
TO ADDRESS THE COMMISSION
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YUBA CITY PLANNING COMMISSION
AGENDA

Regular Meeting
May 10, 2006 - 7 p.m.
City Hall Council Chambers
1201 Civic Center Boulevard

Roll Call.

Pledge of Allegiance.

Presentation of Planning Commission Resolution No. 06-02 to Jeffrey Spencer in recognition of his outstanding contribution to the Planning Commission.

Presentation of the Yuba City Planning Commission Meritorious Awards to Dr. Peppercorn, Tower Market, and The Pavillions.

Approval of the minutes of the meeting held April 12, 2006.

Appearance of Interested Citizens*

Correspondence: None

Public Hearings:

1. Continued Public Hearing: Development Plan #DP 05-03 of Lowe's Home Improvement Warehouse to allow the construction of a 139,604 square foot retail store and a 24,784 square foot garden center; property located in C-3 zone at 935 Tharp Road; A.P. No. 58-050-044; applicant Lowe's Home Improvement Warehouse, Inc.
2. Continued Public Hearing: Use Permit #UP 06-02 of River Valley Community Bank to allow 6000 square foot bank with two drive-through lanes: one with drive-up teller and second with drive-up ATM; property located in C-3 X₁₆ zone at 1629 Colusa Avenue; A.P. Nos. 59-010-075 and 59-010-076; applicant River Valley Community Bank
3. Continued 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

(over)

4. Public Hearing: Tentative Map #TM 06-02 to allow the division of approximately 0.93 acre into two parcels; property located in the R-1 (Single Family Residential) zone located at 2420 Blevin Road; A.P. No. 59-530-015; applicant Joginder & Manjit Dulai
5. Other Business.
6. Report on Actions of the City Council.
7. Adjournment.

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.

DATE: May 5, 2006
TO: Yuba City Planning Commission
FROM: Brian Trudgeon, Principle Planner
SUBJECT: Agenda Report – Meeting of May 10, 2006

1. PUBLIC HEARING – DEVELOPMENT PLAN #DP 05-03 FOR LOWE’S HOME IMPROVEMENT WAREHOUSE TO ALLOW THE CONSTRUCTION OF A 139,604 SQUARE FOOT RETAIL WAREHOUSE STORE AND A 24,784 SQUARE FOOT GARDEN CENTER; PROPERTY LOCATED IN A C-3 ZONE AT 935 THARP ROAD (OLD WAL-MART SITE); APN: 58-050-044; APPLICANT, LOWE’S HOME IMPROVEMENT WAREHOUSE, INC.; PROPERTY OWNER, WAL-MART STORES, INC.

Previous Council/Commission Actions:

The Wal-Mart and Sam’s Club warehouse buildings were approved simultaneously by the City Council in 1991; both buildings were constructed the following year. The Wal-Mart store was recently abandoned, as a Super Wal-Mart was opened across the highway.

The applicant, Lowe’s Home Improvement Warehouse (HIW), applied for a development plan to construct a 164,388 square foot retail warehouse store (139,604 square foot warehouse and 24,784 square foot garden center), with “orchard style parking” of 658 parking spaces, landscaping, and a loading/pickup area for an indoor lumber yard. The development plan includes the demolition of the existing Wal-Mart store and parking lot.

The development plan project was presented to the Planning Commission on April 12, 2006. The Commission considered the existing traffic plus additional Lowe’s traffic along Tharp Road to Highway 20 a major concern. During discussions on this project, the Commission also commented on the overall articulation of the building, stating that some of the façade appeared flat and plain. For these reasons, the Commission could not approve the development plan. However, rather than deny the development plan application, the Commission directed the applicant to meet with staff to resolve the following issues: 1) requirement of two thru-lanes at Tharp Road to Highway 20 plus a dedicated right turn lane, and 2) additional articulation on all four exterior elevations to break up any flat, plain façades.

Staff Comments:

(1) Two thru-lanes at Tharp Road and right turn lane

The Commission thought that the traffic associated with the Lowe’s project would have a significant impact to Tharp Road at Highway 20. Staff concluded in the environmental documents that traffic generated by Lowe’s would be less than that generated by the previous Wal-Mart. However, the General Plan shows Tharp Road as a major arterial, which requires

two thru-lanes of traffic and a dedicated right turn lane. Because of this, the Commission could not approve the development plan as proposed without the additional right-of-way for the right turn lane. This was an issue that the Commission asked staff and the applicant to resolve.

Staff and the applicant met to discuss this separated right turn lane on Tharp Road. From this meeting came the understanding that Lowe's would need to dedicate 12 feet of right-of-way along their border with Tharp Road for future road improvements. Also, Lowe's agreed to front the money to acquire additional 12 feet of right-of-way along Tharp Road in front of the Umpqua Bank property. The money would be deposited at time of building permit in a separate CIP account to be used solely for the improvements to Tharp Road. It is anticipated that a right turn lane would be constructed along Tharp Road from approximately Sierra Avenue to Highway 12 with a transition south of Sierra Avenue. The City's engineers calculated a cost for the acquisition of the Umpqua right-of-way and the cost to construct all improvements for approximately 260 feet of right turn lane.

