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

YUBA CITY PLANNING COMMISSION
AGENDA

Regular Meeting
June 8, 2005 - 7 p.m.
City Hall Council Chambers
1201 Civic Center Boulevard

Roll Call.

Pledge of Allegiance.

Appearance of Interested Citizens*

Correspondence:

1. Continued Public Hearing: Tentative Map #04-09 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:
 - a) Development Plan #04-03 (Sutter Buttes Marketplace) to construct 5 retail commercial buildings consisting of 50,650 sq. ft., 1 commercial pad consisting of 7,300 sq. ft. and 1 commercial pad with drive-thru consisting of 3,260 sq. ft. on 7.69 acres located on the N side of Colusa Hwy., W of Stabler Lane, and
 - b) Tentative map to divide the 7.11 acres into 7 parcels; C-3-X₁₆ Zone; A.P. Nos. 59-010-075 & -076; applicants, Lanza & Hilbers.
3. Commission Consideration: Meritorious Awards Program.
4. Other Business.
5. Report on Actions of the City Council.
6. Adjournment.

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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.

(over)

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.

June 3, 2005

TO: YUBA CITY PLANNING COMMISSION
FROM: DENIS COOK, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: AGENDA REPORT - MEETING OF JUNE 8, 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.

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 condition 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: DEVELOPMENT PLAN #04-03 TO CONSTRUCT 61,210 SQUARE FEET OF COMMERCIAL RETAIL, COMBINED WITH TENTATIVE PARCEL MAP #05-06 TO SUBDIVIDE 2 PARCELS CONSISTING OF 7.69 ACRES INTO 7 PARCELS; NORTH SIDE OF COLUSA AVENUE, WEST OF STABLER LANE; ASSESSOR'S PARCEL NOS. 59-010-075 & 59-010-076; APPLICANTS, DAVID LANZA & HILBERS, INC.**

Project Description:

A development plan for 61,210 square-feet of commercial, combined with a petition to subdivide 2 parcels totaling 7.69 gross acres into 7 parcels. The development project will consist of 5 commercial retail buildings and 2 commercial pads. Pad A will accommodate 3,260 square-feet of retail and will include a drive-thru lane along its southeast frontage. Pad B will accommodate 7,300 square feet of retail and will stand alone at the northeast corner of the project's westernmost entrance and Colusa Avenue (SR 20). Retail Buildings Nos. 1 & 2 will each consist of 15,025 square feet, Retail Building No. 3 will be 7,600 square feet, Retail Building No. 4 will be 8,300 square feet, and Retail Building No. 5 will be 4,800 square feet. The site will accommodate 334 customer parking spaces where 326 are required. In addition, there are 25 bicycle parking spaces spread throughout the sight in 5 separate locations. The site will be limited to 2 primary entrances off Colusa Avenue with two secondary ingress/egress points along the project's common boundary with the Walgreen's property to the west. Along the east side of Retail Building No. 4 a 3,841 square-foot public area is included consisting of a decorative concrete patio, decorative wrought-iron styled black metal benches, raised planters with landscaping, bicycle parking, and a connection with the future Sutter Bike Path (Greenway/Pedestrian Link). In total, the project will have two pedestrian links along its northerly boundary. The project will also utilize a detached sidewalk along 2/3 of the Colusa Avenue (SR 20) frontage, with approximately 10-feet of landscaped area separating pedestrians and automobile traffic. There are 4 pedestrian connections leading from the sidewalk paralleling Colusa Avenue. Parking lot shading will be achieved through the planting of shade trees, which are required to meet 50% shade coverage at 15 years per City code. Earthen berms combined with landscaping and street trees will be utilized within the landscape areas along Colusa Avenue to provide a partial visual barrier between parked cars and the highway. There are several buildings existing on-site, including a highway billboard sign and a large pine tree all of which will be razed as part of the initial development phase.

Property Description:

The project is located on the north side of Colusa Avenue, one parcel west of Stabler Lane. It consists of two parcels identified by Assessor Parcel Numbers 59-010-075 (4.89-acres) and 59-010-076 (2.8-acres). The two properties combined acreage is 7.69 acres, with a net developable area consisting of 7.11-acres. Approximately 50 percent of the project site was previously occupied by the Yuba-Sutter Scrap and Steel business. All Yuba-Sutter Scrap and Steel buildings have since been razed. There are however some businesses still operating on the remaining portion of the site; those being Lambert Feed, a pool supply store and a vacant lot, which was previously occupied by The Rock Yard business, but has recently being utilized for

RV sales. In addition to the existing businesses on-site there are also two large highway billboard signs, overhead utilities, and a very large pine tree.

