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

YUBA CITY PLANNING COMMISSION
AGENDA

Regular Meeting
May 11, 2005 - 7 p.m.
City Hall Council Chambers
1201 Civic Center Boulevard

Roll Call.

Pledge of Allegiance.

Appearance of Interested Citizens*

Correspondence:

1. Public Hearing: Tentative Map #05-04; 1000 Sutter St.; C-O-X₈ and C-3-X₈ Zones; A.P. No. 51-550-032; applicants, Fred Northern/Meagher & Tomlinson; property owners, Roy & Sondra Lanza Trust.
2. Public Hearing: General Plan Amendment #05-01 and Rezoning # 05-01 to apply R-1, R-3, R-3-X and PF preannexation zoning (or such other district deemed appropriate) to property located between Walton Ave. and the Gilsizer Slough and between the city limit line and Bogue Rd.; A.P. Nos. 22-060-016, -018, -021, -024, -026, -027, -028, -031, -032, -036, -041, -042, -044, -045 & -049; applicant, Braddock & Logan Group/property owner, Siller Brothers Inc.
3. Public Hearing: Rezoning Nos. 04-10 & 04-15 to apply R-1, R-3, C-2 and M-1 preannexation zoning (or such other district deemed appropriate) to property located at 2235 Elmer Rd. and property located on the west side of Elmer Rd. just south of the westerly extension of Lizanne Drive and the area expanded by the Planning Commission on June 23, 2004, to include those properties lying between the Tuly Parkway right-of-way and the section of Tierra Buena which was annexed to the City in April of 2004, and lying between Vine Avenue and the westerly extension of Lizanne Drive; A.P. No. 17-066-033; applicant/property owner, Interwest Homes, Inc., and A.P. No. 17-065-013, -068 and -098; applicant, Reynen & Bardis Communities/property owner Bill Walker/Patricia Sadler & Piara Singh/Satnam Tatla.
4. Public Hearing: Rezoning #05-04 to apply R-1 preannexation zoning (or such other district deemed appropriate) to property located on the south side of Butte House Rd., 660 feet west of Hooper Rd. and the area expanded by the Planning Commission; A.P. Nos. 17-080-003 & 17-111-001; applicant, Meritage Homes of California/property owner, Ernest Low.

(over)

5. Public Hearing: Zoning Code Amendment #05-03 for revisions to the Yuba City Municipal Code regarding signs.
6. Other Business.
7. Report on Actions of the City Council.
8. Adjournment.

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.

YUBA CITY PLANNING COMMISSION
MINUTES

Regular Meeting
May 11, 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 Melia Campbell
Commissioner Maynard Dunn

Commissioner Jeffrey Spencer
Commissioner Tej Maan
Chairman Craig Starkey

Also present were Community Development Director Denis Cook, Senior Planner Brian Trudgeon, Assistant Planner Vicrim Chima.

ABSENT

Commissioner Mike Cartoscelli

Commissioner Satwant Takhar

It was reported that Commissioners Cartoscelli & Takhar had an excused absence.

The Pledge of Allegiance was led by Commissioner Dunn.

APPEARANCE OF INTERESTED CITIZENS: None.

CORRESPONDENCE: None.

Chairman Starkey recused himself from discussion and voting on the following item inasmuch as he had a working relationship with two of the principals involved in the project, and turned the meeting over to Commissioner Dunn.

- PUBLIC HEARING: TENTATIVE PARCEL MAP 05-04;
INTERSECTION OF SUTTER STREET AND LAMON WAY –
APPLICANTS, FRED NORTHERN/MEAGHER & TOMLINSON;
PROPERTY OWNER, ROY LANZA**

Assistant Planner Chima briefly reviewed the staff report and the public hearing was opened. No testimony was offered and the public hearing was closed.

Commissioner Spencer moved to adopt the findings as outlined in the staff report, adopt the mitigated negative declaration and approve the tentative map subject to the 10 conditions as outlined in the staff report. The motion was seconded by Commissioner Mann and carried by a unanimous roll call vote of those members present.

Chairman Starkey resumed his seat on the Commission.

2. PUBLIC HEARING: FOR PROPERTY LOCATED BETWEEN WALTON AVENUE AND GILSIZER SLOUGH AND BETWEEN THE CURRENT CITY LIMITS AND BOGUE ROAD:

- 1) GENERAL PLAN AMENDMENT 05-01 TO CHANGE THE EXISTING MEDIUM DENSITY RESIDENTIAL (MDR) FOR 2 ACRES TO LOW DENSITY RESIDENTIAL (LDR) AND TO REARRANGE THE MEDIUM DENSITY RESIDENTIAL, HIGH DENSITY RESIDENTIAL (HDR) AND PARKS, RECREATION AND OPEN SPACE (PR&OS) DESIGNATIONS INTO A DIFFERENT CONFIGURATION WHILE MAINTAINING THE SAME ACREAGES FOR EACH DESIGNATION AS SHOWN ON THE YUBA CITY GENERAL PLAN LAND USE DIAGRAM ADOPTED IN APRIL OF 2004, AND**

- 2) REZONE 05-01 FOR A SMALLER AREA WITHIN THE PROPOSED GENERAL PLAN AMENDMENT DESCRIBED ABOVE, SPECIFICALLY THE 33 ACRES NORTH OF SMITH ROAD, TO CHANGE THE EXISTING PREANNEXATION ZONING FROM ONE-FAMILY RESIDENCE, AGRICULTURAL COMBINING (R-1-A) DISTRICT IN ORDER TO PLACE CONSISTENT PREANNEXATION ZONING OF PLANNED DEVELOPMENT (PD) DISTRICT OR TO DISTRICT AS DEEMED APPROPRIATE. THE APPLICATION DOES NOT INCLUDE A REQUEST FOR PREANNEXATION ZONING TO BE APPLIED AT THIS TIME TO THE LANDS LOCATED BETWEEN SMITH AND BOGUE ROADS - PROPERTY OWNER, SILLER BROTHERS INC./APPLICANT, BRADDOCK AND LOGAN GROUP**

Prior to reviewing the staff report Senior Planner Trudgeon reviewed some background regarding study sessions that occurred early in the year with the Commission and Council over the six projects that had submitted preannexation zoning and the idea of adopting growth policies under which those and any further development outside of the current city limits would take place. As such, the City Council on March 15, 2005, adopted the growth policies and said move forward with the six applications. He explained that four of them were on the agenda tonight in three projects before the Commission. Two of them are in the Tierra Buena Area which is the next agenda item. The growth policies themselves include that the developer shall get a letter from the respective school districts in which the property is located that they have satisfied all requirements of the school district. Affordable housing will be provided as part of the projects. All drainage from any proposed subdivision will meet County and City Master Drainage Plans.

A development agreement will be entered into for the financing of roads, parks, public facilities, sewer and water including installation of major trunk lines, drainage and surrounding infrastructure. Also impact fees projected to be with the impact study that's being done right now that would take effect the first part of next year would be paid up front by these developers. Fees towards levy improvements and to address flood issues would be part of it. The properties would enter into community facility districts that would fund police, fire and park maintenance, and the projects themselves would meet the community design policies in the General Plan. Mr. Trudgeon then reviewed the staff report and invited questions from the Commission.

Commissioner Dunn's first comment was a concern regarding a change in the road plan. He then asked Mr. Trudgeon to explain page 11 #E which concerned the development criteria for the small lot development. Commissioner Dunn then asked Mr. Trudgeon to explain how the preannexation process goes, which he did.

Commissioner Spencer wanted to know about the park utilization for the project. It was explained that with this project there are little "pocket parks."

Commissioner Campbell expressed her concerns regarding the developers "throwing money" at the schools which she felt wasn't good enough, and Commissioner Maan noted that the 12 conditions would address the concerns regarding the school issue.

The public hearing was opened with those in favor of the project invited to come forward.

Darrel Bolognesi of Braddock & Logan, the company that's proposing the 33-34 acre project, addressed the Commission giving company background and stating their interest in Yuba City. He also talked about the product they would be developing. He stated that Braddock & Logan was okay with the changes and how things were shifted around and addressed questions brought up during the Staff review with regards to parks and schools. He also detailed how they plan to proceed developing their product to keep in line with the City's General Plan.

Commissioner Spencer asked how Braddock & Logan planned to address the high density. Mr. Bolognesi stated that Braddock & Logan's property management group manages a number of apartments that the company owns and will manage those involving this project.

Sean Minard with M-H-M Engineering, 523 J Street in Marysville invited technical questions. None were asked.

Dwayne Van Liew stated he lives on Smith at the Gilsizer Slough and is the owner of two parcels. He was concerned about public access across his property for a walkway and how his property is open to kids with guns and motorcycles and taking things from his backyard. He spoke of several issues including the ditch which he felt is a "magnet to the public", and had flooded in '95 and '96. He indicated that he fought with Gilsizer Drainage District for over a year, after which they put another pipe in and now he retains water there all the time. A pipe comes in on the corner of his lot so when it rains he gets raw sewage and "everybody's oil change." He had also called the fire department to put a boom up. He also stated that the frontages along Walton Avenue have nothing but weeds along them and are unmanaged. He went on to ask Mr. Minard if he was aware of those problems.

Mr. Minard confirmed they were aware of the sewer drainage problem and were going to work with Gilsizer on the issue. He noted that this will be a part of the 12 conditions in the Master Drainage plan. With regard to the raw sewage, he stated that dealing with that will have to be handled by educating the existing home owners but all of the issues will be addressed during the design project.

Dwayne Van Liew's final statement was with regard to flooding and where the water was going to go from the new development.

Greg Ramsay of 1424 Smith Road spoke in agreement with Mr. Van Liew with regard to the drainage problem. He felt his property value would decrease with the high density apartments being across the street.

Russell Roller of 1895 Dillon Drive, representing Grace Christian Academy, stated his concern regarding how rezoning affects their current property with respect to what they are doing now and future expansion and development. Also stated concern about street layout and the safety of the children who attend the school. He was assured that they were sensitive to the safety of the children as well and that there would be no change to his property. He also asked if the small lots would be designated as mobile homes and was told no.

Margene Van Liew of 1442 Smith Road indicated that right now they are zoned for residential AG. She voiced concern about possible complaints from the tenants of the apartment building when she goes through the procedure of maintaining her walnut orchard, mowing, dusting and spraying. She was told the tenants are required to be notified that there are AG operations in the area and that they go in with a full knowledge of what's going on and they have to accept whatever is going on.

Ms. Van Liew voiced concern with regard to having high density across the street from her property reducing her property value. She asked why the high density wasn't moved elsewhere so that it would not affect the value of the property owners' homes. There was doubt that it would decrease but rather increase because of the development potential of her property.

Ms. Van Liew voiced another concern regarding development on other streets where there was poor road reconstruction and asked if the same would happen there. She was told that there may be some problems for a point in time but was assured that things will be done in a timely fashion to minimize problems and that Smith Road will be rebuilt to City standards with curb, gutter and sidewalk.

Darrrel Bolognesi discussed his company's disclosure statements and that they create CC&Rs regardless of whether or not there is an HOA so the homeowners can police themselves. He went on to talk about the high density residential which could be either for-sale townhouses or apartments and would depend upon what the need is in the city. He assured the property owners they would be notified when that happens whether it's a town meeting or if they have to go to the neighbors to make sure they know what the company is going to build.