(2) Additional articulation on exterior elevations

Since the majority of the building is visible from public streets, the Commission wanted 360 degree articulation on the exterior elevations to eliminate a few of the flat, plain facades. The Commission wanted to see more pop-out features, wainscoting, and color variation to enhance the exterior elevations.

The applicant and staff worked together to create a more attractive Lowe's warehouse building. Lowe's architects have made the following revisions to the elevations (please see the attached letter from SSOE, Inc. for a design narrative).

Front elevation

- Coping atop both front and rear sides of the entry feature
- Greenscreens with climbing vines on the left side of the building between the entrance and the indoor lumber yard
- Freestanding arbors with trellis and climbing vines in front of the garden center and the indoor lumber yard

Rear Elevation

- Pilasters that project an additional foot from the building and serve as a screen to the roof drain downspouts
- Depth added to the higher architectural features between the pilasters
- Block wainscoting on some of the walls (Staff has added a condition of approval requesting that the pilasters at the fenced area to the right contain block wainscoting similar to that on the interior side elevation pilasters.)
- Greenscreens with climbing vines on the left side of the building between the garden center and the loading bay

Street Side Elevation

- Parapet wall stepping down from front to rear with cornice treatment
- Greenscreens with climbing vines on the garden center fencing to create a repeated pattern
- Freestanding arbors with trellises and climbing vines interspersed between the greenscreens
- Public seating area under each arbor

Interior Side Elevation (facing Sam's Club)

- Pilasters that project an additional foot from the building
- Pilasters with wainscoting at the rear fenced area

Staff believes that these exterior elevation revisions, with the condition for block wainscoting on the rear of the building, would make for an attractive warehouse building.

Recommended Action:

A) Adopt the following findings:

1. Following review and consideration of the mitigated negative declaration and any comments received, find that, with the incorporation of the mitigation measures addressing the identified potential adverse environmental impacts from the project, there is no evidence that the project will have a significant impact on the environment. Conditions or mitigation measures tied to the project reduce all potential significant impacts to below a level of significance.
2. The proposed Lowe's project is consistent with the goals and policies of the General Plan. The project is located on the corner of what is a major intersection with Sam's Club and other commercial uses using the same intersection, and is a location typically used for commercial development.
3. The C-3 Zoning District as described in the Zoning Regulations is consistent with the Regional Commercial designation of the General Plan as amended and permits the retail and service commercial use to be developed by this project. The project meets all C-3 District zoning development standards including building height, setbacks, fencing, parking configuration, landscaping and signage.
4. The project site, encompassing 13 acres, for the proposed 164,388 square foot commercial development has been designed with sufficient parking (658 spaces) and landscaping ("orchard parking" meeting the requirements of the Zoning Regulations). The loading areas, pedestrian access, civic space, and other landscaping are or will be designed in compliance with the development standards listed in the Zoning Regulations and Design Guidelines.

- B) Recommend that City Council adopt the attached Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.
- C) Recommend that City Council approve the Development Plan (#DP 05-03) subject to the following conditions of approval:
1. All exterior lighting shall be shielded so as not to produce obtrusive glare onto the public right-of-way or adjoining properties. A lighting plan showing the location, configuration, and type of exterior lighting, that meets the City's exterior parking lot standard, shall be submitted with any necessary photometric data for review and approval by the Community Development Department.
 2. The final landscape plan shall depict "orchard parking" throughout the entire parking area. The plan must be designed in conformance with the Zoning Regulations (including landscaping adjacent to 20 percent of the lineal building frontages).
 3. A detail depicting a minimum of 8,200 square feet of public civic space for outdoor seating, cafés, or other types of outdoor public functions shall be submitted to and approved by the Development Services Department prior to the issuance of a building permit.
 4. A revised site plan and detailed landscape plan reflecting the changes required by these conditions shall be submitted, along with any other required materials at the time a building permit is applied for, so that the plan used in the field will reflect actual building appearance, landscaping, and signage along with other required Municipal Code regulations.
 5. The applicant shall be responsible for the cost of relocating any City water or sewer lines that may be impacted due to the design and configuration of the project.
 6. The applicant shall provide bicycle parking areas in accordance with the Zoning Regulations and Design Guidelines.
 7. The development of the project shall comply with all provisions of the Uniform Fire Code and all applicable provisions for fire safety in the Municipal Code.
 8. Any food service establishments at the project site shall comply with all requirements of Sutter County Environmental Health.
 9. Provisions shall be made for the interior storage of shopping carts. There shall be no outside storage of shopping carts except within the designated outdoor cart corrals.
 10. There shall be no outside storage of pallets or other receiving materials in view of a public right-of-way.

