



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

Meeting Date: March 24, 2021
To: Chair and Members of the Planning Commission
From: Development Services Department
Presentation By: Jaspreet Kaur, Assistant Planner

Subject: Use Permit (UP) 21-02 to allow the use of an existing building as an indoor recreational facility located at 350 Bridge Street, Space D.

Recommendation: Conduct a Public Hearing and make the necessary findings to:

- A. Determine the project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301, Existing Facilities.
- B. Approve Use Permit 21-02 to allow the use of the existing building as an indoor recreational facility located at 350 Bridge Street, Space D.

Applicant/Owner: Humberto Alvarado/Daniel Flores

Project Location: 350 Bridge Street, Space D; APN 52-502-011

Project Number: Use Permit 21-02

General Plan/Zoning: Business, Technology & Light Industry/C-M

Project Proposal:

The applicant is proposing to use an existing building located at 350 Bridge Street, Space D, as an indoor recreational facility. Yuba City Municipal Code Section 8-5.1502 requires the use for an indoor recreational facility in C-M district to obtain a Use Permit for the proposed use.

The hours of operation will be as follows:
Monday-Thursday: 5:00am – 8:00pm
Friday: 5:00am – 1:00pm
Saturday: 8:00am – 10:00am
Sunday: Closed

Training classes will be offered throughout the week, with a maximum of 20 individuals at a time. The

applicant anticipates having intermittent use during the week when no classes are being offered.

Property Description:

The property site is approximately 1.44 acres, with 5,440 square feet of existing building space located at 350 Bridge Street, Space D.

Adjacent Property Information:

The following table provides the General Plan Land Use and Zoning for adjacent properties:

<i>Table 1: Project and Bordering Site Information</i>			
	General Plan Land Use Classification	Zoning	Existing Land Use
<i>Project Site</i>	Business, Technology & Light Industry	C-M Heavy Commercial/Light Industrial District	Commercial
<i>North</i>	Regional Commercial	R-3 Multi-family Residence	Residences
<i>East</i>	Community Commercial	R-3 Multi-family Residence	Commercial/Public Facility
<i>West</i>	Regional Commercial	C-3 General Commercial	Commercial
<i>South</i>	Regional Commercial	R-3 Multi-family Residence	Residences

Environmental:

The proposed use has been reviewed and considered in its entirety to be categorically exempt from environmental review per Section 15301, Existing Facilities, with the basis that there will be negligible expansion of an existing use regarding the operation of an existing structure.

Previous Commission Action:

There have been no recent Planning Commission actions regarding this parcel.

Staff Comments:

Provided below is an evaluation of the findings required to approve the Use Permit. The required findings are in bold, italicized font.

1. The proposal is consistent with the General Plan.

Staff analysis: The property is zoned C-M, Heavy Commercial/Light Industrial District, which is

consistent with the existing General Plan designation of Business, Technology and Light Industrial. The C-M District allows indoor recreation facilities subject to the issuance 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: The site for the proposed use is adequate to accommodate the indoor recreational facility. As the site already conforms to the requirements of the Zoning Code, the applicant proposes no modifications to the site. While there are no specific parking formulas for this type of use, staff believes that there will be sufficient parking for the proposed use based on the parking layout design, times of use, and available street parking on Boyd St.

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

Staff analysis: Since the applicant is operating in an existing building and based on the number of people planned to be at the site at any time, it was assumed the new use is less than the original designed use for the building. For this reason, staff did not require a traffic impact study and considers the proposed location to be suitable for the proposed use.

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

Staff analysis: There are no changes proposed for the site or the building.

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 use of the building as an indoor recreational facility is not expected to be detrimental to the health, safety, peace, comfort or general welfare of persons residing or working in the vicinity of the facility. Additionally, the new use will be required to comply with all applicable building, fire, and city codes.

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

Staff analysis: This condition does not apply, as it is an existing building and there is no increase in allowed occupancy for the proposed use.

Recommendation:

Conduct a Public Hearing and make the necessary findings to:

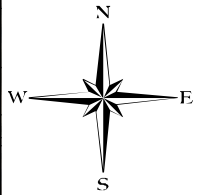
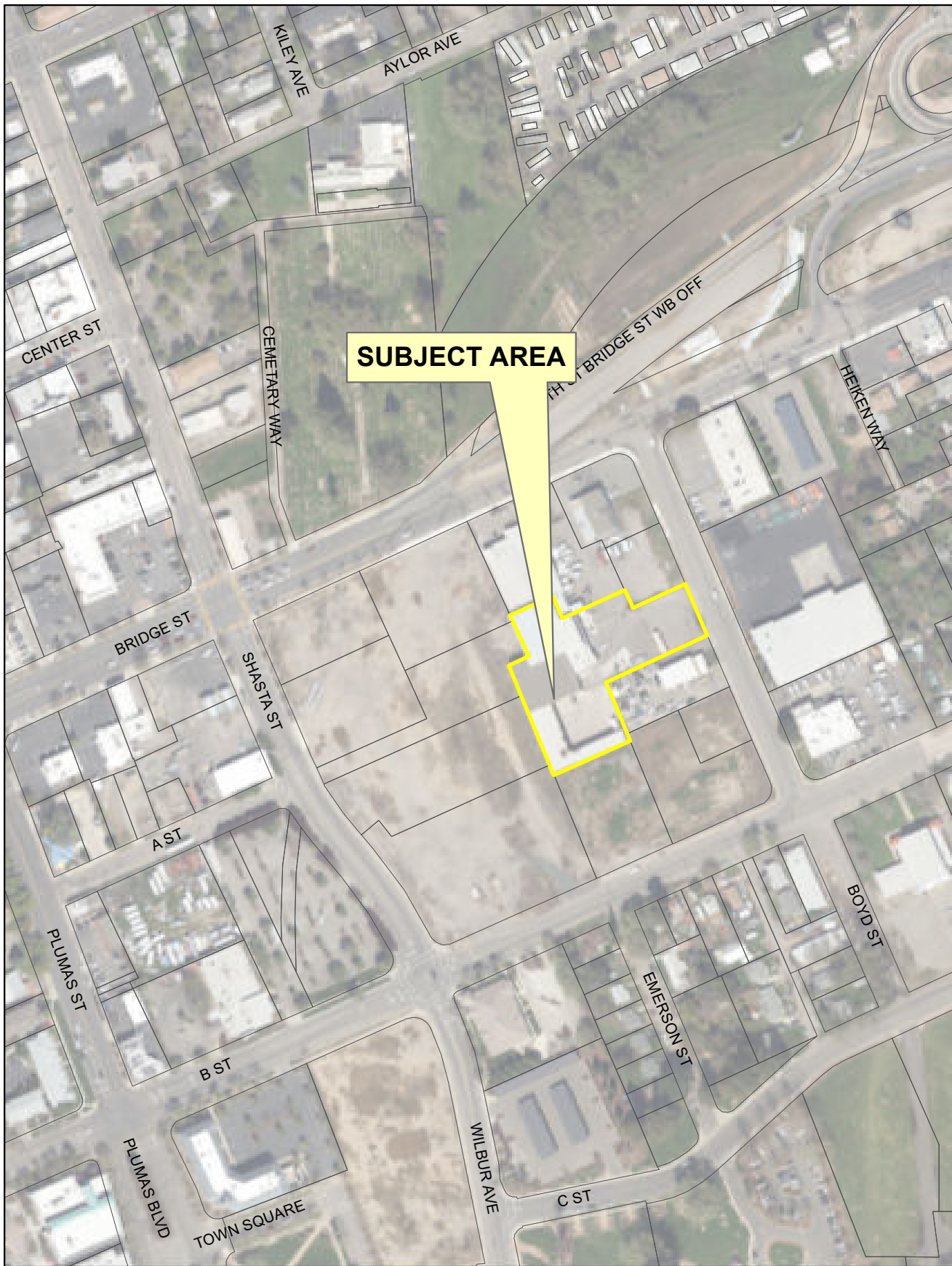
- A. Determine the project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301, Existing Facilities.

B. Approve Use Permit 21-02 to allow the use of the existing building as an indoor recreational facility located at 350 Bridge Street, Space D.

Attachments:

1. Site Map – Location
2. Conditions of Approval

ATTACHMENT 1



Use Permit 21-02

ATTACHMENT 2

**CITY OF YUBA CITY
CONDITIONS OF APPROVAL
USE PERMIT 21-02
MARCH 24, 2021**

**350 BRIDGE STREET, SPACE D, YUBA CITY, CA
INDOOR RECREATIONAL FACILITY**

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. The applicant/property owner agrees to defend, indemnify and hold harmless the City, its officers, agents and employees, from any and all claims, damages, liability or actions arising out of or connected with this Use Permit, except to the extent such liabilities are caused by actions of the City.
2. Maximum participants allowed at the facility shall meet all applicable Building and Fire Codes related to the facility and/or not exceed maximum allowed occupancy.
3. Applicant must comply with all City, Building, and Fire codes for all improvements at the facility.
4. If parking negatively impacts adjacent businesses or public right-of-way at any point, operational mechanisms are to be put in place to avoid all impacts. Operational changes shall be implemented within 24 hours of notification by the City or result in reconsideration of the Use Permit by the Planning Commission.