At this time Commissioner Dunn requested Mr. Bolognesi explain the flooding concern. Mr. Bolognesi spoke about the development agreement that they will have to enter into with the City to guarantee that certain fees are paid and certain improvements are put into place as part of the

overall General Plan. He explained that his company will be required to do certain improvements including frontages to handle the drainage and make sure things don't get worse. The fees they would be required to pay would take care of future issues as far as what the Public Works Department had planned for downstream improvements. There was a description of the proposed layout and how it works with the General Plan, along with adjustments that will need to be made to address issues such as flooding.

Commissioner Campbell brought up a concern regarding access to Gilsizer by the residents and asked if there were plans on the part of the developer to reduce the access so neighborhood children do not get lost. Mr. Bolognesi pointed out that the developer only has control over the project site, and indicated that they will work with Gilsizer and the City.

Drainage funding for Gilsizer was spoken of as well as the district wanting to fence off the ditch to cut off access to it.

Vincent Fieth of 1650 Green Valley Road brought up an issue of widening Walton Avenue and if it were to happen if it could happen to coincide with the development. He was told that widening the street was to come in the next phase and that it's covered in the General Plan that Walton Avenue and Bogue Road will be 4-lane road. The public hearing was closed at this time and the meeting was brought back to the Commission.

Commissioner Spencer asked to have the sewage discharge issue addressed and asked if it was an enforcement issue that the City needs to address. He was told that any sewage in the drainage should not come from any City project because all the City projects are on a public sewer system.

Commissioner Dunn pointed out the boundaries of the sphere of influence for the new General Plan Update and reiterated the growth that Yuba City is undergoing and stated that the planning staff are trying to work with it and doing the best they can. He went on to say the city will grow and as Commissioners, Council People and Planning Staff, we must get input from the public and resolve the public's issues so they are reasonably satisfied. He also noted that he's never had anyone complain about projects that have gone forward. He stated that he's a strong proponent of "character housing" and that the idea of porches will help the community.

Commissioner Campbell agreed with Commissioner Dunn but wanted to comment on the higher density housing. She stated that growth is painful at times but the Planning Commission is doing the best it can to make sure the developers take as much of the pain out of it as possible. She stated conditions that have been put on the developers such as washing off tires of trucks before leaving construction areas. She also spoke on the importance of incorporating higher density housing into the community because Yuba City only has so much land and so many people want to be there. She went on to say that not everybody can afford a single family home so different densities of housing must be incorporated into the neighborhoods. She also said that affordable housing must be incorporated into the community and not fenced off because the people occupying those housing facilities are a part of the community also.

Commissioner Spencer recognized the participation of those in attendance and the difficulty of the changes that are going on. He encouraged them to make their thoughts known and encouraged them to continue voicing their concerns along the way.

Commissioner Maan agreed with Commissioner Campbell with respect to higher density housing so as not to use up all of the farm land and reiterated the boundaries that Commissioner Dunn stated. He addressed the issue raised regarding sewage and encouraged those having that problem to call the Environmental Health Department.

Commissioner Dunn moved to adopt the three findings as outlined in the staff report, to adopt the negative declaration, to recommend to the City Council that it adopt a resolution for approval of General Plan Amendment 05-01 for 2 acres from Medium Density Residential to the Low Density Residential designation and the reconfiguration of the Medium Density Residential, High Density Residential and Parks, Recreation & Open Space designations, and to recommend that the City Council adopt an ordinance for approval of Rezone 05-01 for amendments to the Official Zoning Map from the current preannexation zoning of One-Family Residence, Agricultural Combining (R-1-A) District to conditional preannexation zoning Planned Development (PD₁₁) District subject to the criteria of development for the properties located in each general plan designation and as outlined in the staff report and subject to Exhibit B (Conditions of Preannexation Zoning). The motion was seconded by Commissioner Spencer and carried by a unanimous roll call vote of those members present.

3. PUBLIC HEARING – REZONING 04-10 AND REZONING 04-15 TO APPLY PREANNEXATION ZONING OF ONE-FAMILY RESIDENCE, SPECIAL STANDARDS COMBINING (R-1-X) DISTRICT, MULTIPLE-FAMILY RESIDENCE, SPECIAL STANDARDS COMBINING (R-3-X) DISTRICT, COMMUNITY COMMERCIAL, SPECIAL STANDARDS COMBINING (C-2-X) DISTRICT AND LIGHT INDUSTRIAL, SPECIAL STANDARDS COMBINING (M-1-X) DISTRICT OR TO DISTRICTS AS DEEMED APPROPRIATE TO 249+ ACRES LOCATED BETWEEN HOOPER ROAD AND A POINT MIDWAY BETWEEN ELMER ROAD AND BLEVIN ROAD AND BETWEEN VINE AVENUE AND THE EXTENSION OF LIZANNE DRIVE. THE ZONING CLASSIFICATIONS WILL BE APPLIED IN CONFORMANCE WITH THE ADOPTED 2004 YUBA CITY GENERAL PLAN LAND USE DIAGRAM. PROPERTY OWNERS - INTERWEST HOMES, INC., BILL WALKER, PATRICIA SADLER, PIARI SINGH & SATNAM TATLA – APPLICANT, INTERWEST HOMES, INC. AND REYNEN & BARDIS COMMUNITIES

Senior Planner Trudgeon briefly reviewed the staff report and questions from the Commission were asked.

Commissioner Dunn asked if any of the development fees for this were going into the Pease Road Interchange and are the developers going to be responsible for putting something in that pool. It was stated that the 12 conditions previously discussed would require that they pay the new impact fee and the public hearing was opened.

Sean Minard representing Interwest Homes and Reynen & Bardis stated that they were well aware of the conditions including the major one that Tuly Road had to be constructed all the way down to Butte House Road prior to the development of the subject projects. As for the drainage, he stated that a master drainage plan had to be prepared and that they would work with the City and Staff to come up with a drainage solution that works. He said the current proposal would work but it wasn't the best overall system for the City and the County, and they would work on that. He invited any other technical questions and none were asked.

Randy Collins representing Reynen & Bardis stated that he agreed with the 12 conditions put on those projects and invited any questions. None were asked.

Kay Imvey questioned how to become annexed into the city to receive the water in the water tanks behind her house.

Lewis Boyce at 1387 El Margarita Road expressed that he wanted to work something out with the zoning where they cannot break up the 8 large lots that are on his street. They are currently zoned R-1 Estate Lots and they have to be a minimum of 40,000 square feet. If it was made strictly R-1, someone could come along and put up shacks or something and they really don't want that. He requested a special designation to be put on that area. Mr. Boyce was told that it's the Commission's policy generally not to approve breaking up lots so as to uphold the character of a neighborhood. He was told that another condition to what's existing could be added to make it a 1-acre minimum.

Mr. Theodore Amato of 2324 Valencia Street addressed the field that is being re-zoned for a multi-family dwelling (R-3 zoning). He stated that it would change his way of life because if multi-family dwellings were put up there would be more noise and lack of privacy. He's against a multi-family dwelling.

Mr. John Palm of 2303 Valencia Street said he had no opposition to the current plan or updated draft which is medium density housing but someone on the board said that they don't put high density housing against R-1 without some kind of a buffer. If this goes to R-3, it will be putting high density housing against R-1 housing with no buffer. There is no road that runs through there and knowing the property owners that are in there there won't be a road run through there so you will be putting R-3 right up against R-1 property. It was stated that under the General Plan, it is limited to 14 units per acre. They can use some different types of housing styles besides single family residential but they could not exceed 14 units per acre which is typically too low for most apartments. You could get a lower density condo complex, some townhomes, small lot single family residential and duplexes. As far as buffering, the district requires additional setbacks between R-1 and the higher density landscaping and building heights, etc.

Mr. David Lane, 1955 Elmer Road, spoke on the environmental assessment. He talked about the transportation circulation element with regard to increased vehicle trips or traffic congestion. He argued that the extra traffic from the one subdivision will increase traffic dramatically and adversely impact everybody. It was stated that the policies in the General Plan required the necessary infrastructure be included. Those projects cannot be developed until Tuly Parkway is opened to Harter Road. This has been discussed with the applicants. When it happens is not known because it depends on other people developing their properties. They will have to figure out if there's a way to manage the traffic instead of it coming down Elmer. Tuly Road will be

open to the public and there will have to be some type of scheme to force the traffic over there. The applicants will make improvements to Tuly Road.

Mr. Lane further stated that none of that addresses the fact that there will be more traffic coming down Elmer Road. He requested that it is found in the environmental assessment that it is potentially significant unless mitigation is incorporated and provides something that requires mitigation for the traffic on Elmer because he felt Tuly Road by itself did not take care of Elmer Road if there were subdivisions on both the east and west sides of Elmer as proposed. It was stated that there was no problem with changing that to potentially significant minus mitigation; it's something we're going to be doing anyway.

Mr. Lane then stated he would be satisfied with that as long as there's mitigation. He also spoke on a conflict between the Zoning Code and the adopted General Plan, and argued that R-2 would be better zoning than R-3. It was confirmed that the Zoning Code was not yet updated and that the new Zoning Code would will be closer to what the General Plan reflects. It was concluded that even though zoning by itself would allow more than 14 units per acre, they must look at the General Plan also. It was then noted that Exhibit B contained 11 conditions and not 12. He also requested that Butte House Road be expanded to the entire section before building to the major arterial standard which is used as a Negative Declaration mitigation factor because that's what is in the General Plan. It's defined as a major arterial which is four lanes, and we don't have it.

Commissioner Dunn requested a recess at this time and it was granted.

The meeting was reconvened.

Ms. Virginia Smith, 1979 Elmer Road, stated that her first concern was maintaining the AG status on her property of 1.33 acres and there was no problem with maintaining that. Ms. Smith's other concern was regarding traffic on Butte House Road and restated that it was very bad. She wanted to know if the developers were going to address that issue and if it will be addressed before they develop or be something they would have to get money for later. She was told that as development occurs in the city there were plans for all of the roads to be improved. The funding would come from the impact fees in part with other monies, and some of the improvements will be done concurrently. Level of Service D is required in the General Plan which is a level that has been in place for years. The developers along Butte House Road will have to do improvements as development occurs.

Ms. Smith also raised a question of taking property owners' front yards in order to widen Elmer Road. It was stated that it was unknown at this time and would be dealt with when the subdivisions were being presented to the Planning Department.

Ms. Bains of 381 South George Washington Blvd. indicated that her family was the owner of the property discussed with regard to R-2 and R-3 zoning. She reported that they intend to keep the property but had no intention of putting up a high-rise apartment complex. They wanted to maintain the R-3 zoning because it provided them with flexibility, and confirmed that they wanted to work within the framework of 14 units per acre and would appreciate it if it was kept as currently zoned.