11. Parking bays shall be designated by number and/or letter to allow for easier response by emergency vehicles in time of need.
12. A sign permit approved by the Development Services Department shall be obtained prior to placement of any signs on the building. Signs as shown on the elevations are not approved as shown. Signs shall adhere to the Sign Standards in Section 8-5.6310 of the Yuba City Zoning regulations.
13. Metal coping, as shown along the top of the parapet on the front elevation, shall be constructed on the top of the parapet on the back side of the front elevation as well. This metal coping on the back side of the parapet may be eliminated if the applicant can show by line-of-sight that the top of the parapet will not be seen from the public right-of-way behind Lowe's.
14. A cross access easement shall be reserved in deeds for storm drainage, sanitary sewer, water, ingress and egress, landscaping, parking, and the maintenance thereof to the benefit of all entities sharing the commercial space between Colusa Avenue (SR 20) and Lassen Boulevard and Tharp Road and N. Walton Avenue.
15. The loading docks, trash compactor, and trash bins located at the rear of the building shall be screened by a decorative masonry wall of sufficient height that matches the design and color of the Lowe's building.
16. The developer shall pay any applicable Sutter County Water Agency drainage fees prior to issuance of building permits, or supply documentation from the Agency that drainage fees are not required.
17. Prior to issuance of building permits, the developer shall enter into an agreement with Sutter County providing the following or supply documentation from Sutter County that an agreement is not required: Participation in a zone of benefit, drainage district, agency, service area, or any other public entity for the financing of construction and maintenance of a drainage system. In addition to the special assessment district or public entity referred to immediately above, the agreement shall contemplate the imposition by the district or public entity of any legally available fee, assessment, or other financing mechanism to facilitate the construction and maintenance of a drainage system.
18. Any outdoor sales shall be limited to products sold by Lowe's in a parking lot display area to be identified on a site plan submitted prior to building permit issuance. The location of the parking lot display area shall be approved by the Development Services Department. Any future changes to this parking lot display area can be reviewed and approved by the Development Service Department.
19. Prior to Certificate of Occupancy, the applicant shall provide an offer of dedication for a 12-foot wide strip of land from applicant's property on the east side of Tharp Road, north of Sierra Avenue, along with an offer of dedication

from applicant's property for a triangular shaped transition south of Sierra Avenue, for a future right turn lane on Tharp Road to Colusa Highway, along with a 10-foot Public Utilities Easement (PUE) from applicant's property outside and adjacent to this offer of dedication. The applicant shall prepare all documents necessary for said dedication.

20. At the time of building permit issuance, the applicant shall pay a one-time fee of \$371,063.00 to cover the City's future cost to obtain the necessary 12-foot right-of-way from Assessors Parcel Number 58-050-041 (currently owned by Umpqua Bank) and to construct a new right turn lane and improvements along the east side of Tharp Road to Colusa Highway. Said money shall be placed in a dedicated CIP account to be used solely for this right turn lane.
21. CMU block wainscoting shall be applied to the four pilasters on the rear elevation, at the southeast corner of the building similar to that on the three pilasters located on the left side elevation, at the southeast corner of the building.

Mitigation Measures (incorporated herein as Conditions of Approval)

MM AQ-1 Implement a Fugitive Dust Control Plan (included in Appendix D).

MMAQ-2 Construction equipment exhaust emissions shall not exceed FRAQMD Regulation III, Rule 3.0, Visible Emissions limitations (40 percent opacity or Ringelmann 2.0). Operators of vehicles and equipment found to exceed opacity limits shall take action to repair the equipment within 72 hours or remove the equipment from service. Failure to comply may result in a Notice of Violation.

MM AQ-3 The primary contractor shall be responsible to ensure that all construction equipment is properly tuned and maintained prior to and for the duration of onsite operation.

MM AQ-4 Minimize idling time to 5 minutes.

MM AQ-5 Utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators where feasible.

MM AQ-6 Provide temporary traffic control as needed during all phases of construction to improve traffic flow, as deemed appropriate by the Department of Public Works and/or Caltrans and to reduce vehicle dust emissions. An effective measure is to enforce vehicle traffic speeds at or below 15 miles per hour.

MM AQ-7 Portable engines and portable engine-driven equipment units used at the project work site, with the exception of on-road and off-road motor vehicles, may require California Air Resources Board (ARB) Portable Equipment Registration with the State or a local district permit. The owner/operator shall be responsible for arranging appropriate consultations with the ARB or the District to determine registration and permitting requirements prior to equipment operation at the site.

- MM AQ-8 All grading operations on a project should be suspended when winds exceed 20 miles per hour or when winds carry dust beyond the property line despite implementation of all feasible dust control measures.
- MM AQ-9 Construction sites shall be watered as directed by the Engineering Division of Development Services or Air Quality Management District and as necessary to prevent fugitive dust violations.
- MM AQ-10 An operational water truck should be onsite at all times. Apply water to control dust as needed to prevent visible emissions violations and offsite dust impacts.
- MM AQ-11 Onsite dirt piles or other stockpiled particulate matter should be covered, wind breaks installed, and water and/or soil stabilizers employed to reduce wind-blown dust emissions. Incorporate the use of approved non-toxic soil stabilizers according to manufacturer's specifications to all inactive construction areas.
- MM AQ-12 All transfer processes involving a free fall of soil or other particulate matter shall be operated in such a manner as to minimize the free fall distance and fugitive dust emissions.
- MM AQ-13 Apply approved chemical soil stabilizers according to the manufacturers' specifications, to all inactive construction areas (previously graded areas that remain inactive for 96 hours) including unpaved roads and employee/equipment parking areas.
- MM AQ-14 To prevent track-out, wheel washers should be installed where project vehicles and/or equipment exit onto paved streets from unpaved roads. Vehicles and/or equipment shall be washed prior to each trip. Alternatively, a gravel bed may be installed as appropriate at vehicle/equipment site exit points to effectively remove soil buildup on tires and tracks to prevent/diminish track-out.
- MM AQ-15 Paved streets shall be swept frequently (water sweeper with reclaimed water recommended; wet broom) if soil material has been carried onto adjacent paved, public thoroughfares from the project site.
- MM AQ-16 Reduce traffic speeds on all unpaved surfaces to 15 miles per hour or less and reduce unnecessary vehicle traffic by restricting access. Provide appropriate training, onsite enforcement, and signage.
- MM AQ-17 Reestablish ground cover on the construction site as soon as possible and prior to final occupancy, through seeding and watering.
- MM AQ-18 During the demolition phase of construction, all off-highway trucks (e.g., water trucks) and dozers shall meet the EPA Tier 2 Nonroad Diesel Engine Emission Standards. All other diesel construction equipment during demolition shall meet the EPA Tier 1 Nonroad Diesel Engine Emission Standards.

