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TO ADDRESS THE COMMISSION  
PLEASE STEP TO THE ROSTRUM &  
STATE YOUR NAME & ADDRESS  
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YUBA CITY PLANNING COMMISSION  
AGENDA

Regular Meeting  
September 14, 2005 - 7 p.m.  
City Hall Council Chambers  
1201 Civic Center Boulevard

Roll Call.

Pledge of Allegiance.

Approval of the minutes of the meeting held May 11 & May 25, June 8 & August 10, 2005.

Appearance of Interested Citizens\*

Correspondence:

1. Public Hearing: Tentative Map #SM 05-07 of Tuscan Towers; division of 25 proposed units into condominiums; R-3 Zone; 800 Clark Ave.; A.P. Nos. 52-160-025 thru -059; applicant, Circle H – LLC.
2. Public Hearing: Tentative Map #TM 05-11; division of a 18,676 sq. ft. parcel into two parcels; C-2 SP AI Zone; 670 & 674 Shasta St.; A.P. No. 52-242-014; applicant Mark Martin
3. Public Hearing: Development Plan #DP-04-03; modification of a condition which required removal of billboards and non-conforming signage; N side of Colusa Hwy., W of Stabler Lane; C-3-X<sub>16</sub> Zone; A.P. Nos. 59-010-075 & -076; proposed by Lanza & Hilbers; applicant, City of Yuba City.
4. Commission Consideration: Study Session on a proposed historical, preservation ordinance.
5. Other Business.
6. Report on Actions of the City Council.
7. Adjournment: Adjourn meeting to reconvene on September 20, 2005 at the EDC Office – 1227 Bridge Street at 4:30 PM.

(over)

Persons dissatisfied with any decision of the Planning Commission may appeal such action to the City Council. Appeals, accompanied by a fee of \$753 (\$363 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.

September 09, 2005

TO: YUBA CITY PLANNING COMMISSION  
FROM: PHILIP O. CARTER, DEVELOPMENT SERVICES DIRECTOR  
SUBJECT: AGENDA REPORT - MEETING OF SEPTEMBER 14, 2005

**1. PUBLIC HEARING: TENTATIVE MAP #SM 05-07 OF TUSCAN TOWERS; 800 CLARK AVENUE - APPLICANT, CIRCLE H - LLC**

Applicant has requested the public hearing be continued to the meeting of October 12, 2005.

**Recommended Action**

Continue the public hearing to the meeting of October 12, 2005.

**2. PUBLIC HEARING: TENTATIVE PARCEL MAP# 05-11; 670 & 674  
SHASTA STREET – SUBDIVIDER / PROPERTY OWNER, MARK  
MARTIN**

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**Project Description:**

A request to divide a .42 acre site into 2 individual parcels of equal size, .21 acres.

**Property Description:**

The project calls for the division of one parcel into 2 separate parcels. The land is currently occupied by two single family dwellings. The dwellings are serviced by separate sewer and water services. Between the dwellings and running along the proposed dividing property line is a gravel drive way. This driveway will cease to be used and the property owner will be erecting a fence along the property line. Public improvements are in place.

**General Plan Designation:**

The General Plan designates that parcel as Community Commercial. Shopping Centers (typically anchored by a supermarket), retail plazas, etc. Retail shopping areas could contain a wide variety of business, including retail stores, eating and drinking establishments, as well as medical or professional offices in a retail type setting. Mixed use development could include residential development (at a density of 12-36 units per gross acre) that is secondary to commercial uses.

**Specific Plan Designation:**

Storefront Commercial.

An area to promote buildings and renovations that strengthen the existing “Main Street” character of these areas and embrace a pedestrian-oriented specialty and convenience-retail market niche.

**Zoning Classification:**

Community Commercial, Specific Plan Combining, Airport Influence Combining (C-2 SP AI) District.

To provide a wide variety of retail sales and personal services that are primarily conducted within a building. This district is consistent with the Community Commercial and Regional Commercial General Plan designations. The property also lies within the bounds of the Central City Specific Plan as well as within two miles of the Sutter County Airport.

**Surrounding Land Use:**

To the north of the subject property are two multi-family uses, and continuing north, Pathways and some single family dwellings along Teegarden Avenue. To the south of the property is Red’s Beauty Supply, a dentist’s office, as well as a mix of office and retail uses along Center Street.

To the west stands another mix of retail that fronts onto Plumas Street. To the east of the subject property lays a Funeral Home and the Vintage Gardens (see Study Sketch).

**Previous Commission Action and/or Policies:**

None.

**Environmental:**

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

The division of properties into four or fewer parcels in urbanized areas is allowed to proceed without an initial study if the proposed use is in conformance with the General Plan designation and zoning, no variances or exceptions are required, and all services and access to the proposed parcel are available.

The situation withstanding, the property is not of considerable size, and services are readily accessible. It is therefore determined that no significant effect on the environment will result from the minor land division being proposed in this application.

**Staff Comments:**

Staff supports the applicant's request to subdivide. The division is merely separating existing development and is consistent with the Yuba City General Plan and the Central City Specific Plan.

**Recommended Actions:**

- A) Adopt the following recommended findings:
  - 1. The approval of the tentative map and subdivision of said parcel is consistent with the Guiding and Implementing Policies, as well as the Community Commercial designation of the Yuba City General Plan
  - 2. The tentative map is consistent with the goals and policies of the Commercial Workplace designation of the Central City Specific Plan.
  - 3. The tentative map is consistent with and meets the minimum standards for the C-2 SP AI District.
  
- B) Approve the tentative subdivision map subject to the following conditions of approval:
  - 1. Prior to recordation of the parcel map, provisions shall be made for two paved parking spaces for each of the residential units in accordance with the provisions of the Zoning Regulations.



**3. PUBLIC HEARING: DEVELOPMENT PLAN #04-03; MODIFICATION OF CONDITION NO. 19 WHICH REQUIRED THE REMOVAL OF BILLBOARDS AND NON-CONFORMING SIGNS; NORTH SIDE OF COLUSA AVENUE, WEST OF STABLER LANE – PROPOSED BY LANZA & HILBERS, INC./APPLICANT, CITY OF YUBA CITY**

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**Background:**

At the June 8, 2005 Planning Commission meeting Development Plan #04-03 for the Sutter Buttes Marketplace commercial project was approved subject to 20 conditions of approval. Condition No. 19 of that approval stated:

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

On July 27, 2005, staff received a letter from Viacom Outdoor (attached) informing staff the City was “improperly attempting to exercise excessive regulation by attempting through its development approval process to force landowners to remove billboards from their property without payment of just compensation”.

On September 8, 2005, staff received a memo via email from the City attorney’s office (attached) recommending that the portion of the condition relative to the removal of the billboards be deleted from the condition.

**Discussion:**

The placement of Condition No. 19 was the result of discussions between the developer and staff wherein, the developer represented that he intended to remove the billboards and that he had in fact given notice to terminate the leases. Staff then placed the condition on the project unaware of the provisions of the California Outdoor Advertising Act requiring a municipality to be obligated to pay compensation or enter into a relocation agreement for the loss of the signs. As stated in the memo from the City Attorney’s Office, it is in the best interest of the City to modify the conditions at this time.

**Recommended Actions:**

Staff recommends that Condition No. 19 of Development Plan #04-03 for the Sutter Buttes Marketplace be modified to read as follows:

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

