
TO ADDRESS THE COMMISSION
PLEASE STEP TO THE ROSTRUM &
STATE YOUR NAME & ADDRESS

YUBA CITY PLANNING COMMISSION
AGENDA

Regular Meeting
July 13, 2005 - 7 p.m.
City Hall Council Chambers
1201 Civic Center Boulevard

Roll Call.

Pledge of Allegiance.

Approval of the minutes of the meeting held April 27, 2005.

Appearance of Interested Citizens*

Correspondence:

1. Continued Public Hearing: Tentative Map #TM04-09 to divide 31.7 acres at 935 Tharp Rd./900 Walton Ave. into a 18.71 acre parcel containing the Sam's Club Store and a 12.99 acre parcel containing the Wal-Mart Store; C-3 Zone; A.P. No. 58-040-044; applicant, Wal-Mart Stores.
2. Public Hearing: Tentative Map #TM 05-01 of Kumar Medical Park to divide 1.76 acres at the SW corner of Live Oak Blvd. & Miller St.; C-O Zone; A.P. No. 51-323-020; applicant, Lucy Kumar.
3. Public Hearing: Use Permit #UP 05-02 to allow a temporary charter school in addition to the existing church and Sunday school facility; A-H Zone; 613 Bogue Road; A.P. No. 54-040-065; applicant, No. Valley Calvary Chapel.
4. Other Business: Adopt a Resolution of Commendation for Denis Cook.
5. Report on Actions of the City Council.
6. Adjournment.

(over)

Persons dissatisfied with any decision of the Planning Commission may appeal such action to the City Council. Appeals, accompanied by a fee of \$713 (\$343 if the project concerns a single-family residence), must be filed with the City Clerk, 1201 Civic Center Boulevard, Yuba City, CA 95993 within 10 days of such action. If no appeal is filed within this time limit, the Commission action becomes final. The exception to this is rezonings--please check with the Planning Department, 1201 Civic Center Boulevard, Yuba City for the procedure. Mailed notices of the Council hearings will be accomplished in the same manner as the Planning Commission hearings unless additional notice is deemed necessary.

If you require auxiliary aids or services (e.g., signing services) to make a presentation to the Planning Commission, the City will be glad to assist you. Please contact the City offices (530/822-4601) at least 72 hours in advance so such aids or services can be arranged. City Hall TDD: 530/822-4732.

*Members of the public may address the Planning Commission on items of interest that are within the City's jurisdiction whether or not such items of interest are on the agenda for this meeting. Members of the Commission will respond as best as they can to public comments but cannot take action or enter into a discussion on items not contained on the agenda. Public comment on public hearing agenda items will be permitted during the hearing.

July 8, 2005

TO: YUBA CITY PLANNING COMMISSION
FROM: PHILIP O. CARTER, ASSISTANT CITY MANAGER
SUBJECT: AGENDA REPORT - MEETING OF JULY 13, 2005

1. **CONTINUED PUBLIC HEARING: TENTATIVE PARCEL MAP 04-09 TO DIVIDE A 31.7 ACRE PARCEL INTO TWO PARCELS OF 18.71 ACRES AND 12.99 ACRES; 900 SOUTH WALTON AVENUE AND 935 THARP ROAD – PROPERTY OWNER/APPLICANT, WAL-MART STORES, INC**

Project History:

On June 9, 2004, per the request of the applicant, the Commission continued this project to the July 28, 2004, public hearing so as to provide the applicant with enough time to discuss and work out specific details pertaining to condition of approval #4, which was placed on the map by the Public Works Department and required the construction of a third eastbound lane on State Route 20 between Walton Avenue and Tharp Road.

On July 28, 2004, per the request of the applicant, the Commission continued the project indefinitely to a date uncertain.

On March 30, 2005, staff received a letter from the applicant requesting that the project be placed on the next available Planning Commission agenda.

On April 21, 2005, staff received a request from the applicant to continue the project to the Planning Commission hearing of May 25, 2005.

On May 25, 2005, at the request of the applicant, the Commission continued the public hearing to its meeting of June 8, 2005.