MM AQ-19 During the asphalt paving phase of construction, all pavers and cement/mortar mixers shall meet the EPA Tier 2 Nonroad Diesel Engine Emission Standards. All other diesel construction equipment during paving shall meet the EPA Tier 1 Nonroad Diesel Engine Emission Standards.

To mitigate operational emissions to a less-than-significant level, mitigation measures totaling 4.9 reduction points shall be selected from the Best Available Mitigation Measures (BAMM) listed below in MM AQ-20 through MM AQ-27 (FRAQMD, 2005b):

MM AQ-20 Bus service provides headways of 30 minutes or less for stops within 1/4 mile; project provides essential bus stop improvements (i.e., shelters, route information, benches, and lighting). (BAMM No. 7; 0.5 point).

MM AQ-21 Provide a display case or kiosk displaying transportation information in a prominent area accessible to employees or residents. (BAMM No. 8; 0.5 point).

MM AQ-22 Adopt a Vehicle Idling Policy requiring all vehicles under company control to adhere to a 5 minute idling policy. Also, enforce an onsite idling policy of 5 minutes or less including company owned, contract, vendor, and delivery vehicles. (BAMM No. 22; 0.5 point).

MM AQ-23 Restaurant or cafeteria on site or within 1/4 mile of site. (BAMM No. 35; 0.2 point).

MM AQ-24 Bank or ATM on site or within 1/4 mile of site (BAMM No. 36; 0.2 point).

MM AQ-25 Contract only with commercial landscapers who operate with equipment that complies with the most recent California Air Resources Board certification standards, or standards adopted no more than three years prior to date of use. (BAMM No. 58; 2.0 points).

MM AQ-26 Provide a web-based system where customers can order products on-line and have them home-delivered. (0.5 point).

MM AQ-27 Provide a web-based system where customers can search for products and confirm that they are in-stock (either on-line or by calling the store using a telephone number provided on-line) before driving to the store. (0.5 point).

2. PUBLIC HEARING: USE PERMIT #UP 06-02 ALLOWING DRIVE-THRU LANES FOR RIVER VALLEY COMMUNITY BANK, LOCATED WITHIN THE SUTTER BUTTES MARKETPLACE IN RETAIL BUILDING # 5 – APPLICANT/PROPERTY OWNER, JOHN JELAVICH.

Previous Commission Actions and/or Policies:

On June 8, 2005, the City Council approved the development plan (DP04-03) for the Sutter Buttes Marketplace with five commercial retail buildings, two commercial pads, and 334

customer parking spaces. The River Valley Community Bank is a permitted use in the approved Retail Building # 5 of this development without the drive-thru.

The applicant applied for a use permit to allow two drive-thru lanes at the rear of the bank building. This use permit was presented to the Planning Commission on April 12, 2006. The Commission considered the drive-thru exit was unsafe and they could not approve the use permit. During discussions on this project, the Commission also commented on the pedestrian walkway at the entrance to the bank and the rear corner articulation of the building. Rather than deny the use permit application, the Commission directed the applicant to meet with Staff to resolve the following; 1) provisions for safety at the drive-thru exits, 2) a pedestrian walkway at the entrance to the bank, and 3) additional rear corner articulation on the exterior elevation.

Staff Comments:

Staff has worked with the applicant since the Planning Commission's request were made and believes the applicant has answered all of the Commission's concerns. The applicant has provided the following revisions:

(1) Provisions for safety at the drive-thru exits

The Commission felt that drivers exiting the drive-thru lanes would not be able to see around the corner of the building and cars coming into the Sutter Buttes Marketplace from Colusa Highway may not see the cars exiting the drive-thru lanes. This was a safety issue that the Commission wanted resolved.

The revised site plan (Sheet AS-1.1) shows stop bars painted on the pavement at the drive-thru exit creating a four way stop at this intersection within the Sutter Buttes Marketplace parking lot. Stop signs are proposed at each corner of the intersection as well. These stop bars and stop signs would cause not only the cars exiting the drive-thru to stop before entering the parking lot, but cars traversing the parking lot to stop as well. Staff believes that these stop bars and stop signs, as shown, would help to create a safer environment for both drivers and pedestrians.

(2) Pedestrian walkway at the entrance to the bank

The Commission wanted a more pedestrian friendly parking lot at the front of the bank and suggested a pedestrian walkway or striping of a parking space at the entrance to the bank.

