applicant after one year of operation to talk about service levels.

Mr. Pedroni commented that condition 11 was in regards to security cameras and condition 12 is regarding the police being able to meet with the applicant to review service levels.

Commissioner Ali stated that she would like any changes to the use to come back to the Planning Commission.

Commissioner Shaffer asked what the minimum staffing level be at the facility.

Mr. Payne commented that there would be a minimum of six staff members at the MHRC and five at the PHF.

Commissioner Shannon asked if there is any language that gives Yuba-Sutter priority over other patients.

Mr. Payne commented that there is nothing in writing. They try to prioritize the host county first. This is easier to do at the mental health facility. It might be tougher at the psychiatric facility.

Chairman Eyeler asked if patients would be allowed to patronize local businesses.

Mr. Payne commented that this is a residential level of care and patients are allowed to come and go under supervision at a residential facility. The psychiatric health facility the patients are not allowed to leave.

Commissioner Adams asked Mr. Pedroni if it would be appropriate to have some language in the use permit to dictate priority to Yuba-Sutter residents.

Mr. Pedroni responded that he does not believe so since this is getting into the operations of the facility and outside the purview of code.

Mr. Holloway stated that mental health issues are considered a disability and covered under protected class under the Civil Rights Act and they do not want to provide a preference due to location in the conditions of approval. If the operator can prioritize Yuba-Sutter residents that would be great but this should not be memorialized in the approval.

Mr. Payne stated that they have spoken with Sutter Yuba Mental Health about purchasing beds for their patients.

Commissioner Shaffer inquired about their plan to relocate the cats that are currently on their property.

Mr. Payne stated that they can get animal control out to the site to adopt out the animals.

Mr. Chima stated that he will follow up with animal control.

Assistant Police Chief, Jeremy Garcia stated that their current process for 5150 patients is to go to Yuba Sutter Mental Health or Rideout/Adventist Hospital. It is his understanding that they will not have direct transport to this facility. Patients needs a referral first from the emergency room.

Commissioner Doscher asked if the language of condition 12 comes from facilities in other areas that have used police to augment staff in medicating patients.

Mr. Garcia responded that this was one aspect of it.

Mr. Chima then reviewed the two staff recommended motions and amended conditions. He indicated that condition 12 will now simply be an analysis of the function of the use.

Commissioner Ali asked if there was an unusual amount of calls and impact would it come back to the Planning Commission.

Mr. Chima commented that it could come back if the use was deemed to overly impact police services.

Commissioner Shannon stated that the way it should read is "the facility should provide the Development Services Director with an annual report of police/fire or emergency personnel calls to the site, based on all information provided the Development Services Director shall determine if the use permit needs to be reviewed by the Planning Commission to determine if additional conditions need to be applied to the use."

Michael Rock, City Manager stated that if the Development Services Director thought the facility was not meeting the conditions of approval there are two options. The first would be to come back the Planning Commission and ask for direction on changing those conditions. The second would be to work with the applicant to see if the conditions can be met. The discretion needs to be given to the director.

Commissioner Ali reread the condition language.

Chairman Eyeler reopened the public comment and asked the applicant if they were okay with the condition language. The applicant confirmed they were. He then closed the public comment.

Commissioner Doscher commented that this is a much-needed facility for people in need of crisis and general mental health. The parent companies such as Willow Glen are impressive facilities and do not drain public services.

Commissioner Ali noted that this is an important service for the state and community.

Motion: To find the project categorically exempt pursuant to California Environmental Quality Act Section 1530.1 for existing facilities.

Moved by: Commissioner Ali

Seconded by: Commissioner Shaffer

Vote: Dale Eyeler, aye, Jana Shannon, aye, John Shaffer, aye, Daria Ali, aye, Lorie Adams, aye, Richard Doscher, aye

Motion: To approve the use permit #19-02 based on the findings and conditions of approval attached to the staff report as well as the modified conditions of approval, condition 11 regarding security cameras, "security cameras in common areas shall include areas such as patient gathering areas, both interior and exterior, hallways of buildings, entrances, patient day rooms. The police department may reasonably request additional cameras to be placed in community areas of the premises. Additional cameras may be added at the mutual consent of the facility and police department to the extent permitted by all regulatory agencies, state and federal law." Condition 29 will be stricken from the conditions of approval as the facility does not offer said services. Rephrase condition 12 to read "the facility shall provide the Development Services Director with an annual report of police/fire emergency personnel calls to the site, based on all information provided the Development Services Director shall determine if the use permit needs to be reviewed by the Planning Commission to determine if additional conditions need to be applied to the use."

Moved by: Commissioner Ali

Seconded by: Commissioner Shaffer

Commissioner Shannon stated that she is not sure they addressed the findings A-E in the motion.

Commissioner Ali amended her motion that the findings A-E be included.

Commissioner Shaffer held his second.

Vote: Dale Eyeler, aye, Jana Shannon, aye, John Shaffer, aye, Daria Ali, aye, Lorie Adams, aye, Richard Doscher, aye

Chairman Eyeler called for a five-minute recess. Following the recess, he called the meeting back to order.

Development Services Director Reports

Mr. Chima overviewed the new business openings. He mentioned that in October Dutch Bros Olive Garden, Round Table, Huckleberry's and Pieology will be opening. They do not have definitive dates. The building permit plan check list will be updated. He mentioned that they ran into issues with the Bogue Stewart Master Plan. Most likely the September 25th meeting will be cancelled.

Commissioner Shaffer asked about the hotel that was approved on 99 and Highway 20.

Ben Moody, Director of Public Works – Engineering, mentioned that it was approved but they have not heard anything from the developer.

Commissioner Shaffer asked regarding the hotel south of Plumas Street.

Mr. Chima stated that they have recently concluded the preliminary plan check phase. Construction documents are forthcoming. This is contingent on the LOS service and findings that are needed by Brian Millar. The remediation process is under the control of the developer and he does not know where the developer stands in the process.

Ben stated that the developer is looking to move forward with the whole project and not just the hotel. The zoning and general plan amendment need to be approved to address the level of service on Bridge Street. The land is on hold until the project is approved and entitled. This will allow them to move forward with construction.

Chairman Eyeler asked regarding the discount clothing store.

Mr. Chima stated that he has not seen anything for a tenant improvement permit. The construction firm has been using this space as an admin office.

Commissioner Ali thanked Mr. Chima for getting the minutes completed.

Report of Actions of the Planning Commission

Commissioner Shannon stated that she toured the progress of the new shelter. They are about halfway through and will be able to accommodate six residents. She suggested that they attend the open house.

Chairman Eyeler indicated that Sutter County has not had any meetings since their last meeting. They are not planning any meetings during October as the planning director is out of the area.

Adjournment

Chairperson Eyeler adjourned the meeting.