On June 8, 2005, the Commission continued the public hearing to its meeting of July 13, 2005, to further discuss the removal of Condition #4 pertaining to a third lane on State Route 20

Project Description:

The applicant is requesting approval of a tentative parcel map to divide a 31.7-acre parcel into two lots containing 18.71 and 12.99 acres, respectively. The 18.71-acre lot has its main frontage onto South Walton Avenue and the 12.99-acre lot has its main frontage onto Tharp Road. This will result in the Wal-Mart and Sam's Club stores being on separate parcels.

Property Description:

The subject property is a through lot identified as Assessor's Parcel Nos. 58-050-044. The property is developed with the 134,450 square foot Sam's Club, 123,809 square foot Wal-Mart store and 2,000+/- space parking area. Full street improvements are installed along South Walton Avenue, Tharp Road and Lassen Boulevard to the south.

General Plan Designation:

Regional Commercial.

Zoning Classification:

General Commercial (C-3) District.

Surrounding Land Use:

The subject site has the Highway 20 (Colusa Avenue) with retail uses across Colusa Avenue to the north, Walton Avenue and the Sunsweet plant to the east, Lassen Boulevard and A&A Storage to the south and Tharp Road and mixed commercial and vacant land to the west (see Study Sketch).

Previous Commission Actions and/or Policies:

On January 8, 1992, the Planning Commission recommended approval of PD #91-23 for the Sam's Club and Wal-Mart stores. The project was approved by the City Council on February 25, 1992. On March 11, 1992, the Commission approved TM #92-02, which was a four-parcel division that created the subject property and the three pads along the Colusa Avenue frontage.

Environmental:

The proposed tentative parcel map has been determined to be exempt from the California Environmental Quality Act (CEQA) per §15315 Minor Land Divisions.

A minor land division, such as the one being proposed, is categorically exempt from CEQA according to §15315 when the division of property is within an urbanized area, is zoned for residential, commercial, or industrial use, is being divided into four or fewer parcels, is in conformance with the General Plan and zoning, does not require a variance or exceptions, all services and access to the proposed parcels are available, the parcel has not been involved in any divisions of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

The project meets the above requirements therefore it is exempt from environmental review.

Staff Comments:

Staff has reviewed this proposal and views the proposed land division as logical. With the potential development of the Super Wal-Mart store as part of the Yuba City Marketplace project the present Wal-Mart store will no longer be needed by the company. As such this map provides for a separate parcel to be created so that the future sale and redevelopment of the site can take place.

Staff has included conditions to address both on-site and off-site landscaping deficiencies. Regarding on-site deficiencies staff examined the entire site and found areas where some trees, shrubs and groundcover need to be replaced. The condition requires a plan to be developed, based on the original landscape plan, for the installation of new replacement plant material prior to the recordation of the parcel map. This improvement will be especially helpful along the Lassen Boulevard frontage. For the off-site improvements a condition has been included that requires the excess highway right-of-way between Walton Avenue and Tharp Road to be landscaped in the same manner as has been done in front of the Home Depot shopping center and the Walgreen's store. This stretch of the highway frontage has been unsightly since the site was initially developed and by planting shrubs and groundcover the frontage of the adjoining uses and entrance into the City will be very much improved.

Recommended Action:

A. Adopt the following findings:

1. The approval of the parcel map is consistent with the Guiding and Implementing Policies and the General Commercial designation of the Yuba City General Plan, and
2. The approval of the parcel map is consistent with and meets the minimum parcel size standards for the C-3 District.

B. Approve the tentative parcel map subject to the following conditions of approval:

1. Cross easements over all property not occupied by buildings shall be reserved in deeds for all underground utilities, ingress and egress, parking, drainage and landscaping and the maintenance thereof to the benefit of all parcels including Parcels 1, 2 and 3 which are shown as not a part of this map but were required by Condition No. 14 of TM # 92-02. The deeded easements shall be approved by the Public Works Director prior to the recordation of the Parcel Map.
2. The area of unimproved Caltrans right-of-way along State Route 20 between Walton Avenue and Tharp Road and between the unpaved shoulder and the southerly edge of the highway right-of-way shall be planted and maintained with living landscape material. A landscape plan showing the plant materials, means of providing irrigation and maintenance schedule shall be submitted for review and approval by Caltrans and the Community Development Director prior to the recordation of the Parcel Map.