The applicant proposes to relocate the two handicap parking spaces with pedestrian striping from the left side of the parking lot to the center of the parking lot to allow for an eight foot wide pedestrian striped entrance into the bank. This allows pedestrians a wide safe pathway into the bank and does not require the bank to lose any parking spaces.

(3) Rear corner articulation of the exterior elevation

Since the bank building is centrally located in the Sutter Buttes Marketplace and all four sides of the building are visible from the parking lot and Colusa Highway, the Commission wanted 360 degree articulation on the exterior elevations. The Commission's main concern was the rear

corner of the building at the drive-thru intersection, shown as north and west elevations on Sheet A-1.

The applicant and Staff worked together to create a more attractive corner of the bank building. Sheet A-1 shows the continuation of the cornice and pillars on the north and west elevations to the rear of the building, painted a 'Heathcote' color above the 'Coast pointe' color stucco flat walls. The 'Haymarket' colored cornice top foam piece has been continued to the rear corner of the building as well. The applicant had supplied a color rendering of this rear corner showing the proposed additional articulation while not obstructing a drivers vision. Staff believes this makes for an attractive rear corner to the bank, thus providing 360 degrees of pleasing articulation.

Summary

This drive-thru, stop bars and signs, re-designed front parking lot, and additional articulation on the rear corner of the building would make this a safe and attractive addition to the Sutter Buttes Marketplace shopping center and would provide a welcomed convenience for the residents of Yuba City. Staff is recommending Planning Commission approval of UP06-02.

Recommended Action:

A. Adopt the following findings:

1. Following review and consideration of the attached mitigated negative declaration and any comments received, find that there is no substantial evidence that the project will have a significant impact on the environment.
2. The proposed construction of the River Valley Bank Drive-Thru lanes and canopy is consistent with the Regional Commercial designation as shown on the Land Use Map of the General Plan.
3. The site is of adequate size (.71-acres) to accommodate the proposed use. Access to the bank drive-thru will be from the southeast corner of the Sutter Buttes Marketplace parking lot, which will make for convenient ingress and egress to and from the site.
4. The public improvements (e.g. street, curb and gutter) adjacent to the site within the parking lot are adequate to carry the amount of traffic and drainage expected to be generated by this project.
5. Approval of the use permit for drive-thru lanes for the bank 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. Adopt the Mitigated Negative Declaration.

- C. Approve Use Permit UP06-03 for the River Valley Bank Drive-Thru in the C-3 X 16 District, subject to the following conditions and mitigation measures:

Conditions of Approval:

1. Drive-thru canopy design, materials and colors shall match those of the retail and bank building.
2. Stop bars and stop signs shall be placed at the intersection of the drive-thru exit with the parking lot to the satisfaction of the Development Services Department.

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.

3. 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

At a regular meeting on March 8, 2006, the Planning Commission continued this item indefinitely. The applicant has since met with staff, and the conditions of approval have been modified to meet the concerns of all parties.

Project Description:

The applicant is petitioning to subdivide two lots of approximately 0.36 acres in total lot 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:

The Central City Specific Plan designates the property as Residential and promotes a mix of high-density single-family homes, multi-unit residential developments, and single-family residential buildings, including attached forms such as townhouses and row houses.

Zoning Classification:

R-3 SP (Multiple-Family Residence, Specific Combining District)

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 in accord with § 15315 of the California Environmental Quality Act. This section provides for the division of property into four or fewer lots in urbanized areas zoned for residential uses when the division is in conformance with local General Plan and Zoning requirements and all services and access to the proposed parcels to local standards are available.

Staff Comments:

Staff supports the applicant’s petition to split the 0.36-acre vacant parcels 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, and;
 - 3. 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 § 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 and is 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 building 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 flows onto the adjacent residential lands or impedes the drainage from those properties. If retaining walls are required, they shall be constructed of concrete or masonry block.

- 3. The building plans shall designate 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" (six inches). The use of any type of wood as the retaining wall is not permitted.

Grading

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

Driveways

5. All driveway locations shall be shown on the building plans. Any work that will be performed within the City right-of-way shall require an encroachment permit.

Miscellaneous

6. Prior to issuance of any building permit, all underground utilities, public improvements, and site improvements, including rough grading, shall be completed.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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 Americans with Disabilities Act compliance.
12. All infrastructure, grading, and all appurtenances thereto, shall be installed in accordance with the building plans prior to the issuance of any building permits.
13. 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 building plans. The City Engineer shall sign off on the certifications.

14. A 10-foot Public Utility Easement shall be dedicated along Kiley Avenue and along Francis Way.
15. 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.
16. 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.
17. A 5-foot utility easement shall be shown on the final map and reserved in deeds for the water service from Kiley Avenue to the most western parcel fronting on Francis Way prior to the recordation of any map.
18. The Conditions of Approval shall be attached to, and be made an integral part of, the building plans.

4. PUBLIC HEARING: TENTATIVE PARCEL MAP #06-02 FOR A TWO PARCEL SPLIT LOCATED AT 2420 BLEVIN ROAD – SUBDIVIDER / PROPERTY OWNER: JOGINDER AND MANJIT DULAI

Project Description:

Request to subdivide a single parcel with a total site area of .92 acres into two single-family residential lots, Parcel 1 to be .46 acres and Parcel 2 to be .46 acres.

