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

YUBA CITY PLANNING COMMISSION
AGENDA

Regular Meeting
March 8, 2006 - 7 p.m.
City Hall Council Chambers
1201 Civic Center Boulevard

Roll Call

Pledge of Allegiance

Approval of the minutes of the meeting held February 8, 2006.

Appearance of Interested Citizens*

Correspondence: None

1. Public Hearing: Tentative Map #TM 06-01 to allow the division of two parcels totaling 16,036 sq. ft. into four lots; property located in the R-3 SP (Multiple Family Residence, Specific Plan Combining) zone located between Francis and Kiley, 150 ft. north of Teegarden; A.P Nos. 52-254-009 and 52-254-010; applicant Maynard Dunn
2. Public Hearing: General Plan Amendment #GP 04-05 to change the designation on property located at 1410 Whyler Road from Low Density Residential to Community Commercial; A.P. Nos. 58-070-050 & 58-120-013; applicant, David Lanza
4. Commission Consideration: Meritorious Awards Program
5. Commission Re-Consideration: Election of Officers
6. Other Business
7. Report on Actions of the City Council
8. Adjournment

(over)

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

March 02, 2006

TO: YUBA CITY PLANNING COMMISSION
FROM: BRIAN TRUDGEON, PRINCIPAL PLANNER
SUBJECT: AGENDA REPORT - MEETING OF MARCH 8, 2006

1. PUBLIC HEARING: TENTATIVE SUBDIVISION MAP 06-01 – APN 52-254-009 & 52-254-010 – NORTH OF TEEGARDEN AVENUE, SOUTH OF HIGHWAY 20, EAST OF FRANCIS WAY, WEST OF KILEY AVENUE – SUBDIVIDER, MAYNARD DUNN - PROPERTY OWNER, BILL STEVENSON

Project Description:

The applicant is petitioning to subdivide two lots of approximately 0.36 acres in total area into four single-family residential lots. The three eastern lots fronting on Kiley Avenue would be 0.08 acres (approximately 3,610 square feet) each, totaling 0.24 acres. The western lot fronting on Francis Way would total 0.12 acres (approximately 5,250 square feet).

Property Description:

The subject properties, which are identified by Assessor's Parcel Numbers 52-254-009 & 010, are currently vacant and covered with grass and a scattering of trees. The Kiley Avenue frontage has curb, gutter and sidewalk improvements. The Francis Way frontage has existing roll curb.

General Plan Designation:

Medium/High Density Residential

Specific Plan Designation:

R-3 SP (Multiple-Family Residence, Specific Combining District). The Central City Specific Plan designates the property as residential and promotes a mix of high-density single-family and multi-unit residential developments. Single-family residential buildings, including attached forms such as townhouses, row houses, and the like.

Surrounding Land Use:

Bounding the project site to the north and west (across Francis Way) are existing residential subdivisions, developed with one and two story single-family homes. To the south of the site, property is developed as an existing warehouse. To the east of the project site (across Kiley Avenue) property is currently developed as a mini storage building. Kiley Avenue and Francis Way, which are both north to south running streets, bound the site on its eastern and western borders respectively.

Previous Commission Action and/or Policies:

None.

Environmental:

Because this project will not contribute to any significant environmental impacts, the proposed lot-split has been determined to be Categorically Exempt due to §15315 of the California Environmental Quality Act, which consists of the division of property in urbanized areas zoned for residential uses when the division is in conformance with local General Plan and Zoning requirements.

Staff Comments:

Staff supports the applicant's petition to split the 0.36-acre vacant parcel into 4 lots for single-family residential housing. The project is consistent with the Medium/High Density Residential designation as outlined by the General Plan and conforms to zoning as outlined by the Multiple-Family Residence (R-3) District and the Central City Specific Plan. The proposal for medium-density single-family housing is also compatible with surrounding land uses, which consist of existing single-family housing to the site's northern and western boundaries.

Recommended Actions:

- A) Adopt the following recommended findings:
1. The approval of TM 06-01 is consistent with the goals, policies and objectives, as well as the Medium/High Density Residential designation of the Yuba City General Plan, and;
 2. The approval of the tentative map is consistent with the Residential designation of the Central City Specific Plan
 3. The tentative map is consistent with and meets the minimum standards for the R-3 SP District. The approval of the subdivision map is consistent with and meets the minimum parcel size standards for the R-3 SP District, and
 4. The project in accord with Section 15315 of the California Environmental Quality Act (CEQA) is exempt from further environmental review since it consists of the division of property in urbanized areas, in conformance with local General Plan and Zoning Requirements.