3. Landscape deficiencies, based on the original landscape plan, in the parking lot and perimeter landscape areas within the boundary of the tentative map shall be corrected prior to the recordation of the Parcel Map. A plan shall be prepared showing all areas that need to have plant materials added and includes plant type, size and location shall be submitted to the Community Development Director for review and approval prior to the commencement of said work.

2. **PUBLIC HEARING: TENTATIVE PARCEL MAP 05-01 OF KUMAR MEDICAL PARK TO DIVIDE 1.76 ACRES AT THE SOUTHWEST CORNER OF LIVE OAK BOULEVARD & MILLER STREET INTO A 13 LOT PROFESSIONAL MEDICAL COMPLEX WITH A COMMON AREA; C-O (COMMERCIAL OFFICE) DISTRICT; APPLICANT, LUCY KUMAR**

Project Description:

A tentative parcel map to subdivide 1.76 acres into 13 lots for 20,000 square feet of professional medical office use. Of the 13 lots proposed, 12 will be developed for office use with Lot 13 remaining as a common area for parking, landscaping, lighting and required trash enclosures. This proposal will include demolition of an existing residence, in-ground swimming pool, detached shed building and garage.

Property Description:

The subject property is located at 1180 Live Oak Boulevard; south of Miller Street, west of Live Oak Boulevard and east of Maple Avenue. The property is identified by Assessor's Parcel Number 51-323-020 and is 1.76 acres in size. The property is currently developed with a one-family residence (including ancillary shed type buildings) and a small almond orchard. A majority of the existing home has been destroyed by fire and as part of the project will be razed. Curb and gutter exist along Live Oak Boulevard as well as overhead utilities. The street frontage along Miller Street is presently unimproved.

General Plan Designation:

Office/Office Park

The General Plan classifies Office & Office Park as development containing professional and medical offices. This classification includes neighborhood, community, and downtown offices as well as office development in a low-intensity, campus-like setting. Neighborhood & community office sites could include a mix of uses, such as small-scale support services and residential uses that are secondary to the office development.

Zoning Classification:

Commercial Office (C-O) District

According to Article 11, Section 8-5.1101 of the Yuba City Zoning Code, the purpose of the Commercial Office (C-O) District is to provide for the establishment and concentration of professional and business and administrative offices and business support services normally associated with offices.

Surrounding Land Use:

	Land-Uses	Zoning Districts	General Plan
North	Miller Street, existing single-family residences	One Family Residence (R-1) District	Low Density Residential
South	Medical office complex	Commercial Office (C-O) District	Office & Office Park
East	Live Oak Blvd., single-family residence	Multiple-Family Residence (R-3) District	Medium Density Residential
West	Single-family residences	One-Family Residence (R-1) District	Low Density Residential

Previous Commission Actions and/or Policies:

The Planning Commission on November 8, 1995 approved Tentative Subdivision Map #95-01 subdividing 2.2 acres into four one-family residential lots of approximately 5,000 square-feet each, and six building footprint lots for 18,500 square feet of professional medical office uses along with a common lot (Parcel A). This was a project proposed over the same area discussed herein TM #05-01. Of that approved project, only four one-family residences were constructed. The professional medical office portion of the project was never completed and the map was allowed to expire.

Environmental:

An initial study was conducted in accordance with Article 5, Section 15063 of the CEQA Guidelines to determine if the project may have a significant effect on the environment. The initial study identified potential environmental impacts relating to cultural resources. To reduce these impacts to levels that are considered less-than-significant, mitigation measures were required to be incorporated into the project. As such, a proposed mitigated negative declaration was prepared on the project and is attached for the Commission’s review and approval. The following paragraph provide a brief description of those impacts and how they have each been mitigated:

Cultural Resources

The California Environmental Quality Act (CEQA) Guidelines §15064.5(f) and Public Resources Code §5020-5029 and 21083.2, protect archeological and historical resources. To protect historic resources, the State has formed the State Historic Resources Committee that conducts the State Historic Resource Inventory and maintains the California Register of Historic Resources, which identifies historic landmarks and points of interest. The Committee also provides recommendations for the National Register of Historic Resources.