Property Description:

The subject property is identified as Assessor's Parcel No. 59-530-015. The .92 acre parcel is located on the west side of Blevin Road opposite the intersection of Jamie Drive and Blevin Road. The subject property is developed with a single family residence and three accessory structures. The property is located in an area with suburban residential development. Blevin Road is unimproved, lacking curb, gutter, and sidewalk.

General Plan Designation:

The subject property has a General Plan designation of Low Density Residential (LDR). This General Plan designation provides for a development density of no less than 2 dwelling units per acre and no more than 8 dwelling units per acre.

Zoning Classification:

One-Family Residence (R-1) District

Surrounding Land Use:

Land uses to the north, south, east, and west are developed single family residences.

Previous Commission Action and/or Policies:

No action to report

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 further CEQA review 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.

Despite the fact that the parcel is not currently on all services, all services are readily accessible by the current occupant and will be accessible by the occupant of any new structure. 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 newly created parcel meets all standards set for a single family residential lot. Per the conditions of approval, the applicant will be responsible for basic improvements along the Blevin Road frontage.

Guiding Policy 3.5-G-3 states the following: "Allow and encourage low-medium density small-lot single-family housing development in new and existing neighborhoods that enable compact development and efficient infill." This project utilizes existing residential space and provides an opportunity for efficient infill.

Implementing Policy 3.4-I-7 states the following: "Promote infill development that maintains the scale and character of established neighborhoods." The parcels to the north, west, and northeast of the subject property range in size from .67 acres to 1.03 acres. The parcel to the east of the subject property is .37 acres. The three parcels to the south of the subject property range in size from .21 acres to .25 acres. The newly created parcels, while smaller than the parcels to the north and west, are approximately .25 acres larger than the parcels located to the south of the subject property.

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 Low Density Residential designation of the Yuba City General Plan.
 2. The tentative map is consistent with and meets the minimum standards for the R-1 District.
- B) Approve the tentative parcel map subject to the following conditions of approval:

Roadway Improvements

1. Blevin Road shall be constructed to the centerline of the street across the length of the property. Improvements on the west side of Blevin Road shall consist of: 2.5 foot curb and gutter, 6 foot landscaping, 5 foot detached sidewalk, and a 10 foot space for utilities as shown on the tentative map.
2. Sufficient right-of-way shall be dedicated to the City per the proposed right-of-way line shown 0.5' behind the proposed back of curb on the Typical Section.
3. The structural section of all road improvements shall be designed using a geotechnical investigation which provides the basement soils R-value and expansion pressure test results. The structural section shall be designed to the following standards:
 - a. Use 5" Type "A" asphalt concrete over Class II aggregate base (the thickness of the base shall be designed to the R-value of the soil)
 - b. Use a traffic index of 6.5 for residential streets
 - c. Use a traffic index of 9 for collector streets
 - d. Use a traffic index of 10 for arterial streets
4. A copy of the geotechnical report, including R-value, test locations and structural section calculations, shall also be submitted with the first improvement plan check.

Utilities

5. Developer shall pay extension fees in effect at the time of the execution of the subdivision agreement for the previous installation of 173 L.F. of water line on Blevin Road along the property frontage.
6. Developer shall extend the sanitary sewer line to the north property line of Parcel 1 and set a sanitary sewer cleanout at the end of the line.
7. Developer shall extend the storm drain line to the north property line of Parcel 1.

Lighting and Landscaping

8. The property shall petition for formation of a Zone of Benefit of the Yuba City Landscaping and Lighting District for the purpose of maintaining street trees, which are to be planted along all streets, and maintaining street lights.
9. All street lighting shall be dedicated to the City of Yuba City.
10. The street landscape planters, the street trees, and street lighting are public improvements which shall meet the Parks Division Planting Standards and Yuba City Standard Details and shall be included in the improvement plans and specifications for the subdivision when the improvement plans are submitted for the first improvement plan check.
11. The street trees proposed by the Developer shall be a minimum of 15 gallon in size with a one-inch dbh (diameter at breast height). The tree species shall be a shade type approved by the City Arborist and the Development Services Department. Only one tree species shall be planted on any street.
12. Each lot shall be landscaped between the residence and the curb prior to occupancy. If it is deemed impractical by the Development Services Department to have the landscaping completed prior to occupancy, the Builder/Developer shall provide security for the value of the landscaping and commit to a water quality control plan to prevent the input of pollutants from the lot to the urban drainage system as approved by the Development Services Department.

Drainage

13. 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.
14. The developer shall be required to pay any applicable Sutter County Water Agency drainage fees.
15. 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.
16. Prior to filing any final map the developer shall enter into an agreement with Sutter County providing the following:

Participation in a zone of benefit, drainage district, agency, service area or any other public entity for the financing of construction and maintenance of a drainage system. In addition to the special assessment district or public entity referred to immediately

above, the agreement shall contemplate the imposition by the district or public entity of any legally available fee, assessment or other financing mechanism to facilitate the construction and maintenance of a drainage system.