- B) Approve the tentative subdivision map subject to the following conditions of approval:

Landscaping

1. Small street trees, as approved by the Development Services Department, shall be planted in the existing landscape strip on Kiley Avenue.

Drainage

2. The improvement plans for the development of the subject property shall include all measures required to ensure that no drainage runoff resulting from the development of the property flow onto the adjacent residential or agricultural lands or impede the drainage from those properties. If retaining walls are required they shall be constructed of concrete or masonry block.
3. The Engineer of Record shall designate on the plans as to where any retaining walls are required around the proposed development. The retaining wall is required where grade differences between the proposed development and the surrounding land is greater than 6” (inches). The use of any type of wood as the retaining wall is not permitted.
4. Designated markers shall be installed according to the manufacturer’s specifications on the top of curb, or at an appropriate alternate nearby locations when no curb is available, at all storm drain inlets in the development area. The designated marker is the four-inch diameter Duracast Curb Marker manufactured by das Manufacturing, Inc. (Part: SDR). This marker states, “No Dumping Drains to River.”

Grading

5. A master grading and drainage plan for the development shall be submitted to the Development Services Department as part of the improvement plans.

Driveways

6. All driveway locations shall be shown on the improvement plans.

Miscellaneous

7. Prior to issuance of any building permit, all underground utilities, public improvements, and site improvements, including rough grading, shall be completed.
8. Should artifacts or unusual amounts of bone or shell be uncovered during demolition or construction activity, all work shall be stopped and a qualified

archeologist shall be contacted for on-site consultation. If the bone appears to be human, California law mandates that the Sutter County Coroner and the Native American Heritage Commission be contacted.

9. All grading operations on the project shall be suspended as directed by the Feather River Air Quality Management District when winds exceed 20 miles per hour.
10. To help contain fugitive dust, construction sites shall be watered down during the construction phase of the project as directed by the Development Services Department.
11. Temporary silt fencing shall be erected during construction and permanent fencing shall be completed prior to occupancy so that transport of construction debris can be retained on-site.
12. The Developer's Superintendent/Representative shall ensure that all vehicles, construction equipment, and construction material related to the project shall be organized in such a manner to provide emergency vehicle access to the entire project. Sidewalks, within and adjacent to the construction area, shall be kept clean and remain accessible for American Disability Act compliance.
13. All infrastructure, grading, and all appurtenances thereto, shall be installed in accordance with the improvement plans prior to the issuance of any building permits.
14. After placement of landscaping and prior to issuance of the Certificate of Occupancy, the Developer shall provide certification by a licensed surveyor as to lot elevation, grading, and lot drainage conformance with the approved improvement plans. The City Engineer shall sign off on the certifications.
15. A 10-foot Public Utility Easement shall be dedicated along Kiley Avenue and along Francis Way prior to recordation of any map.
16. Prior to acceptance of the improvements, the sidewalk on Kiley Avenue shall be free of any non-control joint cracking. In addition any concrete with cracks, chips, blemishes, and spalling greater than an inch in diameter shall be replaced from expansion joint to expansion joint. Should the sidewalk have to be removed and replaced, then the new sidewalk shall match the design of the existing sidewalk to the north and to the south of developed property.
17. Separate sewer and water connections shall be made for each lot to the satisfaction of the Development Services Department. All applicable fees shall be paid for said sewer and water connections prior to the recordation of any map.

18. A 5-foot utility easement shall be dedicated for the sewer service from Kiley Avenue to the most western parcel fronting on Francis Way prior to the recordation of any map.
19. A 5-foot utility easement shall be dedicated for the water service from Kiley Avenue to the most western parcel fronting on Francis Way prior to the recordation of any map.
20. The Conditions of Approval shall be attached to, and be made an integral part of, the improvement plans.

2. PUBLIC HEARING: GENERAL PLAN AMENDMENT GP04-05 RE-DESIGNATING TWO PARCELS FROM LOW DENSITY RESIDENTIAL TO COMMUNITY COMMERCIAL, LOCATED AT THE CINEMARK 8 THEATER, MORE SPECIFICALLY 1410 WHYLER ROAD – APPLICANT AND PROPERTY OWNER, DAVID LANZA

Project Description:

A General Plan Amendment is required prior to the City approving a building permit for the theater remodel and expansion described below. There are four parcels associated with the theater; two are designated Low Density Residential and two are designated Community Commercial. All four parcels have a zoning designation of Community Commercial (C-2) District. The two Low Density Residential parcels are not in compliance with the underlying zoning district or the use of the property. The request is to have these two parcels currently designated Low Density Residential to be re-designated Community Commercial to match the other two parcels and be in compliance with the underlying zoning district for the entire property.