Mr. Devinder Tumber of 2179 Redding Avenue, two parcels north of the R-3 parcel, asked if now or at a future time could people request a different zoning as far as medium or medium-high

density, or will it be set in stone once it goes through. He was told the densities were established by the General Plan and that's not before the Commission tonight. It was explained that the zoning is a tool to implement the General Plan, and that if something is shown as being zoned R-1, it can't be changed to R-3 without coming back with an amendment to the General Plan designation which is a whole other process. Mr. Tumber then added his view on the traffic issue on Butte House Road and indicated that he didn't have a problem with the plan, he just thought it was a time for change and that the plan was a good plan.

The public hearing was closed and the meeting was brought back to the Commission. Questions and comments from the Commission were invited.

Commissioner Spencer stated his understanding of the traffic issue and brought up that consideration needs to be given to efficiency.

Commissioner Maan asked if the engineers had a plan on getting the project off of Elmer and onto Tuly Road, especially the RZ 04-15 since that seems to be a major concern for everybody.

Sean Minard stated that there were numerous study plans worked on with RZ 04-10 and that one was pretty cut and dried as it is adjacent to the road. As far as RZ 04-15, they've done lot configurations and different considerations. The whole area has been looked at and one of the major key items of the layout is the area that lines up at Heidi Way. The road basically goes straight in line so the subdivision will be channelized out of Heidi Way down to Tuly Road and out to Butte House Road, so that will be a major component of that tentative map when it's submitted before the Planning Commission at a later date.

Commissioner Dunn commented that the developers were working with large blocks of developable land and noted that the Commission was trying to address the concerns of the citizens. He indicated that he was always happy to see the public come to these meetings, and stated that the staff will make adjustments.

Commissioner Campbell had nothing to add.

Commissioner Spencer moved to adopt the three findings as outlined in the staff report, to adopt the mitigated negative declaration, and to recommend that the City Council adopt an ordinance for approval of Rezonings 04-10 and 04-15 and the expanded area for the application of conditional preannexation zoning to the One-Family Residence, Special Standards Combining (R-1-X₂₀) District, Multiple-Family Residence, Special Standards Combining (R-3-X₂₀) District, Community Commercial (C-2) District and Light Industrial (M-1) District as outlined in the staff and subject to the Exhibit B (Conditions of Preannexation Zoning) and add the R-1-X_{20a} Zone to the property on the south side of Jefferson Road between Ruth Avenue and El Margarita Road with criteria to state the minimum lot size is one-acre. The motion was seconded by Commissioner Dunn and carried by a unanimous roll call vote of those members present.

4. PUBLIC HEARING – REZONING 05-04 TO APPLY PREANNEXATION ZONING OF ONE-FAMILY RESIDENCE, SPECIAL STANDARDS COMBINING (R-1-X) DISTRICT OR TO A DISTRICT AS DEEMED APPROPRIATE TO 71 ACRES LOCATED BETWEEN BUTTE HOUSE ROAD AND ROOSEVELT ROAD AND BETWEEN LYNCHBURG DRIVE AND COY DRIVE. PROPERTY OWNERS, ERNEST LOW AND HENRY & MARIAN KODAMA – APPLICANT, MERITAGE HOMES OF CALIFORNIA

Senior Planner Trudgeon briefly reviewed the staff report and the public hearing was opened.

Mr. Mark Traver with Meritage Homes addressed the Commission stating that his company was new to the process and he didn't come prepared with engineers or anyone to speak significantly about what's going on. He reported that at this point they didn't have any plans for the property nor any product picked out. He went on to speak about the company and indicated that they are building in Sacramento, Folsom, Lincoln, West Sacramento and Reno. He assured the Commission that the award-winning product that they are currently building will be built in Yuba also. He also stated that they understand the conditions of approval and agreed with them and invited questions.

No questions were asked and those against the project were asked to come forward.

The Caretaker of the Kadama property had a question on road improvements.

An unidentified speaker stated that their driveway was being used as an easement by many people in order to get to the canal and there have been no signs put up stating no trespassing. It was stated that they must take it up with the county but once the property develops they won't have to worry about people hanging out at the ditch because there will be a road through there. It was established that during construction they will need to have access to their property.

Cecilia Barriga of 1737 Lynchburg Drive was concerned about low-income housing, and about her children crossing George Washington after it's widened to get to school. She was also concerned with the big oak tree behind her house. Another concern was that so many people are coming into the city and there aren't enough jobs so the people will have to work outside of Yuba City and increase the traffic flow on the highways. She was told that low-income housing wasn't going to be a problem for her and the Commission had no idea what she's going to do about the tree. She was also told that Caltrans is working on widening Highway 99.

Marilyn Port of 2920 Roosevelt Road identified her property as being directly across the street from the orchard. She wanted to know what will be done with the orchard until the developer decides what they are going to with the property. Will the trees be maintained, left to die or be torn down. She was told the decision was up to the property owner. There's nothing the Commission could do about it. The property owner was invited to answer the question so a representative of the Low family spoke up and said the peaches would no longer be farmed and the prunes will go away when Meritage starts developing the property.

Susan Williams of 2860 Carmelita spoke, however, the tape ceased to record at this time and the rest of the minutes were recorded from staff's memory.

The public hearing was closed.

Commission discussion ensued regarding the issues addressed by the public.

Commissioner Spencer then moved to adopt the two findings as outlined in the staff report, the adopt the negative declaration and to recommend that the City Council adopt an ordinance for approval of Rezoning 05-04 and the expanded area for the application of conditional preannexation zoning to the One-Family Residence, Special Standards Combining (R-1-X₂₁) District as outlined in the staff report and subject to the Exhibit B (Conditions of Preannexation Zoning). Commissioner Campbell seconded the motion which carried by a unanimous roll call vote of those members present.

**5. PUBLIC HEARING: ZONING CODE AMENDMENT #05-03;
REVISIONS TO THE YUBA CITY MUNICIPAL CODE REGARDING
SIGNS**

Assistant Planner Chima briefly reviewed the staff report. The public hearing was opened and closed with no testimony offered.

Commissioner Dunn moved to recommend that the City Council adopt an ordinance amending the Zoning Code in accordance with the changes outlined in the staff report. The motion was seconded by Commissioner Campbell and carried by a unanimous roll call vote of those members present.

6. OTHER BUSINESS: None.

7. REPORT ON ACTIONS OF THE CITY COUNCIL: None given.

8. ADJOURNMENT: The meeting adjourned at 9:30 p.m.

Respectfully submitted,

BRIAN TRUDGEON, Secretary Pro Tem
YUBA CITY PLANNING COMMISSION

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

YUBA CITY PLANNING COMMISSION
AGENDA

Regular Meeting
May 25, 2005 - 7 p.m.
City Hall Council Chambers
1201 Civic Center Boulevard

Roll Call.

Pledge of Allegiance.

Presentation of the 2004 Meritorious Award to Washington Mutual Bank at 540 Colusa Ave.

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: Rezoning #05-03 to apply R-1 & PF preannexation zoning (or such other districts deemed appropriate) to property located on the SE corner of Butte House & Township Rds. and the area expanded by the Planning Commission; A.P. Nos. 17-080-031 & 17-020-033; applicant, Reynen & Bardis Communities/property owner, Jaswant Mann & Sukhdev Purewal.
3. Public Hearing: Rezoning #RZ 04-12 to apply R-1 PD preannexation zoning (or such other district deemed appropriate) to property located on the E side of Township Rd., approx. 1,200 feet N of Hwy 20; A.P. Nos. 17-090-008,-014 and -015; applicants, A&G Montna Properties, LP/property owners, Birinder K. Chohan, Manjit K. Sandhu, Ragbir Singh Atwal & Bimaljit Atwal.
4. Public Hearing: a) Rezoning #RZ 05-02 of property at 672 Lincoln Rd. from the R-3 Zone to a PD Zone (or such other designation deemed appropriate) and
b) Subdivision Map #SM 05-01 of Hampton Court to divide the .70 acre parcel into 10 lots; A.P. No. 54-183-015; applicants, Arkadiusz & Alka Kazmierczak Kumar.
5. Commission Consideration: General Plan consistency of the 2005-2010 Capital Improvement Program.

(over)

6. Other Business.
7. Report on Actions of the City Council.
8. Adjournment.

~ ~ ~ ~ ~

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.

May 20, 2005

TO: YUBA CITY PLANNING COMMISSION
FROM: DENIS COOK, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: AGENDA REPORT - MEETING OF MAY 25, 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.

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.

4. Prior to the recordation of the Parcel Map provisions shall be made to the satisfaction of Caltrans for the construction of a third eastbound lane on State Route 20 between Walton Avenue and Tharp Road.

2. **PUBLIC HEARING – REZONING 05-03 TO APPLY PREANNEXATION ZONING OF ONE-FAMILY RESIDENCE, SPECIAL STANDARDS COMBINING (R-1-X) DISTRICT AND PUBLIC FACILITIES (PF) DISTRICT OR TO DISTRICTS AS DEEMED APPROPRIATE TO 206.6 ACRES LOCATED BETWEEN BUTTE HOUSE ROAD AND THE RUNNING/BIKE PATH AND TOWNSHIP ROAD AND THE CURRENT CITY LIMITS - PROPERTY OWNERS, JASWANT MANN AND SUKNDDEV S. PUREWAL/APPLICANT, REYNEN AND BARDIS COMMUNITIES**

BACKGROUND

On March 15, 2005, the City Council approved a resolution adopting 12 growth policies for the City's Sphere of Influence including the development of specific plans and master plans prior to annexing into the City. As discussed during the study session of the Planning Commission and City Council there were six applications that had been submitted requesting preannexation zoning so that the properties could be annexed into the City. The Council directed these six applications move forward and that all other preannexation zoning application requests within the "Master Plan" areas be delayed until those six are completed. This is the fifth of those applications. In order to proceed with the preannexation zoning applications and to be able to apply the 12 growth policies the recommended zoning is conditional. For this reason staff has suggested that the Special Standards Combining (X) District be applied to the base zone so that the necessary conditions can be included.

Project Description:

The applicant submitted an application requesting that preannexation zoning of One-Family Residence (R-1) District and Public Facilities (PF) District be applied to 173.7 acres of property. As authorized by the Planning Commission several additional parcels were added to the application. The requested One-Family Residence (R-1) District and Public Facilities (PF) District zoning are consistent with the Yuba City General Land Use Diagram (see Existing General Plan exhibit).

Property Description:

The majority of the property, being 173.7 acres is in agricultural production with a number of residences and out buildings clustered in three groups along the Butte House Road and Township Road frontages. The properties have unimproved frontage on Butte House Road and Township Road with Lexington Way and Americana Drive stubbing in from the east. This area is bordered by the City limits along the entire eastern edge.

General Plan Designation:

Low Density Residential (LDR), Public & Semi-Public (P&SP) and Parks, Recreation & Open Space (PR&OS) (see Existing General Plan). The Low Density Residential designation provides for a residential density of between 2 to 8 units per acre.

Zoning Classification:

There is no preannexation zoning on any of the properties in the project area.

Surrounding Land Use:

Land to the north of Butte House Road is primarily agricultural, to the east are existing single-story single-family homes, to the south in the running/bike path, the Walnut Park Estates subdivision and agricultural land and to the west is Township Road, single-family homes and agricultural lands.