General Plan:

Regional Commercial (RC)

The General Plan describes the Regional Commercial land-use designation as “shopping centers typically anchored by retail outlets with a regional draw, including big-box retail establishments, department stores, and regional shopping malls.”

Zoning:

General Commercial, Combining Special Standards (C-3 X₁₆) District

The General Commercial (C-3) District is intended to provide for the entire range of commercial uses. This zoning district is consistent with the Community Commercial and Regional Commercial General Plan designations.

The Special Standards Combining (X) District serves two distinct purposes. First, this district may be used by the City to apply specific development criteria that may be important for the proper development of a parcel or group of parcels, but is not relevant on a citywide basis. Secondly, for a developer that may propose innovative approaches to site design this district also can be used to modify adopted development standard to accommodate that type of development. Those projects that utilize this district must meet or exceed the quality expected of projects meeting the typical development standards. This district is not intended to be used to reduce development standards.

Rezone #01-09 was approved by the City Council on August 6, 2002, creating the Community Commercial, Special Standards Combining (C-3 X₁₆) District which encompasses this 7.69-acre project site and the Walgreen’s site located on the northeast corner of Tharp Road and Colusa Avenue. With the approval of the rezone, 6 conditions of approval were drafted resulting in the criteria of development for the C-3-X₁₆ zoning district. These conditions pertained to the requirements of cross access easements, restrictions on the amount of driveways and location of driveways pertaining to the State Highway, dedication of right of way along the State Highway frontage, landscaping along the project’s frontage and the Caltran’s right of way, and undergrounding of overhead utilities. These conditions have been integrated into the conditions of approval governing development plan and tentative parcel map.

Surrounding Land Uses:

	Land-Uses	Zoning Districts	General Plan
North	Railroad right-of-way, Heavy Commercial & Light Industrial type uses	Heavy Commercial/Light Industrial (C-M) District.	Greenway/Bikeway/ Pedestrian Link; Business, Technology & Light Industrial
South	Colusa Ave (SR 20), Dancing Tomato, Hometown Buffet, Sam’s Club, Wal-Mart	General Commercial (C-3) District	Regional Commercial
East	City owned parcel with City Entrance Sign and Orchard, Stabler Lane	Community Commercial, Special Standards Combining (C-2 X ₃) District.	Regional Commercial
West	Walgreens, PG&E Harter substation and Tharp Road	General Commercial, Special Standards Combining (C-3 X ₁₆) District; Heavy Commercial/Light Industrial (C-M) District	Regional Commercial

Previous Commission Action and/or Policies:

RZ #01-09 establishing the Community Commercial, Combining Special Standards (C-3-X₁₆) District on the subject site was approved by the City Council on August 6, 2002.

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 air quality, cultural resources and traffic. To reduce impacts to levels that are less-than-significant, mitigation measures are 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 paragraphs provide a brief description of those impacts and how they have each been mitigated:

Air Quality

In accordance with the California Environmental Quality Act, staff solicited comments from the Feather River Air Quality Management District to determine if the subject project would impact the environment by exceeding regional air quality standards. Their review of the project required preparation of an Urban Emissions Model Analysis (URBEMIS). The URBEMIS

model that was prepared on the project determined the construction and operational phases of the project would exceed the air district's thresholds of significance in several areas. In order to reduce these levels below the air district's thresholds and reduce the air quality impacts to a level that is considered less than significant, the applicant agreed to and submitted a signed Fugitive Dust Control Plan acknowledging the State of California's and the Feather River Air Quality Management District's fugitive dust control laws, and the requirements and available mitigation techniques. The implementation and monitoring of the Dust Control Plan will be overseen by the Feather River Air Quality Management District during the construction phases of the project.

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.

Traffic

A traffic impact analysis was prepared by kd ANDERSON Transportation Engineers. The analysis determined a total of 584 p.m. peak hour trips would be generated by this project. Of those, the consultants determined 266 would be considered "pass-by" trips. Pass-by trips are assumed to be drawn from traffic already traveling on State Route 20. As such, approximately 318 new p.m. peak hour trips were projected by the consultant to be generated by this project

resulting in a Level of Service (LOS) E for the proposed east and west driveways. This is considered an unacceptable LOS under both the City's General Plan guidelines and Caltran's SR 20 standards. As such the consultants determined improvements would be necessary to reduce the projected LOS at the driveways to acceptable levels. To deliver a LOS D or better, the consultants recommend improvements at both driveways to accommodate separate left and right turn exiting lanes, and exclusive right turn deceleration lanes. The consultants recommended deceleration lanes be designed with a continuous auxiliary lane between the east and west driveways. With these improvements, the resulting LOS at both the east and west driveway will result in a LOS D, with an average delay of 26.4 and 28.8 seconds. In addition, the consultants recommend both driveways be designed to meet both the City and Caltran's standards, and that re-striping of the continuous center left-turn lane along the projects frontage may be necessary as part of the Caltran's review and encroachment permit application process.