Should the general plan amendment ultimately be approved by the City Council, the applicant could submit building permit applications requesting to remodel and expand the existing Cinemark Theater by approximately 11,500 square feet at the north end of the existing theater and to completely redo the existing parking lot and add additional parking spaces to meet the City's minimum requirements. The expansion would add one screen to the existing eight screen movie theater for a total of nine movie screens. A new entry, foyer, snack/food court, and restrooms would be provided as well. The new parking lot would include "orchard style" striping, landscaping, handicap stalls, bicycle parking, and lighting. Approval of the general plan amendment is not an approval of the theater expansion as well. A building permit application would be reviewed by the Planning Division for consistency with the City's Zoning Regulations and Design Guidelines.

Property Description:

The project is located at the southwest corner of Whyler Road and West Onstott Frontage Road, immediately west of State Route 99, on four parcels. A Cinemark Theater and parking lot currently exists on two of the parcels, while the other two parcels are vacant. The four parcels measure a total of 5.6 acres. The two lots proposed for re-designation to Community Commercial total 3.7 acres and contain the theater and a vacant lot.

General Plan Designation:

Low Density Residential and Community Commercial

Zoning Classification:

Community Commercial (C-2) District

Surrounding Land Use:

To the immediate north is an Indian restaurant and single family home; further north across Whyler Road are various commercial businesses, a car lot, and fast food restaurants; to the east is West Onstott Frontage Road and State Route 99, to the south are single family homes and various businesses, and to the west are single family homes (Victoria Estates).

Previous Commission Actions and/or Policies:

An application was first submitted to the City on December 2, 2004 as a General Plan Amendment and a Use Permit. This original GPA requested re-designation of two parcels to Community Commercial and removal the two lane collector street extension from Whyler Road to Franklin Road per the requirements of the City's General Plan. The Use Permit was for a drive-thru restaurant proposed in front of the movie theater at West Onstott Frontage Road. The most recent application submittal, and the one before the Planning Commission today, is only for the GPA to red-designate the two parcels to Community Commercial. The request to remove the two-lane collector street extension and the use permit were withdrawn. The project has not been before the Planning Commission, but has gone through extensive review with City Staff, Fehr & Peers traffic consultants, and the applicant and applicant's representatives.

Environmental:

A Mitigated Negative Declaration (MND) was prepared for the project and is attached for Planning Commission review and consideration. There were only two potentially adverse impacts identified relating to cultural resources and transportation/traffic. Mitigation measures, discussed in staff comments below, were included to reduce possible environmental impacts to less than significant. The Commission should review the environmental documentation and, if they determine that it adequately meets the requirements of CEQA, recommend that the City Council adopt the MND.

Staff Comments:

A movie theater is a permitted use in the C-2 zone. However, prior to issuance of a building permit for a proposed theater expansion, or any commercial development on this site, the underlying zoning and general plan designations need to be consistent. All four parcels are zoned C-2. However, two of the parcels are designated Low Density Residential, which is not consistent with the C-2 Zoning District and the use of the property. It does not make sense to change the commercial zone to match the Low Density Residential general plan designation as the site has been a movie theater for 20 years and, with the sites close proximity to State Route 99, is not well suited for residential use.

Cultural Resources

As referenced in the mitigated negative declaration, although some of the project site has been disturbed with a movie theater and paved parking lot, there remains the possibility that during

further grading and construction of the disturbed site and vacant sites, that cultural artifacts and/or human bones could be encountered. This standard mitigation measure simply ensures that any finds are immediately reported to the proper agencies for review and determination of origin of the find and properly mitigated.

Transportation/Traffic

A traffic study was originally drafted by Fehr & Peers in November of 2004, then again updated on December 2, 2005 to discuss traffic related impacts associated with the Cinemark 8 Theater expansion under near-term and cumulative conditions. Also, the study evaluated the possibility of an Oji Way extension from Whyler Road to Franklin Road. A final traffic study was submitted to the City on February 17, 2006 and is attached for your reference.