Previous Commission Actions and/or Policies:

On August 13, 2003, the Commission recommended approval of GP #03-04 and RZ #03-06 for the 950+ parcels (518 acres) located to the east of this area that were part of the Tierra Buena Area that we annexed into the City for the purpose of resolving an existing safety problem with the then existing ground water system.

Environmental:

A mitigated negative declaration has been prepared and is attached for Commission review. Potential impacts (drainage and traffic) were identified and have been reduced to less than significant with the inclusion of mitigating measures that require detailed drainage and traffic studies to be prepared prior to the approval of any further entitlement in the project area.

Staff Comments:

The application of preannexation zoning is a prelude to the annexation of this 206.6-acre area and is being initiated at this time by the applicant. The area was expanded at the request of staff so as to create a logical service boundary when LAFCO considers the annexation application.

The Yuba City General Plan designates approximately 186 acres as Low Density Residential with the future 10-acre school site and 10-acre park site as Public & Semi-Public and Parks, Recreation & Open Space, respectively. The proposed R-1 and PF Districts are consistent with the general plan designations. No tentative map has been submitted at this time but one is expected in the near future if annexation proceeds. This will trigger road and other infrastructure improvements throughout the project area.

The project area borders along Township Road which is the westerly edge of the City's sphere of influence and Planning Area boundary. This edge, which has been negotiated between the City and the County, create a physical separation between Yuba City and rural County, keeping Yuba City unique and identifiable. Guiding Policies 4.2-G-1 and G-2 provide for a clear distinction between the urban development and agricultural lands in order to define a compact form for the urban growth area. This is accomplished through Implementing Policies 4.2-I-1, I-2, I-3 and I-4 and depicted on Figure 4-1 on 4-4 of the Yuba City General Plan which provides for a four-lane arterial, a 30-50 foot Urban/Rural Buffer and a 60-foot minimum rear yard measured from the

property line. The requirement of this Urban/Rural Edge has been added as one of the conditions of the preannexation zoning. A condition has also been added which requires that as part of the tentative subdivision map review that convenient pedestrian access be provided from the property to the bike/running path that borders the south edge of the project area.

Staff feels that with the area being bordered by developed land within the current City limits on the east side that the application of preannexation zoning for the purpose of annexation into the City is somewhat premature in that traffic and drainage studies need to be completed and both sewer and water need to be extended to the project area. Traffic for instance from this project and the project to the south (RZ 04-12) will create at least 1,000 lots resulting in significant traffic where an inadequate road system now exists. A traffic study will need to be prepared to identify impacts and provide solutions. These issues will all be looked at as part of the tentative subdivision map review process.

As mentioned in the beginning of this agenda report we are proposing to utilize conditional zoning for the area as a vehicle to achieve compliance with the 12 adopted growth policies. The conditional zoning will require that each of the projects meet the following policies as a condition prior to there being any further entitlement approval such as a tentative map or a development plan:

1. Prior to the City finalizing a development agreement, the developer will secure a letter from the affected school district that the developer has satisfied their requirements for school infrastructure. This would generally apply to any developments over 4 units. The School District would expect, at a minimum that all residential developments enter into a Mello Roos District and that depending on the size of development, land dedication and school development may be an alternative, subject to negotiation with the District.
2. All residential subdivisions will include an affordable housing component that meeting the minimum production standard of affordable housing outlined in the regional compact with SACOG, adopted by the City Council in November 2004. There are a variety of options of how best to meet the affordable housing requirement. These options would be subject to negotiations between the City and developer.
3. Drainage Plans shall be provided for all subdivisions of land and shall comply with the City and County's master drainage plans.
4. All developments proposing preannexation zoning to the City will enter into a Development Agreement with the City. At a minimum, the Development Agreement will address the financing of roads, parks, public facilities, sewer, water, drainage, and surrounding infrastructure as established in the General Plan.
5. All residential subdivisions shall meet the minimum standards for residential design as established by the City Council.
6. Sewer and water fees, including connection fees and the installation of major trunk lines from both plants, shall be incorporated into the cost of development and shall be part of the Development Agreement.

7. Development will be required to pay their fair share of major roadwork as part of the development and, in some cases, construct improvements of collectors and arterials that will adequately address infrastructure concurrent with their proposed development. This would be negotiated as part of the Development Agreement.
8. Payment of impact fees, which incorporate the public improvements necessary to implement the General Plan, will be required and will be part of the Development Agreement. These costs will be estimates and final payment will be based on a formally adopted impact fee study approved by the City Council. In addition to the park impact fee, the Quimby Act will also apply.
9. Payment of a fee to address the levee improvements and potential flood issues will be required as part of the Development Agreement.
10. All developments will enter into a Community Facilities District to assist in funding police, fire and park maintenance.
11. All developments will address the community design policies in the General Plan including walkable, livable concepts and address the village concept as provided for in the General Plan.
12. It will continue to remain the policy of the City that City services will not be extended to unincorporated areas of the Sphere of Influence without first annexing to the City. As in the past, exceptions can be granted for health related problems.

As stated earlier the heart of implementing these policies is that the developer agrees to enter into a development agreement with the City before any kind of a development entitlement is granted by the Planning Commission and City Council.

Recommended Action:

- A) Adopt the following recommended findings:
 1. Following review and consideration of the attached mitigated negative declaration along with any comments received; find that the potential impacts (drainage and traffic) were identified and have been reduced to less than significant with the inclusion of mitigating measures that require detailed drainage and traffic studies to be prepared prior to the approval of any further entitlement in the project area.
 2. The proposed preannexation zoning of R-1-X₂₂ and PF are consistent with the Low Density Residential, Public & Semi-Public and Parks, Recreation & Open Space General Plan designations.
- B) Adopt the mitigated negative declaration.
- C) Recommend that the City Council adopt an ordinance for approval of Rezoning 05-03 and the expanded area for the application of conditional preannexation zoning to the One-

Family Residence, Special Standards Combining (R-1-X₂₂) District and Public Facilities (PF) District as shown on the attached Exhibit A (Proposed Zoning) and subject to the attached Exhibit B (Conditions of Preannexation Zoning).

3. **PUBLIC HEARING: REZONING 04-12 TO APPLY PREANNEXATION ZONING OF ONE-FAMILY RESIDENCE (R-1-X) DISTRICT OR A DISTRICT AS DEEMED APPROPRIATE TO 39 ACRES LOCATED ON THE EAST SIDE OF TOWNSHIP ROAD APPROXIMATELY 1,200 FEET NORTH OF STATE ROUTE 20 - PROPERTY OWNERS, RAGHBIR S. ATWAL, BIMILJIT ATWAL, BIRINDER K. CHOCHAN AND MANJIT K. SANDHU /APPLICANT, A & G MONTNA PROPERTIES**

BACKGROUND

On March 15, 2005, the City Council approved a resolution adopting 12 growth policies for the City's Sphere of Influence including the development of specific plans and master plans prior to annexing into the City. As discussed during the study session of the Planning Commission and City Council there were six applications that had been submitted requesting preannexation zoning so that the properties could be annexed into the City. The Council directed that these six applications move forward and that all other preannexation zoning application requests within the "Master Plan" areas be delayed until those six are completed. This proposal is the last one of those applications. In order to proceed with the preannexation zoning applications and to be able to apply the 12 growth policies the recommended zoning is conditional. For this reason staff has suggested that the Special Standards Combining (X) District be applied to the base zone so that the necessary conditions can be included.

Project Description:

The applicant had requested the zoning classification of R-1 PD District for a project that the applicant proposes to develop that includes small lot single-family homes and cluster units served by private streets under modified Development Standards. The Combining Planned Development (PD) District the applicant requested has not existed for 10 years and has been replaced by the Planned Development (PD) District which is a stand alone zoning classification that provides for modifications to development standards for the betterment of a projects design. Typically, the PD District is not applied until there is at the very least a conceptual development plan to review to determine adequacy of the project. At this time no tentative subdivision map or conceptual plan has been received by staff to delineate the street and lot layout of the development. A further discussion is provided in Staff Comments.

Property Description:

The subject properties contain a gross 39.04 acres and consist of three parcels being A.P. Nos. 17-090-008, -014 and -015. The area is predominately undeveloped with agricultural operations taking place. The only development onsite is a small barn.

General Plan Designation:

Low Density Residential (LDR). This designation provides for a residential density of between 2 to 8 units per acre.

Zoning Classification:

There is no preannexation zoning on any of the properties in the project area.

Surrounding Land Use:

North of the property is the running/bike path, to the east is the Walnut Park Estates subdivision currently under construction and already in the City limits, to the south is a light industrial use, and to the west is Township Road.

Previous Commission Action and/or Policies:

The Walnut Park Estates subdivision is a development located east of the subject site. The project included a general plan amendment (GP 03-03) and rezoning (RZ 03-08) that created the residential and commercial acreages. The general plan amendment and rezoning were considered by the Planning Commission on August 13, 2003 and approved by the City Council on September 16, 2003. A parcel map (TM 03-06) separated the commercial and residential properties and a 277-lot subdivision (SM 03-19) were approved by the Planning Commission on June 23, 2004.

Environmental:

A mitigated negative declaration has been prepared and is attached for Commission review. Potential impacts (drainage and traffic) were identified and have been reduced to less than significant with the inclusion of mitigating measures that require detailed drainage and traffic studies to be prepared prior to the approval of any further entitlement in the project area.

Staff Comments:

The application of preannexation zoning is a prelude to the annexation of this 39.04-acre area and is being initiated at this time by the applicant. Staff supports the approval of the preannexation zoning for these properties.

The applicant had requested the zoning of the property to the R-1 PD District so that the Development Standards could be modified to fit the housing product that they propose to build in the project area. In the past staff has found it to be more appropriate to apply the Planned Development (PD) District to projects of this type so that the modification of the development standards results in a better overall project. This was the case most recently when the Commission recommended approval of the PD District for the Braddock and Logan project on Walton Avenue in the south area of the city. As you will remember that project proposed small lot single-family development in the Medium Density Residential general plan designation and included a lot layout and street pattern.

Section 8-5.2701 of the Zoning Regulations state that the purpose of the Planned Development (PD) District is "To provide opportunities for creative and more efficient approaches to the use of land through lot design, use of open space, mixture of land usage and/or densities, adjustment of setbacks, or other means to create a better environment. Planned developments are under

unified control and are comprehensively planned, resulting in a development of superior design and quality. The proposal must be found to be consistent with the General Plan designation(s) applied to the property.”

In this particular case the applicant would like to see the PD District utilized to allow for two very different types of housing product each of which would be permitted as they see fit without the City’s benefit of a tentative subdivision map or conceptual development plan. The first housing type is small lot single-family residential much the same as we’ve seen in the past in Daytona Estates (Interwest Homes) on Lincoln Road and the Rai Estates (Dunmore Homes) on Franklin Road. This type of development would have smaller than traditional lot sizes (3,600 sq. ft. interior lots and 4,410 sq. ft. corner lots), increased lot coverage (50% for two-story and 55% for single-story) with reduced yards (Front – 10 feet, Interior Side – 4 feet, Rear – 11 feet or less for single-story and 15 feet or less for two-story) and reduced driveways (18 feet). The second housing type would be a 6 unit cluster home development (see attached layout) that is accessed from a 21-foot wide private street. This type of housing product has never been proposed in Yuba City. The closest we have seen to this is the Sutter Cottages development on Walton Avenue. This proposal includes no minimum lot sizes (the lots sizes will be shown on a future tentative map), increased lot coverage (75%) with reduced yards (Front – 10 feet with 5 feet from the private street, Interior Side – 4 feet, Rear – 7 feet with rear yard averaging at 10 feet) and reduced driveways (18 feet from public street and 15 feet from private street). Staff has included in your packet the tentative Development Standards for both housing products and the typical 6 unit cluster layout. As previously stated we have never applied a PD District without at least having a conceptual plan and to do so now would be extremely unusual.