Our review of the traffic analysis however determined that the consultant's literal use of the word "between" in describing the location of the proposed deceleration lane would not require a deceleration lane for the easternmost driveway, thereby causing potential traffic safety hazards to westbound movements. For the west bound traffic to safely decelerate from SR 20 into the project via the east or west driveways, the project will require the construction of a continuous third lane along the entire project frontage. The development plan has already been designed to accommodate the lane and is patterned as such. In addition, both the Walgreen's parcel and the adjacent parcel located on the northwest corner of Stabler Lane and SR 20 have already been designed to accommodate this third lane. A mitigation measure to this effect is included in the conditions of approval.

Staff Comments:

City staff supports the applicant's proposal to subdivide the subject site into 7 parcels and develop it into 61,210 square feet of retail commercial, which will include 334 parking spaces, highway improvements to State Route 20 and landscape improvements throughout. The project as proposed is consistent with the General Plan; the site layout complies with the City's zoning regulations; the building designs meet the intent of the commercial design guidelines, and the proposed commercial uses are compatible with existing commercial uses surrounding the site. Also the two billboards existing on-site will be removed as part of this project, further enhancing the aesthetics along Colusa Avenue.

Increased pedestrian activity areas and alternative modes of transportation are supported by this project through the inclusion of on-site bicycle parking spaces; development of 4 separate pedestrian pathway linkages with the detached public sidewalk along Colusa Avenue; inclusion of 2 pedestrian/bicycle linkages with the future extension of the Yuba-Sutter Bikeway/Pedestrian corridor running along the project's northerly boundary; and development of a public area located on the southeasterly side of Building #4.

The use of several types of building materials, paint colors, recesses, score lines and varying roof heights help articulate proposed building facades and provide a sense a depth and variation to the project. The architect's use of Eldorado Stone in the "Cliffstone Manzanita" style, combined with the modern look of galvanized corrugated sheet metal helps to accent storefronts and define

main entrances. Alternating the parapet heights and mixing up their design, combined with the various tower features helps to contrast building heights and anchor buildings.

The preliminary landscape plan proposes increased landscape buffering along the south side of the project between the parking lot and Colusa Avenue with the intent of acting as a visual screen. This screen will consist of earthen landscape berms, broad domed trees planted on 30-foot centers, low flowering shrubs, living ground cover, and 3-foot tall parking lot screening shrubs. At the two main entrances, lawn with flowering accent shrubs and trees planted behind will line each side of the entrance. To buffer the south and east sides of the trash enclosure adjacent to Pad B, a combination of 6-foot high screening shrubs and vines will be planted. To provide the site with a clean appearance the applicant has elected to landscape around each trash enclosure in a similar manner. The drive-thru stacking lane on Pad A will be screened from view along the public right-of-way utilizing a 3-foot high masonry retaining wall combined with an earthen berm topped with a low hedge. Along the east property line, a row of screen shrubs will be planted, which are proposed to grow between 5-8 feet in height.

The layout of the site has been restricted to two main entrances off Colusa Avenue, with two additional driveways located on-site to provide connection between the subject project and the adjoining Walgreen's parcel to the west. An additional driveway will also be provided along the easternmost boundary of the project for any future connection needed to develop the neighboring parcel identified on the site plan as NOT A PART (currently owned by the City).

To date staff has not received any public comments or opposition to this project. We do however view the proposal as an essential aesthetic improvement to the State Route 20 frontage. Not only will this project fill a need for additional regional commercial, but it will also serve to clean up a stretch of State Route 20, which for a long period of time as been a traffic safety hazard and could arguably be considered a blighted area.