17. Designated markers shall be installed according to the manufacturer's specifications on the top of curb, or at an appropriate alternate nearby location 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

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

Driveways

19. All driveway locations shall be shown on the improvement plans.
20. The only hard surface (concrete or pavers) that can be placed in the street planter area other than the standard driveway serving the residence is 18" wide strips to accommodate the wheel path of vehicles.

Storm Water Pollution and Prevention Plan

21. The Developer shall be responsible for implementing the Storm Water Pollution and Prevention Plan (SWPPP) through the use of Best Management Practices (BMP). The Developer shall be responsible for maintaining the SWPPP. Should the Developer fail to ensure satisfactorily compliance with the SWPPP, the City Inspector may issue a stop work order until compliance is achieved.

Miscellaneous

22. Along the west side of Blevin Road, the developer shall underground overhead utility lines across the frontage of the project site.
23. Prior to issuance of any building permit, all underground utilities, public improvements, and site improvements, including rough grading, shall be completed.
24. Prior to the occupancy of any building, the curb, gutter, sidewalk, and lot drainage shall be inspected by the City. Any curb, gutter and sidewalk which is not in accord with City standards or is damaged before or during construction shall be replaced or repaired to the satisfaction of the City Engineer.
25. Prior to acceptance of the improvements, all sidewalks along the City right-of-way 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.

26. 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.
27. 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.
28. 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.
29. 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.
30. All infrastructure, grading, and all appurtenances thereto shall be installed in accordance with the improvement plans prior to the issuance of any building permits.
31. 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.
32. A 20.5-foot Public Utility Easement shall be dedicated along Blevin Road prior to recordation of any map. The PUE shall be comprised of a 6 foot landscape strip, 5 foot sidewalk, and a 10 foot strip for utilities.
33. 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.
34. 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.
35. The Conditions of Approval shall be attached to and be made an integral part of the improvement plans.

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

YUBA CITY PLANNING COMMISSION
AGENDA

Regular Meeting
May 24, 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 May 10, 2006

Appearance of Interested Citizens*

Correspondence

Public Hearings:

1. Tentative Map #TM 05-12 to allow the division of approximately 2.77± acres into four parcels with one remainder parcel; property located in the R-1 (Single Family Residential) zone located at 2182 Blevin Road; A.P. No. 59-530-010; applicant, Doug Gibbs.

Commission Consideration:

2. General Plan Consistency of the 2006-2011 Capital Improvement Program.
3. Expansion of the area for Rezoning 06-03 to apply consistent pre-annexation zoning to the entire Master Plan Area as defined by the City Council, versus the 23.1 acres requested by the applicant, Valley Development.

Commission Discussion:

4. Informational presentation by staff on status and upcoming steps for the Master Plan Development Applications for the following Developers:
 - Braddock & Logan (Sutter Heritage project)
 - Reynen & Bardis (Monticello and Talavera projects)
 - Al Montna (Walnut Park West project)"

(Over)

Other Business

Report on Actions of the City Council

Adjournment

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.

DATE: May 18, 2006
TO: Yuba City Planning Commission
FROM: Brian Trudgeon, Principle Planner
SUBJECT: Agenda Report – Meeting of May 24, 2006

1. PUBLIC HEARING: TENTATIVE PARCEL MAP #05-12 FOR A FOUR PARCEL SPLIT LOCATED AT 2182 BLEVIN ROAD – SUBDIVIDER / PROPERTY OWNER: DOUGLAS PATRICK AND CYNTHIA EILEEN GIBBS

As stated in the attached letter, the applicants have withdrawn Tentative Parcel Map #05-12 for the purpose of redesigning the project. The new project will be rescheduled for a future Planning Commission meeting.

2. COMMISSION CONSIDERATION: GENERAL PLAN CONSISTENCY OF THE 2006-2011 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 2006 through 2011.

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 2006-2007 is \$94,282,000. Of this amount \$67,136,000 is carry over funds and \$27,146,000 in current appropriations. The majority of this funding comes from a variety of sources, including sewer and water funds (\$14,911,000), development impact fees (\$6,093,000) and general fund (\$2,919,000).

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, and expansion of the Police Department facility.

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.

Sunsweet Blvd. Construction from the Kohl's store west to Walton Avenue - 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.

3. COMMISSION CONSIDERATION – EXPANSION OF THE AREA FOR REZONING 06-03 TO APPLY CONSISTENT PRE-ANNEXATION ZONING TO THE ENTIRE MASTER PLAN AREA AS DEFINED BY THE CITY COUNCIL VERSUS THE 23.1 ACRES REQUESTED BY THE APPLICANT, VALLEY DEVELOPMENT

Background:

During a joint study session of the City Council/Planning Commission on January 25, 2005, it was recommended that the City establish a series of policies to address future growth of the City. It was also recommended that the policies should adhere to the recently adopted General Plan and provide guidelines to implement the General Plan.

On February 15, 2005, the City Council adopted the 12 growth policies and directed that they be applied to all areas outside of the then current City limits. On March 15, 2005, the City Council

adopted the designated Specific Plan/Master Plan exhibit (see attached) that designated all of the area outside of the City limits but within the sphere of influence either a specific plan area or a master plan area. The six pre-annexation zoning applications that were pending action by the City were all placed in master plan areas. To date, two of the master plans for the designated area (Sutter Heritage and Monticello/Talavera & Walnut Park West) are currently being prepared for review by the Planning Commission and City Council.