Staff has great concern in applying the PD District over the 39-acre project area without having a tentative subdivision map or conceptual development plan to review. At the very least a conceptual plan is needed to show how the two housing products will interact with each other and the Walnut Park Estates project to the east, how the Urban/Rural Buffer with its 60-foot rear yards along Township Road will be provided, how access is provided from the project site to the bike/running path along the north border and how the street extensions of Jefferson Avenue, Monroe Road and Greene Lane within the project area are designed. Specific concerns we have with the cluster unit portion of the project include the width and maintenance of the private street, lack of sidewalks, access from the private street to the bike/running path emergency vehicle access, the necessity of residential sprinkler systems, placement and accessibility and maintenance of underground utilities in the private street and the inclusion of guest parking within the project. Staff has therefore recommended that the R-1-X District be applied as the preannexation zoning at this time and that the applicant submit a rezoning to the PD District with the modified development standards when the tentative subdivision map is submitted. In this way the modified development standards can be examined in conjunction with the tentative map by all other City departments rather than being applied in a vacuum now without the benefit of a tentative subdivision map to pull the entire project together. An option for the applicant would be to postpone review of the preannexation zoning at this time and to submit a tentative subdivision map and run that application and the preannexation zoning and modified development standards concurrently.

As mentioned in the beginning of this agenda report we are proposing to utilize conditional zoning for the area as a vehicle to achieve compliance with the 12 adopted growth policies. The

conditional zoning will require that each of the projects meet the following policies as a condition prior to there being any further entitlement approval such as a tentative map or a development plan:

1. Prior to the City finalizing a development agreement, the developer will secure a letter from the affected school district that the developer has satisfied their requirements for school infrastructure. This would generally apply to any developments over 4 units. The School District would expect, at a minimum that all residential developments enter into a Mello Roos District and that depending on the size of development, land dedication and school development may be an alternative, subject to negotiation with the District.
2. All residential subdivisions will include an affordable housing component that meeting the minimum production standard of affordable housing outlined in the regional compact with SACOG, adopted by the City Council in November 2004. There are a variety of options of how best to meet the affordable housing requirement. These options would be subject to negotiations between the City and developer.
3. Drainage Plans shall be provided for all subdivisions of land and shall comply with the City and County's master drainage plans.
4. All developments proposing preannexation zoning to the City will enter into a Development Agreement with the City. At a minimum, the Development Agreement will address the financing of roads, parks, public facilities, sewer, water, drainage, and surrounding infrastructure as established in the General Plan.
5. All residential subdivisions shall meet the minimum standards for residential design as established by the City Council.
6. Sewer and water fees, including connection fees and the installation of major trunk lines from both plants, shall be incorporated into the cost of development and shall be part of the Development Agreement.
7. Development will be required to pay their fair share of major roadwork as part of the development and, in some cases, construct improvements of collectors and arterials that will adequately address infrastructure concurrent with their proposed development. This would be negotiated as part of the Development Agreement.
8. Payment of impact fees, which incorporate the public improvements necessary to implement the General Plan, will be required and will be part of the Development Agreement. These costs will be estimates and final payment will be based on a formally adopted impact fee study approved by the City Council. In addition to the park impact fee, the Quimby Act will also apply.
9. Payment of a fee to address the levee improvements and potential flood issues will be required as part of the Development Agreement.

10. All developments will enter into a Community Facilities District to assist in funding police, fire and park maintenance.
11. All developments will address the community design policies in the General Plan including walkable, livable concepts and address the village concept as provided for in the General Plan.
12. It will continue to remain the policy of the City that City services will not be extended to unincorporated areas of the Sphere of Influence without first annexing to the City. As in the past, exceptions can be granted for health related problems.

As stated earlier the heart of implementing these policies is that the developer agrees to enter into a development agreement with the City before any kind of a development entitlement is granted by the Planning Commission and City Council.

The project area borders along Township Road which is the westerly edge of the City's sphere of influence and Planning Area boundary. This edge, which has been negotiated between the City and the County, create a physical separation between Yuba City and rural County, keeping Yuba City unique and identifiable. Guiding Policies 4.2-G-1 and G-2 provide for a clear distinction between the urban development and agricultural lands in order to define a compact form for the urban growth area. This is accomplished through Implementing Policies 4.2-I-1, I-2, I-3 and I-4 and depicted on Figure 4-1 on 4-4 of the Yuba City General Plan which provides for a four-lane arterial, a 30-50 foot Urban/Rural Buffer and a 60-foot minimum rear yard measured from the property line. The requirement of this Urban/Rural Edge has been added as one of the conditions of the preannexation zoning. A condition has also been added which requires that as part of the tentative subdivision map review that convenient pedestrian access be provided from the property to the bike/running path that borders the north edge of the project area.

Recommended Actions:

- A. Adopt the following recommended findings:
 1. Following review and consideration of the attached mitigated negative declaration along with any comments received; find that the potential impacts (drainage and traffic) were identified and have been reduced to less than significant with the inclusion of mitigating measures that require detailed drainage and traffic studies to be prepared prior to the approval of any further entitlement in the project area.
 2. The proposed preannexation zoning of R-1-X₂₃ is consistent with the Low Density Residential General Plan designation.
- B. Adopt the mitigated negative declaration.
- C. Recommend that the City Council adopt an ordinance for approval of Rezoning 04-12 and the expanded area for the application of conditional preannexation zoning to the One-Family Residence, Special Standards Combining (R-1-X₂₃) District as shown on

the attached Exhibit A (Proposed Zoning) and subject to the attached Exhibit B (Conditions of Preannexation Zoning).

4. PUBLIC HEARING: PROPERTY LOCATED AT 672 LINCOLN ROAD:

- 1) **REZONE 05-02 TO CHANGE EXISTING ZONING ON A 0.70-ACRE PARCEL FROM THE MULTIPLE-FAMILY RESIDENCE, AIRPORT INFLUENCE COMBINING (R-3 AI) DISTRICT TO THE PLANNED DEVELOPMENT, AIRPORT INFLUENCE COMBINING (PD₁₂ AI) DISTRICT, OR OTHER SUCH DESIGNATION AS DEEMED APPROPRIATE, AND**

- 2) **TENTATIVE SUBDIVISION MAP 05-01 FOR HAMPTON COURT TO SUBDIVIDE A 0.70-ACRE PARCEL INTO 10 LOTS CONSISTING OF 9 SINGLE FAMILY LOTS AND A COMMON AREA PARCEL - SUBDIVIDER, ARKADIUSZ & ALKA KAZMIERCZAK /PROPERTY OWNER, ALKA KUMAR**

Project Description:

The applicants are petitioning to rezone a 0.70-acre parcel from the Multiple-Family Residence, Airport Influence Combining (R-3 AI) District to a Planned Development, Airport Influence Combining (PD₁₂ AI) District, as well as subdividing the parcel into 10 lots consisting of 9 single-family residential lots and a common area parcel to accommodate centralized parking and required landscaping. Development of the site will include demolition of an existing one-story single-family residence as well as street improvements to the south side of Lincoln Road, east along the projects frontage to the existing improvements extending from Garden Highway.

Property Description:

The subject property is located at 672 Lincoln Road, situated on the south side approximately 600 feet west of Garden Highway. The property is identified by Assessor's Parcel Number 054-183-015. The site is 0.70-acres in size and presently occupied by a 1-story single-family residence with many mature trees and a small orchard of walnut trees. The property's landscaping is heavily overgrown, the small orchard appears unattended, and the street frontage along Lincoln Road is unimproved. Site dimensions include 199.8-feet of frontage along Lincoln Road, 173.8-feet along the east property line, 192-feet along the south property line, and 118.56-feet along the west property line. Overhead utilities exist along the south side of Lincoln Road.

General Plan Designation:

The subject property has a General Plan land-use designation of Medium Density Residential (MDR). Medium Density Residential allows for development densities of not less than 6 dwelling units per acre and no more than 14 dwelling units per acre. The project being proposed has a project density of 12.86 dwelling units per acre.

Zoning Classification:

Multiple-Family Residence, Airport Influence Combining (R-3 AI) District.

Surrounding Land Use:

	Land-Uses	Zoning Districts	General Plan
North	Lincoln Road; mixes of commercial & light industrial; along with mixes of residential types along Eastcrest Court.	Light Industrial, Airport Influence Combining (M-1 AI) District, Multiple-Family Residence, Airport Influence Combining (R-3 AI) District, and Two-Family Residence, Airport Influence Combining (R-2 AI) District)	Business, Technology & Light Industrial, High Density Residential (HDR), Low Density Residential (LDR)
South	A single-family residence consisting of one-story construction identified by APN 054-183-011	One-Family Residence, Airport Influence Combining (R-1 AI) District	Medium Density Residential (MDR)
East	A 50-foot wide road easement followed by a single-family residence consisting of one-story construction identified by APN 054-183-012.	One-Family Residence, Airport Influence Combining (R-1 AI) District	Medium Density Residential (MDR)
West	“The Grove” residential condominium complex consisting of two-story construction	Multiple-Family Residence, Airport Influence Combining (R-3 AI) District	High Density Residential (HDR)

Previous Commission Action and/or Policies:

On May 12, 2004, the Planning Commission approved Rezone #04-08 for the subject property at 672 Lincoln Road, rezoning it from the One-Family Residence, Airport Influence Combining (R-1 AI) District to the Multiple-Family Residential, Airport Influence Combining (R-3 AI) District.

Environmental:

A mitigated negative declaration has been prepared on this project and is attached for the Commission’s review. Potential impacts to cultural resources were identified in the initial study however through project mitigation this impact can be reduced to a less than significant level.

Staff Comments:

The applicant is petitioning to rezone property from the Multiple-Family Residence, Airport Influence Combining (R-3 AI) District to the Planned Development, Airport Influence Combining (PD₁₂ AI) District in order to develop a medium density single-family residential housing project offering smaller scale single-family homes catering to first time homebuyers and empty nesters.

According to Section 8-5.2701 of the Yuba City Zoning Code, the purpose of the Planned Development (PD) District is “to provide opportunities for creative and more efficient approaches to the use of land through lot design, use of open space, mixture of land usage and/or densities, adjustment of setbacks, or other means to create a better environment.” In order to approve a rezone to the Planned Development (PD) District, a project must first be found to be consistent with the General Plan designation(s) applied to the property. In the case of this proposal, the subject property has a General Plan land-use designation of Medium Density Residential (MDR) allowing for residential densities of not less than 6 dwelling units per acre and no more than 14 dwelling units per acre. This project will consist of 9 residential units spread over 0.70 acres, resulting in a project density of 12.86 dwelling units per acre, which is consistent with the General Plan.