Recommended Actions:

- A) Adopt the following recommended findings:
1. Following review and consideration of the attached mitigated negative declaration along with the recommended mitigating measures and any comments received, find that there is no substantial evidence that the project will have a significant impact on the environment, and
 2. The approval of the development plan and parcel map is consistent with the Regional Commercial land-use designation of the Yuba City General Plan, and
 3. The approval of the parcel map complies with minimum lot size standards as required by the Yuba City Zoning Code in that the Community Commercial (C-3) District requires minimum lot sizes of 5,000 square feet and the smallest lot proposed is 26,449 square feet, and
 4. The 7.69-acre project site is adequate in size and shape to accommodate the proposed Sutter Buttes Market Place project, and

5. The projects site design, elevations, parking configuration and landscape are designed to meet the Yuba City Zoning Regulations and Commercial Design Guidelines, and
 6. The existing streets serving the site are adequately designed to carry the additional vehicle trips that will be generated by the proposed uses, and
 7. The site design, design of the buildings and the scale of the project will compliment the neighboring areas, and
- B) Adopt the mitigated negative declaration.
- C) Approve Development Plan #04-03 subject to the following conditions of approval:
1. Prior to issuance of a Certificate of Occupancy for any building, the existing overhead utility lines located along State Route 20 from Tharp Road to the southeast corner of the subject property shall be under grounded.
 2. In the event historical, archeological or paleontological resources are accidentally discovered during construction, all grading activity in the immediate area shall cease and materials and their surroundings shall not be altered or collected. A qualified archeologist shall be consulted immediately to make an evaluation. 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 as guidelines. If any bone is discovered which appears to be human, California law mandates that the Sutter County Coroner and the Native American Heritage Commission be contacted.
 3. Curb, gutter and detached sidewalk shall be extended to the east to Stabler Lane to match the existing Highway 20 improvements at Walgreen's (APN 59-010-094). These improvements shall be shown on the improvement plans submitted with the first phase of construction.
 4. The street section of State Route 20 shall provide for a No. 3 west-bound lane between Stabler Lane and Tharp Road. The lane shall be striped according to the California Department of Transportation's requirements.
 5. Prior to the issuance of a building permit for the redevelopment of these properties, the property owner shall make an offer of dedication of right of way for the 32 feet north of the section line along the State highway frontage with proof of said offer submitted to the Community Development Director.
 6. Driveway access points with full turn movements onto and off of the State highway (Colusa Avenue) shall be limited to two with their locations to be approximately 500 feet east of the Tharp Road centerline and 440 feet west of the

Stabler Lane centerline, respectively.

7. The area of unimproved Caltrans right of way along State Route 20 between the unpaved shoulder and the northerly edge of the ultimate highway right-of-way line shall be planted and maintained with living landscape material. A landscape plan showing the plant materials, means of providing irrigation and a maintenance schedule shall be submitted for review and approval by Caltrans and the Community Development Director prior to issuance of any building permits on-site.
8. Any work that is to be done within the Caltrans right of way must meet the Caltrans State Highway standards and shall first require an encroachment permit. Encroachment Permit staff can be reached at (530) 741-4403.
9. Prior to issuance of a building permit or recordation of the final map, a master grading plan which has been designed for a ten year storm with an on-site detention requirement of 1,335 cubic feet per acre shall be submitted to Engineering Division for review and approval. All on-site storm drainage shall pass through an oil/grit separation device as approved by the City.
10. Temporary silt fencing shall be erected during construction so that the transport of construction debris can be retained on-site.
11. The improvement plans for the development of the subject property shall include all measures required to ensure that no storm drainage runoff resulting from the development of the property flow onto adjacent properties or impede the drainage from those properties. If retaining walls are required they shall be constructed of concrete or masonry block.
12. The developer shall prepare and implement a water quality control plan for the construction and operational phases of the proposed project. This plan shall be reviewed and approved by the Public Works Department. Such a plan shall include Best Management Practices to control the input of pollutants to urban storm water runoff released to receiving waters off-site as deemed appropriate by the Public Works Director.
13. Any buildings proposed on Pad A and Pad B shall utilize similar architectural design, materials and detail so as to be compatible with the existing shopping center as approved. Design of each of these buildings shall be reviewed and approved by the Community Development Director prior to issuance of a building permit.
14. Any drive-thru lanes in the project shall be screened utilizing a combination of low masonry retaining walls, earthen berms, living ground cover, shrubs, and/or hedge type plant materials to visually screen waiting vehicles from the public view. Detail of the proposed method of screening shall be submitted to the Planning Division for review and approval prior to issuance of a building permit.