The region within which Yuba City lies is part of a valley that was formerly composed of extensive wetlands and broad, shallow lakes. Because of this location and availability of resources, it is believed that different Native American tribes occupied the area on a year-round

basis, for ten thousand years. However, due to siltation of the area over the years, prehistoric sites have since been buried at such depths that very little, if any, evidence remains at the surface. Original land clearing and a hundred years of farming have further diminished any likely archeological sites.

As new development occurs within Yuba City, there is potential to uncover archeological sites. CEQA requires assessment of the impacts on unique archeological resources or Native American culturally significant sites. If a development project is found to cause damage to the resource, reasonable efforts may be required to preserve the resource or leave them in an undisturbed state, or undertake additional mitigation measures if avoidance is not possible. General Plan Guiding Policy 8.3-G-1 requires the identification and preservation of archeological, paleontological, and historical resources that are found within the Yuba City Planning Area. In the case of this project there are no historical, archeological, or paleontological sites that are known or identifiable on the surface. As such, a mitigation measure has been included in the conditions of approval effectively requiring that during the course of development, any uncovering of historically relevant items, and archeological or paleontological remains shall immediately cause alarm, and construction activity shall cease until such time as the identification of items can be determined and proper action in accordance with CEQA has occurred.

Discussion:

Staff has thoroughly reviewed the project for consistency with the Yuba City General Plan, the Zoning Code Development Standards and the Commercial Design Guidelines pertaining to site layout and design. We have also reviewed minutes from the November 8, 1995 Planning Commission hearing, pertaining to the approval of a similar project at the same location, during which much discussion ensued regarding automobile ingress and egress via Miller Street. In an effort to mitigate potential impacts on the surrounding neighbors as a result of this issue, the applicants have redesigned their site plan to reflect neighborhood concerns. In reviewing the site you'll find that ingress and egress is via two driveways off Live Oak Boulevard with no driveways accessing Miller Street. To help buffer adjacent residential, a 6-foot tall masonry block wall is required as part of typical zoning standards to be constructed along the east property line followed by a landscape strip for planting large shade trees and dense screening shrubs.

Improvements to the site will include the construction of a 6-foot wide sidewalk along Live Oak Boulevard as well as new curb, gutter and a 5-foot wide sidewalk along Miller Street. A 10-foot wide landscape strip planted with street trees on 30-foot centers and various shrubs will be required along both street frontages. A 20,000 square foot professional medical office complex such as this will require 100 parking spaces to accommodate customer parking. As such, the project is providing 89 parking spaces on-site with 11 spaces provided along Miller Street. Building elevations were not proposed as part of the tentative map proposal however any future building designs will be subject to the Yuba City Design Guidelines and are expected to be compatible with surrounding land uses.

Recommended Action:

- A. Adopt the following findings:

1. Following review and consideration of the attached mitigated negative declaration and any comments received, find that there is no substantial evidence that the proposed tentative map will have a significant impact on the environment, and
2. The approval of the parcel map for professional medical office development is consistent with the guiding and implementing policies of the Yuba City General Plan, and
3. The approval of the parcel map for professional medical office use is consistent with the Office & Office Park designation of the Yuba City General Plan, and
4. The approval of the parcel map is consistent with and meets the development standards for the Commercial Office (C-O) District.

B. Approve Tentative Parcel Map #05-01 subject to the following conditions of approval:

1. 10-foot public utility easements shall be dedicated along the Live Oak Boulevard and Miller Street frontages.
2. Cross easements over all property not occupied by buildings shall be reserved in deeds for all underground utilities, ingress and egress, parking, drainage landscaping and the maintenance thereof to the benefit of all parcels involved in the division.
3. A public utility easement shall be dedicated on and over Lot 13 as shown on the tentative map.
4. Prior to recordation of the parcel map or any phased proposal, common area improvements shall be completed on Lot 13, including access, parking and landscaping. The landscaping improvements proposed on Lot 13 shall be shown on the improvement plans for the parcel map.
5. Prior to recordation of the parcel map or any phased proposal, the applicant must submit plans to Sutter County Environmental Health Department reflecting the location of the septic and well systems serving the existing house. Before recording the map, the applicant shall provide a signed statement that all on-site wells and septic systems have been destroyed in accordance with the Sutter County Environmental Health Department.
6. As part of the first phase of construction, improvement plans shall be submitted which show the installation of conduit for the future undergrounding of overhead utilities along the Live Oak Boulevard project frontage.
7. Street lighting along Miller Street and Live Oak Boulevard shall be required per the City's design standards. All street lighting shall be dedicated to the City of Yuba City.