For this project, the Planned Development District is primarily being utilized to allow for the unique site development standards needed to develop medium density single-family residences. Because of the small single-family lots and the common parking area being proposed; zoning changes to the minimum lot sizes, minimum yards, minimum lot coverage percentages, and parking configurations are required.

The proposed tentative subdivision map will create 10 lots, of which Lots 1-8 will consist of halfplex type single-family residential design; Lot 9 will consist of a single-family detached residence; and Lot 10 will become a common area providing 21 off-street parking spaces including 3 guest spaces, exterior lighting, landscaping, pedestrian walkways and a trash enclosure. The project will function much like an apartment or condominium complex with the exception that each home will be set on its own lot and include its own fenced rear yard. Lot 10 will encompass all property not within the shown boundaries of Lots 1-9 and will be maintained by a homeowners association.

The following table illustrates proposed lot configurations and development standards associated with the proposed tentative map:

	Lot Size (sq. ft.)	Bldg. Footprint	Lot Coverage	Setbacks
Lot 1	1,158.67	559	48%	Front: 5 ft., Rear: 12 ft., South Side: 5 ft., North Side: 0 ft.
Lot 2	1,158.67	559	48%	Front: 5.67 ft, Rear: 12 ft., South Side: 0 ft., North Side: 5'
Lot 3	1,158.66	559	48%	Front: 5 ft., Rear: 12 ft., South Side: 5 ft., North Side: 0 ft.
Lot 4	1,410.80	751	53%	Front: 5.67 ft., Rear: 10 ft., South Side: 0 ft., North Side: 5 ft.

	Lot Size (sq. ft.)	Bldg. Footprint	Lot Coverage	Setbacks
Lot 5	1,422.00	751	53%	Front: 5.67 ft., Rear 10 ft., South Side: 5 ft., North Side: 0 ft.
Lot 6	1,158.67	559	48%	Front: 5 ft., Rear: 12 ft., South Side: 0 ft., North Side: 5 ft.
Lot 7	1,422.00	751	53%	Front: 5.67 ft., Rear: 12 ft., South Side: 5 ft., North Side: 0 ft.
Lot 8	1,158.67	559	48%	Front: 5 ft., Rear: 12 ft., South Side: 0 ft., North Side: 5 ft.
Lot 9	1,685.33	751	44%	Front: 5 ft., Rear: 10 ft., South Side: 5 ft., North Side: 5 ft.
Lot 10	16,332.74	N/A	N/A	N/A

As with most infill projects, compatibility issues can sometimes arise between existing uses and those being proposed. In this case, the subject property is adjacent to a One-Family Residence (R-1) District along both its southerly and easterly boundaries. A 1-story single-family home does exist on the lot directly south of the project, which is identified on the tentative map by APN 54-183-011. There is also another 1-story single-family home to the east identified by APN 54-183-012, this property however is separated by a 50' wide road easement and should not be impacted by this development proposal.

Typically when new residential housing is proposed directly adjacent to existing 1-story single-family housing, the Planning Commission has required new homes be limited to 1-story construction. Because these home are so small in size with building footprints of only 559 sq. ft and 751 sq. ft, such a condition could deem this project infeasible. In hopes of avoiding such a condition the applicant has modified the building elevations for Lots 1 & 5 to include obscured glass in the bathroom and transom type windows along the bottom of the eaves to help curb any potential privacy issues from occurring with the existing residence to the south. In addition, a condition has been added requiring a 6-foot tall masonry block wall along the R-1 District. Because Lots 1 & 5 both are attached units sharing common walls with Units 2 & 6, limiting windows on the second floor would make it very difficult to meet the requirements of the California Builders Code for light and air. As such, depending on public testimony the following condition could be added if found to be necessary:

Residences proposed on lots 1 & 5 as shown on the tentative subdivision map, shall be limited to one-story construction.

It should be noted however that the property is presently zoned for multiple-family residences, which through a staff level administrative review would permit the applicant to construct 2-story multi-family apartments units as high as 30 feet tall and as close as 25-feet to the south property lines with no limitations on windows.

The applicant has been working diligently with staff since the beginning of this year to come up with this design. The planning phase of this project involved making 3 major site modifications, which each time involved reconfiguring the entire plan. The applicant has been very cooperative and we feel has designed a nice project which should work well. The proposed residential development will offer single-family homes on smaller lots as an alternative to standard subdivision lots which can be offered at a more affordable price than homes on standard or larger

lots. We have recently been receiving more and more requests for smaller single-family homes and condominium projects that cater to single individuals, single parents, first time home buyers and/or empty nesters. The staff supports this proposal and feels the development of this land for residential purposes is timely.

Recommended Actions:

- A) Adopt the following recommended findings:
1. Following review and consideration of the attached mitigated negative declaration along with the recommended mitigation measures and any comments received, find that with the mitigation measures, there is no substantial evidence that the project will have a significant impact on the environment, and
 2. The proposed zoning classification is consistent with the Medium Density Residential designation of the General Plan, and
 3. The 0.70-acre site is adequate in size and shape to accommodate the future residential development, public access, landscaping and other features required by zoning, and
 4. There are adequate public facilities (water, sewer, and drainage) to serve the development and the street serving the site; Lincoln Road has adequate capacity to carry the quantity of traffic expected to be generated by the future residential project, and
 5. The approval of the tentative subdivision map for single-family residential development is consistent with the Guiding and Implementing Policies of the Yuba City General Plan, and
 6. The approval of the tentative subdivision map for single-family residential development at a density of 12.86 units per acre is consistent with the Medium Density Residential designation of the Yuba City General Plan, and
 7. The quality of the development is as good if not better than that which would be accomplished through traditional zoning and design standards.
- B) Adopt the mitigated negative declaration
- C) Recommend to City Council they adopt an ordinance for approval of Rezone #05-02 for amendments to the Official Zoning Map from Multiple-Family Residence, Airport Influence Combining (R-3 AI) District to the Planned Development, Airport Influence Combining (PD₁₂ AI) District for the properties as indicated on the attached exhibit (Proposed Zoning) subject to the following criteria of development.

Uses – Same as are listed in Section 8-5.502 uses for the One-Family Residence (R-1) District.

Development Standards:

- a. Minimum Lot Size: 1,158 square feet
- b. Maximum Lot Coverage: 55%
- c. Maximum Building Height: 2 stories not to exceed 30 feet, except as provided in Article 56 of the Yuba City Zoning Regulations.
- d. Minimum Yards: Front – 10 feet, Side (for attached) – 0 feet, Side (for detached side portion of building) – 5 feet, Rear – 10 feet. See tentative subdivision map.
- e. All new homes shall be equipped with a fire suppression sprinkler system.

D) Approve the tentative subdivision map subject to the following conditions of approval and mitigation measures.

1. 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.
2. The existing single-family home and any associated out-buildings shall be demolished prior to recordation of the subdivision map. A demolition permit is required by the Yuba City Building Department and must be secured prior to demolition of any structures.
3. The subdivider shall provide for the maintenance of Lot 10 through the formation of a homeowner's association. Lot 10 shall encompass all property not within the boundaries of Lots 1-9 as shown on the tentative subdivision map.
4. A decorative masonry block wall shall be constructed along the south and east property lines. Design details of the wall shall be included as part of the improvement plans submitted with the first phase of construction and shall be completed immediately following initial grading of the site.
5. A detailed landscape and irrigation plan shall be submitted for review and approval prior to issuance of a building permit. All landscaping shall be installed prior to issuance of a certificate of occupancy.

6. Street trees are required to be planted on 30-foot centers along the Lincoln Road frontage of the project.
7. All street trees shall be a minimum of 15 gallon in size with a one-inch dbh (diameter at breast height). The tree specie(s) shall be a shade type approved by the City Arborist and Community Development Director. Only one tree specie shall be planted along Lincoln Road.
8. Along Lincoln Road, curb, gutter, and sidewalk improvements shall be extended east to connect with the existing improvements at 1039 Garden Highway (APN 54-183-016). Contribution for this work by the City will be made at \$79.50 per foot. Additional right-of-way shall be obtained from APN 54-183-012 subject to Section 66462.5 of the Government Code.
9. The Lincoln Road street section shall provide 34-feet of asphalt from the centerline of the street to the lip of the gutter. The right-of-way line shall be 42-feet as measured from the centerline of Lincoln Road.
10. A public utility easement shall be provided along the street frontage of Lincoln Road extending 10 feet behind the back of sidewalk.
11. A 24-inch water line shall be installed, with City reimbursement for the construction costs, from the west edge of the subject project to the end of an existing 24-inch water line on the south side of Lincoln Road 200-feet west of the Lincoln Road/Garden Highway intersection.
12. Existing utility poles located along the south side of Lincoln Road shall be relocated to accommodate the required street improvements. Provisions for a joint trench shall be required for the future undergrounding of said utilities.
13. Sewer service shall be provided by constructing a 6-inch diameter sewer line from the existing sewer manhole to a new sewer manhole located within the public utility easement of APN 054-183-017. A private sewer line shall then extend from the manhole to the subject project. The homeowner's association shall be responsible for maintaining the private sewer line.
14. Since the 24-inch diameter storm drain in Lincoln Road is an impacted line, on-site detention of 1,335 cubic feet/acre shall be required.
15. Street lighting along Lincoln Road shall be required per the City's design standards. All street lighting shall be dedicated to the City of Yuba City.
16. 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 Lincoln Road.

17. The rear yards and/or side yards of lots created by this subdivision that are adjacent to existing residential development shall have the same finish grade elevation as those lots within tolerances as approved by the City Engineer.
18. The improvement plans for the development of the subject property shall include all measures required to ensure no drainage runoff resulting from the development of the property flow onto the adjacent residential lands or impede the drainage from those properties. If retaining walls are required they shall be constructed of concrete or masonry block.
19. The Final Map shall show provisions for the placement of centralized mail delivery units in the Public Utility Easement (PUE). Developers shall provide a concrete base for placement of the centralized mail delivery units. Specifications and location of such base shall be determined pursuant to the applicable requirements of the Postal Service and the Yuba City Department of Public Works, with due consideration for street light location, traffic safety, security, home entrance locations and consumer convenience.
20. A master grading plan for the subdivision shall be submitted to the Public Works Department as part of the improvement plans with the first subdivision phase.
21. All existing well(s) and septic tank(s) shall be destroyed in accordance with the requirements of the Sutter County Health and Yuba City Building Departments, respectively.
22. 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 prior to entering into the Subdivision Agreement with the City.
23. Building Permits may be issued and foundation work (including forming materials) can proceed on the site prior to a water system and all-weather surface road being available, but no combustible materials shall be brought on site until the all-weather surface road and water systems are completed and approved by the Public Works and Fire Departments.

**5. COMMISSION CONSIDERATION: GENERAL PLAN CONSISTENCY
OF THE 2005-2010 CAPITAL IMPROVEMENT PROGRAM**

Project Description:

Annual review and consideration for consistency with the General Plan by the Planning Commission of the draft Capital Improvement Program (CIP) for the years 2005 through 2010.