15. On-site street landscape planters along the State highway (Colusa Avenue) frontage shall be a minimum of 20 feet wide and planted with landscape material as required by the Yuba City Zoning Regulations.
16. All existing well(s) and septic tank(s) shall be destroyed in accordance with the requirements of the Sutter County Health Department and Yuba City Building Divisions.
17. The \$50 administrative handling fee (made payable to the County of Sutter) for filing a Notice of Determination from the previous rezoning of the subject property in 2002 shall be paid to the Development Services Department, Planning Division prior to issuance of building permits.
18. demolition permit is required by the Yuba City Building Department and must be secured prior to demolition of any structures on-site.
19. Prior to the issuance of a Certificate of Occupancy for any of the buildings, the two freestanding billboards existing on-site shall be permanently removed.

D) Approve Tentative Parcel Map #05-06 subject to the following conditions of approval:

1. The final map shall not be recorded until such time as Conditions of Approval Nos. 3, 4 and 5 of DP #04-03 have been fully satisfied.
2. A cross access easement shall be reserved in deeds for storm drainage, sanitary sewer, water, ingress and egress, landscaping and parking and the maintenance thereof on the subject property and the two adjacent properties to the east and west.
3. A public utility easement shall be provided along the Colusa Avenue frontage within the boundary of the map extending 20 feet behind the right of way line.

3. Meritorious Awards Program

Subject:

Earlier this year the Planning Commission had the opportunity to select a commercial or industrial project that merited special recognition by the Commission for a specific aspect of its design and construction. A list of projects completed in 2004 was provided to the Commissioners who were instructed to survey those projects, or any others they were aware of, for consideration of an award. It has come to staff's attention that there were two projects never mentioned on the list that was provided, and both were excellent examples of quality design and construction. These projects were both restaurants, Salute on Plumas Street and Paradiso on Richland Road.

Recommended Action:

Staff would like to offer the Commission the opportunity to consider these omissions for a Meritorious award.

YUBA CITY PLANNING COMMISSION
MINUTES

Regular Meeting
June 8, 2005
City Hall Council Chambers

The meeting was called to order by Chairman Starkey at 7 p.m. Members present and absent were as follows:

PRESENT

Commissioner Mike Cartoscelli
Commissioner Maynard Dunn
Commissioner Tej Maan

Commissioner Jeffrey Spencer
Commissioner Satwant Takhar
Chairman Craig Starkey

Also present were Community Development Director Denis Cook, Senior Planner Brian Trudgeon, Associate Planner Jason Goff & Assistant Planner Vicrim Chima

ABSENT

Commissioner Melia Campbell

It was reported that Commissioner Campbell had an excused absence.

The Pledge of Allegiance was led by Commissioner Takhar.

APPEARANCE OF INTERESTED CITIZENS: None.

CORRESPONDENCE: None.

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.**

Assistant Planner Jason Goff briefly reviewed the staff report. In answer to a question from Commissioner Takhar regarding Condition #4 and the dirt lane, Mr. Goff stated that staff was advised by Phil Carter, Contract Assistant City Manager, to drop it. A question as to why this was done arose and Commissioner Dunn stated that he thought that was a problem area. Planner Goff stated that there had been some disagreement between the city and the applicant on it. Staff had some discussions with the Contract Assistant City Manager and he advised staff to remove condition. Staff wasn't party to the discussions.

Commissioner Dunn stated for the record that he was constantly getting berated by the public for the poor transportation system that's developing in that area. He felt that there should be an explanation for the good of the public. Commissioner Starkey indicated that the Commission felt that there was a question that needed to be answered before granting approval, and discussion ensued about continuing the public hearing.

Ron Clung with Doucet & Associates, 3300 Douglas Blvd., Roseville, a representative of Wal-Mart stated that he had a discussion with the City Manager and Contract Assistant City Manager with respect to that condition, and it was their belief that there was no nexus for taking an existing building where essentially the same use was to be re-established at some point in the future and place such a condition on that project. They estimated the cost and it would probably be around \$400,000 to \$500,000. He then stated the intent of the project was essentially to help in the re-tenanting of the building. The Contract City Manager had been asked to look into what the nexus was which resulted in removing condition #4. He restated the goal of re-tenanting the building, and that Wal-Mart felt it was an undo burden and would create a hardship in the re-tenanting process.

Clarification of Condition #4 was given as being a right turn lane on the south side of Hwy 20 as Walton Avenue is approached.

A conversation then ensued regarding the selling or leasing of the property, and whether to continue the hearing. Mr. Orr addressed the Commission and identified himself as being the culprit of the situation, and stated that the existing lane is inadequate as it is not long enough. He went on to say that he expressed that issue several times while he was City Engineer and now that he's retired he still has the same opinion. The public hearing was closed at this time.