8. The property shall petition for formation of a Zone of Benefit of the Yuba City Landscaping and Lighting District for the purpose of maintaining street lighting placed along Miller Street and Live Oak Boulevard.
9. As part of the first phase of construction, improvement plans shall be submitted which show the removal of the existing cross gutter located at the intersection of Miller Street and Live Oak Boulevard. The City shall reimburse the applicant for the construction cost of the improvement to the north half.

3. PUBLIC HEARING: USE PERMIT 05-02 OF YUBA CITY CHARTER SCHOOL; NORTH SIDE OF BOUGUE ROAD BETWEEN RAILROAD AVENUE AND GARDEN HIGHWAY – APPLICANT, THIESSEN CONSTRUCTION

Project Description:

The proposal calls for the placement of a total of 11 modular units to serve as educational facilities which shall be administered by the Yuba City Charter School for a maximum period of two years. Eight units (24' x 60') will serve as classroom units. One unit will be used as an administration unit. Two units (10' x 32') will accommodate restroom. These units, along with ADA compliant ramps and connecting walk ways will be placed on north western portion of the property and shall be used to augment and expand existing educational services provided by the Yuba City Charter School. The operation of a school is a quasi-public use and requires a use permit in the Agricultural Holding District.

Property Description:

The subject property is identified as Assessor's Parcel No. 54-040-065. The property contains the existing North Valley Calvary Chapel complex and parking area. The site is partially developed with street improvements and landscaping is in place, but a large area of the site is currently vacant. There is an area provided for proposed new structure as well as a playground area. The modules will be placed on the north western portion of the property.

General Plan Designation:

Low Density Residential (Single Family) – This category applies to residential development of 2-8 units per gross acre. This density range is typical of newer single-family residential subdivisions.

Zoning Classification:

Agricultural Holding (AH) District – This zone is applied on an interim basis to rural or undeveloped areas where it is apparent the more intensive suburban or urban development is imminent or will occur when public services become available. This district is consistent with all General Plan designations.

Surrounding Land Use:

To the north and east of the project site are developed single family residences. To the west of the project site is the Yuba-Sutter Mosquito and Vector Control facility. Across Bouge Road to the south is an area that is under construction and will be a commercial shopping center as well as a multi-family complex (see Study Sketch).

Previous Commission Action and/or Policies:

No actions to report.

Environmental:

A mitigated negative declaration has been prepared for this project and is attached for the Commission's review. Potential impacts such as air quality were identified and have been reduced to a classification of less-than-significant with the inclusion of mitigating measures. These mitigation measures have been incorporated into the conditions of approval.

Staff Comments:

Staff is in support of the applicant's request. Although this project proposes to expand what is already a nonconforming use in the Agricultural Holding zone, the impacts to the surrounding area have been negligible and there is no reason to expect the expansion of such a use will create any new significant impact.

The proposed location of the school facility is adjacent to the Yuba-Sutter Mosquito and Vector Control facility and 125 feet from the existing residences to the north. The applicant has asked to use the site for a 2-year term until a permanent site can be established and staff consented to their request.

Recommended Actions:

- A) Adopt the following recommended findings:
 - 1. Following review and consideration of the attached mitigated negative declaration and any comments received, find that there is no substantial evidence that the proposed use permit will have a significant impact on the environment, and
 - 2. The approval of the use permit is consistent with the guiding and implementing policies, as well as the Low Density Residential designation of the Yuba City General Plan.
 - 3. The use permit is consistent with and meets the minimum standards for the A-H District.

- B) Approve the use permit subject to the following conditions of approval:
 - 1. The activity associated with the use permit shall be limited to a term of 2 years from the date of approval.
 - 2. The applicant is required to sign and submit a fugitive dust control plan to FRAQMD and adhere to the mitigation measures as outlined in Appendix G of said plan (attached).