Background:

The CIP is the city's comprehensive multi-year plan for the development of the city's capital facilities and improvements. The plan outlines the capital projects that may take place over the next five years. Each year the plan is updated. The CIP is most accurate for the upcoming year and is our best estimate for the remaining four years.

Annually the Planning Commission reviews and determines whether the updated CIP is consistent with the Yuba City General Plan. Section 65401 of the California Government Code requires each entity that proposes public improvement projects to annually submit a list of projects to the community's planning agency for review as to conformity with the adopted general plan. Further, Section 65402 prohibits the purchase of properties or the commencement of work on public projects until the Planning Commission has reviewed the projects for consistency with the general plan.

Staff Comments:

In recent years, general fund capital projects were scaled back due to lack of sufficient funding. This next budget year reflects an effort to provide funding for high priority projects. Total expected capital expenditures for 2005-2006 is \$93,608,924. Of this amount \$45,613,954 is carry over funds and \$47,994,970 in current appropriations. The majority of this funding comes from a variety of sources, including sewer and water funds (\$39,986,811), development impact fees (\$3,307,900) and general fund (\$2,199,802).

The majority of projects are improvements to existing infrastructure that do not directly pertain to the general plan. This includes the improvements to the wastewater treatment plant and sewer and water lines that do not extend to new areas, street overlays and improvements to parks and other city facilities for safety reasons or to bring them into compliance with the American Disabilities Act. Some of these are fairly significant projects. This includes the Plumas Street improvements, construction of the new intersection on Highway 99 at Sunsweet Blvd., relocation of Fire Station No. 4, expansion of the Police Department

Larger projects proposed for next year's budget that are addressed by the general plan include:

Gauche Park Improvements (Aquatics Center; Indoor Sports Facility and an Amphitheater - The general plan designates this property as Parks, recreation & Open Space and the project is consistent with that designation.

Traffic Signal: State Route 99 at Sunsweet Blvd. - This Street is identified in the circulation element as a major street.

Bridge Street widening between Cooper Avenue and Gray Avenue - This Street is identified in the circulation element as a major arterial.

Relocation of Fire Station #4 – The relocation of the station to the west of its present location is better suited to meet Response Time Standards as described in the general plan.

After reviewing the proposed document and comparing it with the adopted General Plan, it is staff's opinion that the proposed CIP is consistent with the general plan.

Recommended Action:

Find that the proposed Capital Improvement Program is consistent with the Yuba City General Plan.

YUBA CITY PLANNING COMMISSION
MINUTES

Regular Meeting
May 25, 2005
City Hall Council Chambers

The meeting was called to order by Chairman Starkey at 7 p.m. All members were present as follows:

PRESENT

Commissioner Melia Campbell	Commissioner Tej Maan
Commissioner Mike Cartoscelli	Commissioner Jeffrey Spencer
Commissioner Maynard Dunn	Commissioner Satwant Takhar
Chairman Craig Starkey	

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

The Pledge of Allegiance was led by Commissioner Spencer.

APPEARANCE OF INTERESTED CITIZENS: Mayor Cartoscelli addressed the Commission regarding its vital participation in the City Council's scenario planning process for the growth of Yuba City and she strongly urged the Commissioners to participate. Chairman Starkey stated that the Commission was honored that its participation was requested, and indicated that the Commission was committed to the planning process and would be happy to participate.

PRESENTATION OF A MERITORIOUS AWARD: Chairman Starkey presented the 2004 Meritorious Award for outstanding building design to Washington Mutual Bank at 540 Colusa Avenue.

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.**

Associate Planner Goff reported that the applicants had requested that the public hearing be continued to the next meeting of June 8, 2005.

Motion was made to continue the public hearing to the meeting of June 8, 2005. The motion was seconded and carried by a unanimous voice vote.

2. **PUBLIC HEARING – REZONING 05-03 TO APPLY PREANNEXATION ZONING OF ONE-FAMILY RESIDENCE, SPECIAL STANDARDS COMBINING (R-1-X) DISTRICT AND PUBLIC FACILITIES (PF) DISTRICT OR TO DISTRICTS AS DEEMED APPROPRIATE TO 206.6 ACRES LOCATED BETWEEN BUTTE HOUSE ROAD AND THE RUNNING/BIKE PATH AND TOWNSHIP ROAD AND THE CURRENT CITY LIMITS - PROPERTY OWNERS, JASWANT MANN AND SUKNDDEV S. PUREWAL/APPLICANT, REYNEN AND BARDIS COMMUNITIES**

Two commissioners recused themselves from participation on this item due to a possible conflict of interest.

Mr. Trudgeon briefly reviewed the staff report. Commissioner Spencer asked if the area on the other side of Township Road was designated as low-density residential in county, and that was confirmed. He then asked if an AG buffer was necessary since it appeared that the county might have its boundaries set as well. It was explained that the General Plan was pretty specific in that the areas of both Township Road and Bogue Road have an AG buffer. The AG buffer was described as being a landscape buffer that would be 30-50 feet, then a masonry wall and a rear-yard setback of 60 feet.

Any other comments were invited and there were none. The public hearing was then opened and those in favor of the project were invited to step forward.

Randy Collins representing Reynen & Bardis addressed the Commission and stated that they had paid a deposit with the city for a traffic report, and a traffic report was underway at that time. They would be able to address traffic and drainage issues as they move forward with the project. He then invited questions for himself and his technical representative, and none were offered. Others in favor of the project were asked to come forth. There were none so those opposed were invited to speak.

Connie Williams of 2410 North Township Road came forward with a petition against the subject rezoning and the next item on the agenda. She read from a prepared statement protesting rezoning Nos. RZ 05-03 and RZ 04-12 which expressed her concerns relating to the number of homes being built resulting in an increase in traffic, safety issues, and over burdened schools. She also mentioned that Township Road was under consideration for widening and expressed her dislike of that idea because it meant taking her property or her neighbors'. She felt that the proposed rezoning was going against the General Plan requirements and that traffic studies should be done prior to anything else being done.

Ms. Williams was told that this was the first step in a long process and that nothing was being built yet. She was told that nothing was being extended into her property. It was also stated that studies involving traffic and drainage would be done prior to any approval and that any improvements would be taken care of in conjunction with development. Ms. Williams was encouraged to continue coming to the meetings and to also contact City Hall with her concerns.

The occupant of 1732 North Township Road indicated that she had lived there for 23 years. Her concerns were the flooding and the noise from the current builders.

Patty Fortna of 1129 Township Road, 300 feet from the rezoning proposal, expressed her concerns with safety when Township Road widens, and what she felt was a lack of communication with the families in the area.

Commissioner Campbell reiterated that this is a preliminary process and nothing was going to be done in the immediate future. The public hearing was closed at this time.

The Commission then moved to adopt the two findings as outlined in the staff report, to adopt the mitigated negative declaration and to recommend that the City Council adopt an ordinance for approval of Rezoning 05-03 and the expanded area for the application of conditional preannexation zoning to the One-Family Residence, Special Standards Combing (R-1-X_{ss}) District and Public Facilities (PF) District as shown on Exhibit A and subject to the conditions outlined in Exhibit B. The motion was seconded and carried by a unanimous roll call vote.

3. **PUBLIC HEARING: REZONING 04-12 TO APPLY PREANNEXATION ZONING OF ONE-FAMILY RESIDENCE (R-1-X) DISTRICT OR A DISTRICT AS DEEMED APPROPRIATE TO 39 ACRES LOCATED ON THE EAST SIDE OF TOWNSHIP ROAD APPROXIMATELY 1,200 FEET NORTH OF STATE ROUTE 20 - PROPERTY OWNERS, RAGHBIR S. ATWAL, BIMILJIT ATWAL, BIRINDER K. CHOCHAN AND MANJIT K. SANDHU /APPLICANT, A & G MONTNA PROPERTIES**

Mr. Trudgeon briefly reviewed the staff report. In answer to Commissioner Starkey's question about the application of R-1-X₂₃ zoning, it was reported that with the application of the R-1-X₂₃ zoning they could move forward with their annexation proposal through LAFCO and in the interim they could submit the map and the rezoning to the PD District with the modified standards as they've done in the past. That could run concurrently with the annexation. LAFCO requires certain findings if there's a change in zoning. In this particular case there is no zone change, it's still going to be residential, the density of the General Plan is going to stay the same 2-8 units per acre and it will not hold them up as far as the annexation process.

Commissioner Starkey then asked if the annexation process could proceed if the project was voted on today. He noted that if they elected to go with a continuance and brought it back at some future time after it's been looked at, then it could go straight to the PD Zone. That was confirmed as correct and it was suggested.

Commissioner Dunn had a question regarding the conceptual plan. It was stated that the design was locked in. When they come back with their tentative map, a comparison would be made.

Other questions from the Commission were invited, none came forth and the public hearing was opened. Those in favor of the project were invited to come forward.

George Carpenter of Roseville was present on behalf of the applicant A&G Montna Properties. He stated that the proposed zoning the staff was recommending is what they will eventually go with and that would be fine for tonight's purposes. He stated disappointment that they were not told that staff wanted to see a conceptual plan with the standards that were submitted. He agreed

with the alternative process to come back with a map and PD Standards, and to go forward with the annexation tonight.

Mr. Carpenter indicated that he begrudgingly agreed with staff's recommendation, and gave an idea of why they were looking at the design that they were looking at regarding the clusters and small units. He pointed out an area of the General Plan designation showing the general layout of the area. He noted a school facility and a park facility in the middle of a specific project and stated that the General Plan follows a village concept around the park and school facilities. There are low density residential units and all the other ones around the city there is medium density. There aren't any around his project so they thought they'd do a little bit higher density project close to the park and school and make more efficient use of the land instead of having just the typical four-dwelling per acre with a higher density but still single family, and still for-purchase product but it also makes it a little more attainable to the beginning family or to folks who are empty nesters. He stated the success of the product in other areas of the region in Sacramento in particular.

Mr. Carpenter went on to discuss a few comments that Ms. Williams brought up with regard to the traffic study being done. He stated that he thought part of the reason the traffic study does not need to be done before preannexation zoning approval was that the General Plan, in its transportation section, identified ultimate road facilities. So ultimately build-out on the General Plan from a traffic standpoint had already been done conceptually, so those ultimate improvements are already determined. From a project-specific standpoint, the timing of those improvements needs to be done as part of the traffic study, but it's hard to know when those are going to need to be done until you know what the lot layouts are going to be and the design of individual subdivisions for both the project to the north and for the Walnut Park West project that he's representing.

Mr. Carpenter also addressed the issue of the location of the roads that connect to Township Road and those will be based on logical planning standards where you have Jefferson Road which runs in east/west direction and the railroad which runs in east/west direction. The traffic study they've already done for the existing project and has shown that those need to be extended out.

Mr. Carpenter went on to discuss school capacity and stated that they met with the superintendent of the school district as part of the new policies. Right now Yuba City Unified has developments entering into a Mello Roos District where they actually collect more fees than they would under just standard fees which are limited by law, and that will be a provision with the development agreement, the developers are going to do that. All the developers in the Yuba City Unified School District are going to have to do that. So there are going to be after-school facilities.