Commissioner Dunn thanked Mr. Orr for his explanation and stated that staff had made the Commission aware that if Wal-Mart sold the building, or did something there with another tenant, there wouldn't be an opportunity to do the lane, and there are a lot of safety issues to deal with regarding that corridor.

Commissioner Spencer stated that he understood both sides of the issue and felt that there was a nexus from something that was created years ago when there was no vehicle for taking the opportunity when they should have. He went on to suggest that there should be some distributed assessment among all of the parcels in the area in order to make it more palatable for each of the businesses, and reach the City's goal of smooth traffic in that area. Stated that it wasn't an ideal situation, but there was no way of going back and taxing people that are already there. He noted that as a matter of procedure, when projects are done they do their on-site improvements. He gave an example of the third lane that is being added across the street from this project for a new shopping center that will be discussed later on in this meeting.

Upon motion by Commissioner Cartoscelli, second by Commissioner Spencer and an all yes voice vote of those members present, the Commission continued the public hearing to be Item 1 on the agenda for the July 13, 2005, meeting.

2. PUBLIC HEARING:

A) DEVELOPMENT PLAN #04-03 TO CONSTRUCT 61,210 SQUARE FEET OF COMMERCIAL RETAIL (SUTTER BUTTES MARKETPLACE), AND

B) TENTATIVE PARCEL MAP #05-06 TO SUBDIVIDE 2 PARCELS CONSISTING OF 7.69 ACRES INTO 7 PARCELS; NORTH SIDE OF COLUSA AVENUE, WEST OF STABLER LANE; APPLICANTS, DAVID LANZA & HILBERS, INC.

Planner Jason Goff briefly reviewed the staff report and the public hearing was opened.

Mark Marvelli with Rauschenbach Marvelli Becker Architects of Sacramento who are the architects for the project addressed the Commission indicating that they had worked with Planning and Public Works to solve what he hoped were all of the issues before them, and noted that it had taken many months to get to this point. He stated that the applicants were in agreement with all of the conditions and agreed that Pads A and B should be compatible with the rest of the architecture of the project. Commissioner Spencer asked if there were tenants for the other buildings, and Mr. Marvelli answered they had none at this time. The public hearing was closed was closed at this time with no other testimony offered.

Commissioner Dunn commended the design of the project. None of the Commissioners expressed any concerns with the project.

Commissioner Spencer moved to adopt the seven findings as outlined in the staff report, to adopt the mitigated negative declaration, to approve Development Plan #DP 04-03, subject to the 19 conditions as outlined in the staff report with Condition No. 19 being amended to read as follows:

19. Prior to the issuance of a Certificate of Occupancy for any of the buildings, the two freestanding billboards and any other non-conforming signs existing on-site shall be permanently removed.

and condition No. 20 being added to read as follows:

20. Any future buildings proposed on Pad A and/or Pad B shall utilize similar architectural design and details so as to be compatible with the existing retail center as approved. Design of each of these buildings shall be reviewed and approved by the Community Development Director prior to issuance of a building permit.

and to approve Tentative Map No. TM 05-06, subject to the three conditions as outlined in the staff report. The motion was seconded by Commissioner Takhar and carried by a unanimous roll call vote of those members present.

3. MERITORIOUS AWARDS PROGRAM

The staff report was briefly reviewed. A motion was made to present 2004 Meritorious Awards for Outstanding Renovation to Paradiso Restaurant at 885 Richland Road and Salute Italian Ristorante at 628 Plumas Street. The motion was seconded and carried by a unanimous voice vote of those members present.

4. OTHER BUSINESS:

a) Commissioner Spencer spoke regarding emails from staff about classes and that he will be attending such as the Local Government Commission class for Smart Growth on June 24, 2005. He encouraged others to attend as well.

b) Community Development Director Cook spoke about an upcoming scenario planning session and asked the Commissioners to choose a date that would work for them. It was agreed that they would have their preferred dates to staff by Friday, June 10th.

5. REPORT ON ACTIONS OF THE CITY COUNCIL:

The Commission discussed the new budget adopted by the City Council for '05-06, and a study session with the Planning Commission that will be coming up regarding the Sign Ordinance.

6. ADJOURNMENT:

The meeting adjourned at 8:30 p.m.

Respectfully submitted,

BRIAN TRUDGEON, Secretary Pro Tem
YUBA CITY PLANNING COMMISSION