According to the Study, all of the study non-State intersections and streets operate acceptability at LOS C or better during the PM peak hour. However, the State Route (SR) 99/Bridge Street and SR 99/Franklin Road intersections currently operate at an unacceptable level (LOS E). Under near-term with no project approval, these SR 99 intersections are expected to operate at the same unacceptable level. Under near-term with the theater expansion approval, traffic would worsen the LOS E conditions at these SR 99 intersections during the PM peak hour, causing an environmental impact. To lessen the impacts, the following improvements are recommended to these SR 99 intersections; construct a second northbound and southbound left-turn lane at the SR 99/Bridge Street intersection; and construct a second southbound left-turn lane at SR 99/Franklin Road intersection. These improvements are planned as part of Caltrans' project improvements along SR 99; however, the timing of these projects is unknown.

Under cumulative condition scenarios, the westbound left-turn movement at the West Onstott Road/Bridge Street intersection (in front of Carl's Jr.) would operate at an acceptable level of LOS C or better. However, the westbound left-turn movement vehicle queues at this intersection may exceed available storage and extend into the westbound through lane of Bridge Street. The City will need to monitor this left turn pocket. If vehicle queues are frequently extending into the westbound Bridge Street thru-lane during the PM peak hour then the City may want to consider prohibiting vehicles from making this left turn from Bridge Street to West Onstott Road.

Southbound Oji Way currently ends at Whyler Road where the movie theater is situated. The General Plan Figure 5-1 Roadway Network shows Oji Way continuing southbound to Franklin Road as a collector street. However, the theater and other single family homes exist where this collector road is shown on Figure 5-1. According to the traffic study, the extension of Oji Way would not provide significant benefit to citywide travel since the extension would only provide additional access between Bridge Street and Franklin Road. Further, existing development north of Bridge Street and south of Franklin Road would prevent further extension of Oji Way to provide citywide benefit. Therefore, City Staff is not requesting dedication of right-of-way for this General Plan collector street. Also, the applicant is not requesting the removal of this collector street from the General Plan Figure 5-1 Roadway Network.

However, without the extension of Oji Way, project traffic would worsen the LOS F conditions at the SR 99/Franklin Road intersection during the PM peak hour. To lessen this impact, the traffic study recommends the following improvement: modify the westbound shared

through/right-turn lane to a separate right-turn lane and separate through lane to provide two left-turn lanes, two through lanes, and one right-turn lane. Once again, these improvements are planned as part of Caltrans' project improvements along SR 99, and development impacts fees paid by the developer at time of building permit would help fund these improvements.

Summary

The re-designating of the two parcels to Community Commercial for consistency with the underlying C-2 Zoning District is required prior to any expansion of the theater or other commercial development on the project site. The General Plan Amendment itself would not impact traffic surrounding the site. However, the expansion of a theater would impact SR 99 intersections at Franklin Road and Bridge Street. With the developer of the theater paying their fair-share of the needed improvements through development impact fees at time of building permit issuance, traffic impacts can be reduced to a less than significant level. Staff is requesting that the Planning Commission recommend adoption of the Mitigated Negative Declaration and approval of GP04-05 to the City council.

Recommended Action:

- A. Recommend that City Council adopt the following findings:
1. Following review and consideration of the attached mitigated negative declaration and any comments received, find that with the incorporation of the mitigating measures there is no substantial evidence that the project will have a significant impact on the environment.
 2. The proposed project will be the General Plan re-designation of two parcels (APNs: 58-070-050 & 58-120-013) to Community Commercial from Low Density Residential, which would create consistency with the Community Commercial (C-2) Zoning District as shown on the City's Zoning Map.
 3. The two parcels being re-designated (3.7-acres), along with the other two parcels totaling 5.6-acres, are of adequate size to accommodate any commercial use in the Community Commercial land use designation.
 4. Approval of the General Plan Amendment for APNs: 58-070-050 and 58-120-013 will not be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the vicinity of the proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.
- B. Recommend that City Council adopt the Mitigated Negative Declaration.
- C. Recommend that the City Council approve the General Plan Amendment (GP04-05) for APNs: 58-070-050 & 58-120-013 to change the land use designation from Low Density Residential to Community Commercial as shown on the Proposed General Plan Exhibit.

Mitigation Measures:

- MM V-1:** In the event historical, archeological or paleontological resources are 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.
- MM V-2:** If any bone is discovered which appears to be human, all grading/construction activity in the immediate area shall cease and the Sutter County Coroner and the Native American Heritage Commission shall be contacted. The bone shall remain undisturbed until the Coroner reviews the bone and allows construction activities to continue.
- MM XV-1:** The project applicant shall pay development impact fees for the additional square footage of the proposed building expansion at the rate applicable at the time of building permit application submittal.