Mr. Carpenter also mentioned the drainage issue. He stated that the project for Walnut Park Estates had a drainage study done for it and it also addressed drainage for the Walnut Park West Project. So there needs to be no additional studies at this point. He then invited questions.

Commissioner Spencer asked about the build-out density for the project and Mr. Carpenter replied that they were looking at between 7-8 dwellings per acre gross.

Ms. Williams asked if the cluster of homes that would be built for “empty nesters” were single or two-story homes. Mr. Carpenter answered that he didn’t know, but guessed it was probably going to be a mix of those types of units.

Others who would like to speak in favor of the project were invited to speak. There was none so they moved on to those in opposition to the project.

Ms. Connie Williams, 2410 North Township, stated that everything that she said at the prior public hearing still applied and that she had a couple of comments. She apologized if they were jumping the gun in voicing their concerns but stated that so often they hear people who say they went and brought up an issue and were asked why they hadn’t come earlier. She asked at what point were they supposed to voice their concerns if it wasn’t tonight. She felt as though nobody is really concerned about their issues.

Commissioner Starkey encouraged Ms. Williams to keep pursuing it with planning staff and to keep coming to the meetings.

Commissioner Spencer encouraged Ms. Williams to not take the Commission’s votes or comments as being unconcerned. He stated that the Commission was very concerned when looking at the way the City was being developed, and tried to approve the best plans possible. He told her that she was right to be at this meeting and to come early and often. He went on to tell her that this was the first step as part of the long planning process.

Ms. Williams then expressed that she felt that the General Plan didn’t appear to apply a whole lot. It appeared to her to be changed at the City Council’s whim or the Planning Commission’s whim. She offered proof of that as there not being a tentative map for this project.

Commissioner Starkey stated that he believed the proposed zoning was still compatible with the Low-Density Residential designation on the General Plan. He felt that there was not much of a change as it was just adding conditions to the zone as part of the preannexation zoning process because the property was not currently in the city. He pointed out that the project still had to go through the Local Agency Formation Commission to be annexed. That’s a separate decision to be made.

Other speakers were invited to step forward.

Patty Fortna of 1129 North Township Road stated that she was not really against the project, but wanted to make sure that both sides were looked at and really scrutinized before a decision was reached. She pointed out her property and asked the Commission to scrutinize page 12 which has several issues that need to be addressed. She reiterated the drainage problem.

Jeff Steffens of 1582 Williamsburg Drive stated that he was not really for or against any of these projects, but his question was if anyone on the Planning Commission or anyone in the audience knew when this land would be annexed into the city and when the residential projects would be started. He was told spring of next year, or whatever the earliest building season would be. It would take 3 to 4 months after the City Council had reviewed this.

Laura Santana of 1832 Williamsburg Drive expressed how she enjoyed living where she’s living before it became loud and noisy throughout the night, and that she’s interested in knowing what

the impact was going to be to the 15-20 homes now there. She was encouraged go directly to the Planning Department when she has questions.

Neelam Canto-Lugo of 1732 N. Township Road asked if the County and the City were working together on the impact the development would have on the sewage and drainage, specifically to the east side of Township Road which is a part of the County. Mr. Trudgeon stated that one of the conditions applied to the preannexation zoning is that when any subdivision comes into the city the drainage shall meet the City and County master drainage plans. He explained that if water currently flows from any of the subject properties towards your properties, it will no longer do that. Everything on the site being developed would be contained on the site and will be transmitted from there to the Live Canal and on. As far as sewage disposal is concerned, he noted that the county system is totally separate from the city so there would be no impact. The public hearing was closed at this time with no further testimony being offered.

Commissioner Dunn asked if the properties that run south of Township Road were going to be included in the drainage planning. Sean Minard of MHM Engineering stated that his company worked with KB Homes on the Walnut Park Project, and as part of that project it was a condition to address the drainage in the Greene Lane area. When they sized the detention pond, they didn't provide all of the detention per se but all the drainage facilities, pump stations addressed the whole entire area south of the bike trail, to Western Parkway, to Township Road so all the county would have to do is run a drainage pipe to it.

Commissioner Spencer spoke on quality of life and family. His largest concern was the PD and the higher density. He commented that although it is consistent with the general zoning of 1-8 units per acre, the General Plan called for buffering to the AG area of the County going westward, and he felt the higher density being proposed didn't seem consistent with that intent. He felt that it might follow the letter of the General Plan but not necessarily the intent. He went on to voice his concern, noting that he applauded the fact that there is a higher density product being attempted and more efficient land uses and the affordability factor is being addressed, but was concerned that this was not necessarily the proper parcel to do that.

At this time a motion was made that the Commission adopt the two findings as outlined in the staff report, adopt the mitigated negative declaration and to recommend that the City Council adopt an ordinance for approval of Rezoning 04-12 and the expanded area for the application of conditional preannexation zoning to the One-Family Residence, Special Standards Combing (R-1-X_{s3}) District as shown on Exhibit A and subject to the conditions outlined in Exhibit B. The motion was seconded and carried by a unanimous roll call vote.

4. PUBLIC HEARING: PROPERTY LOCATED AT 672 LINCOLN ROAD:

- 1) REZONE 05-02 TO CHANGE EXISTING ZONING ON A 0.70-ACRE PARCEL FROM THE MULTIPLE-FAMILY RESIDENCE, AIRPORT INFLUENCE COMBINING (R-3 AI) DISTRICT TO THE PLANNED DEVELOPMENT, AIRPORT INFLUENCE COMBINING (PD₁₂ AI) DISTRICT, OR OTHER SUCH DESIGNATION AS DEEMED APPROPRIATE, AND**

- 2) TENTATIVE SUBDIVISION MAP 05-01 FOR HAMPTON COURT TO SUBDIVIDE A 0.70-ACRE PARCEL INTO 10 LOTS CONSISTING OF 9 SINGLE FAMILY LOTS AND A COMMON AREA PARCEL - SUBDIVIDER, ARKADIUSZ & ALKA KAZMIERCZAK /PROPERTY OWNER, ALKA KUMAR**

Chairman Starkey recused himself due to the fact that he lives within 100 feet of the subject property. Vice Chairman Cartoscelli assumed the Chair.

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

Mike McDugal who lives south of the property spoke at this time. He wanted to confirm the number of units being built, and was told that the project was for the construction of 9 units. He asked if the railroad property was going to be used and it was confirmed that it would be. He wanted to know about a tree that stands between both properties, and stated that it was his tree and he wanted to keep it because it shaded part of his house.

Those in favor of the project were asked to come forward.

George Chappel, sole proprietor of Spotted Dog Design, speaking on behalf of the Kumars stated that they were willing to do whatever is necessary to make provisions to keep people from viewing into the property adjacent to the subject property. With regard to the HVAC system, he states that if the side yard fences weren't good enough, they could use a fencing product used by JTS & JMC Homes so that the systems can't be seen and are actually decorations. He invited any questions. Commissioner Dunn asked who was going to do the CC&R for the garage. Mr. Chappel was not aware of that but thought they could do something to make the carports more attractive. It was suggested that it be made a condition that the carport/garage be addressed.

Alka Kumar 1544 Countryside Drive, came forward and addressed Commissioner Dunn's concern with the carport. She stated that they had the project designed with carports originally but changed their design three times to accommodate some of the issues that came up throughout the process. The reason they chose not to have carports was because they were told that shade trees would be sufficient. What they understood from the City was that they wanted more of an open feel, they wanted the architectural aspects to be shown from Lincoln Road, they didn't want carports right across and concrete so that's why they changed it and added more green to the project. She stated that throughout their meetings and discussions they felt that this would be a better way of putting it together so that's what they ended up with. She understood the

Commission's concern but would like to keep the project the way it is and felt that it's a very nice project. She addressed the side yard issue and hoped that the side fences would be sufficient to cover any visual aspect of the HVAC from the common area. She also addressed the windows with regard to a neighbor's privacy and they changed their design so that there were very small windows to allow light into the homes. She stated that the tree mentioned earlier was on her property and she believed that it would have to be removed.

It was asked if the City had any requirements for covered parking on multi-family apartment type projects and it was answered that there were none known. The public hearing was closed at this time.

The meeting went back to the Commission and it further discussed the carport and HVAC cover issues. Two conditions were added #25 mitigating loss of trees and heat from the building agreeable to both at the property line and #26 screening the HVAC.

It was then moved that the Commission a) adopt the recommended findings, b) adopt the mitigated negative declaration, c) recommend to the City Council that it adopt an ordinance for approval of Rezone #05-02 for amendments to the Official Zoning Map from Multiple-Family Residence, Airport Influence Combining (R-3 AI) District to the Planned Development, Airport Influence Combining (PD₁₂ AI) District for the properties as indicated on the exhibit (Proposed Zoning) subject to the criteria of development a. through e. as outlined in the staff report, and d) approve the tentative subdivision map subject to the 23 conditions of approval and mitigation measures as listed in the staff report, along with condition Nos. 24, 25 & 26 to read as follows:

24. The approval of Tentative Subdivision Map #05-01 for Hampton Court shall not be deemed effective until such time as the City Council has approved Rezone #05-02.
25. All efforts shall be made to preserve the existing shade tree located on or directly along the common property line with the south property. If it is determined the tree absolutely cannot be preserved and must be removed, then a shade tree shall be planted on the south property at the developer's expense. The tree species and location shall be agreeable to both parties.
26. Mechanical screens shall be installed around any air conditioning condenser units that are visible from the public right-of-way and/or the common area (Lot 10). Screening materials shall be consistent with those materials utilized in the rest of the project. If the condenser units are located behind a solid fence or masonry wall, this shall suffice in meeting the intent of the condition.

The motion was seconded and carried by a unanimous roll call vote.

Commissioner Starkey resumed his seat on the Commission at this time.

5. COMMISSION CONSIDERATION: GENERAL PLAN CONSISTENCY OF THE 2005-2010 CAPITAL IMPROVEMENT PROGRAM

Mr. Trudgeon reviewed the staff report and questions were invited. Commissioner Dunn asked a question regarding the Parks & Recreation section. He wanted clarification as to the cost being shared by the developers. It was stated that the City went into debt purchasing the property for the park and is recouping those costs through other developments that are taking place throughout the City.

A motion was made, seconded, and carried by a unanimous voice vote, to make the finding that the proposed Capital Improvement Program is consistent with the Yuba City General Plan.

6. OTHER BUSINESS:

a) Staff noted that an email had been sent to the Commissioners regarding a Form Based Codes meeting on June 24th. Commissioner Spencer and Starkey were the only Commissioners to respond, and it was requested that those who want to attend respond to the email. Commissioner Campbell responded that she would attend.

b) A question was asked regarding why Paradiso and Salute restaurants were not considered for Meritorious Awards since they were projects completed in 2004. Staff indicated that it would research the records.

c) Commissioner Campbell stated that she will not be at the meeting on June 8th.

7. REPORT ON ACTIONS OF THE CITY COUNCIL: None was given.

8. ADJOURNMENT:

The meeting adjourned at 9:30 p.m.

Respectfully submitted,

BRIAN TRUDGEON, Secretary Pro Tem
YUBA CITY PLANNING COMMISSION