Project Description:

The applicant, Valley Development, has submitted a pre-annexation zoning request to apply Heavy-Commercial/Light Industrial (C-M) District zoning to a 23.1 acre property located just west of Industrial Drive and south of Highway 20 (see attached exhibit Master Plan Area). The property is designated Business, Technology & Light Industry, and the requested C-M is consistent with that General Plan designation. In reviewing the pre-annexation zoning application, staff recommends that it would be more appropriate to analyze the entire master plan area as part of the pre-annexation zoning rather than just this isolated 23-acre property. In this way, following the application of the pre-annexation zoning for the properties within the master plan area, a concise master plan can be developed. Staff is therefore requesting that the Commission initiate the expansion of the area to match the master plan boundary for this area as adopted by the City Council.

Recommended Action:

Approve the expansion of the area to be considered under #RZ 06-03 to include the entire area shown on the attached exhibit (Expanded Master Plan Area).

4. COMMISSION DISCUSSION: INFORMATIONAL PRESENTATION BY STAFF ON STATUS AND UPCOMING STEPS FOR THE MASTER PLAN DEVELOPMENT APPLICATIONS FOR THE FOLLOWING DEVELOPERS:

- Braddock & Logan (Sutter Heritage project)
- Reynen & Bardis (Monticello and Talavera projects)
- Al Montna (Walnut Park West project)"

YUBA CITY PLANNING COMMISSION
MINUTES

Regular Meeting
May 10, 2006
City Hall Council Chambers

The meeting was called to order by Chairman Cartoscelli at 7:00 P.M. Members present and absent were as follows:

PRESENT

Chairman Mike Cartoscelli
Commissioner Preet Didbal
Commissioner Maynard Dunn
Commissioner Tej Maan (entered @ 7:25 p.m.)

Commissioner Melia Campbell
Commissioner John Sanbrook
Commissioner Satwant Takhar

Also present were Community Development Director Aaron Busch, Principal Planner Brian Trudgeon, Associate Planner Katie Ertmer, and Joe Prutch of PMC.

ABSENT

None

The Pledge of Allegiance was led by Commissioner Takhar.

Presentation of Planning Commission Resolution No. 06-02 to Jeffrey Spencer in recognition of his outstanding contribution to the Planning Commission.

Mr. Spencer was unable to attend due to circumstances out of his control.

Chairman Cartoscelli gave an overview of the Meritorious Awards program, and presented the awards to the Pavillions, Tower Market, and Dr. Peppercorn, for their outstanding building designs.

The minutes of the meeting held April 12, 2006 were unanimously approved as written.

Appearance of Interested Citizens: - None

Correspondence: - None

Public Hearings:

- 1. CONTINUED PUBLIC HEARING – DEVELOPMENT PLAN #DP 05-03 FOR LOWE’S HOME IMPROVEMENT WAREHOUSE TO ALLOW THE CONSTRUCTION OF A 139,604 SQUARE FOOT RETAIL WAREHOUSE STORE AND A 24,784 SQUARE FOOT GARDEN CENTER; PROPERTY LOCATED IN A C-3 ZONE AT 935 THARP ROAD (OLD WAL-MART SITE); APN: 58-050-044;**

APPLICANT, LOWE'S HOME IMPROVEMENT WAREHOUSE, INC.; PROPERTY OWNER, WAL-MART STORES, INC.

Joe Prutch of PMC, presented the staff report, and spoke about staff's concerns regarding traffic on Tharp Road, and the additional articulation on four sides of the building. Mr. Prutch said that a one-time fee of \$371,063.00 paid by the applicant will pay to cover the City's future cost to obtain the necessary 12-foot right-of-way from Assessors Parcel Number 58-050-041 (currently owned by Umpqua Bank) and to construct a new right turn lane and improvements along the east side of Tharp Road to Colusa Highway. Mr. Prutch also pointed out the improvements Lowe's has made to their plans.

Mr. Prutch stated that staff is recommending the Planning Commission adopt the 4 findings as specified in the staff report and recommend to the City Council that they adopt the Mitigated Negative Declaration, Mitigation Monitoring Program, and that they approve the Development Plan DP #05-03 subject to 21 conditions of approval.

Commissioner Dunn asked that Highway 12 be changed to Highway 20 in the staff report.

Commissioner Campbell asked about the Umpqua Bank land acquisition, and stated her concern that the cost may end up being more than the \$371,063.00 to be deposited, and asked if the City would be responsible for any additional costs.

Mr. Busch explained that this issue would be pursued as an overall Capital Improvement project. Commissioner Dunn stated that Jeff Foltz gave a good explanation of what is to be expected.

Commissioner Campbell asked about the lumber pick up and tire center. Mr. Prutch explained that it was set up in order to delineate any traffic issues. Mr. Trudgeon stated that it was also for aesthetics, and the goal was to keep everything on the interior of the project.

Chairman Cartoscelli opened the public hearing.

Al Montez of Lowe's, agrees with the conditions staff has set forth and stated he would like to see the store open by Christmas of this year.

Commissioner Dunn asked if the colors would be as the renderings show. Mr. Montez said they would be exactly as the renderings show.

Commissioner Campbell mentioned the blocked access, and asked if one entrance could be opened for people who are traveling south on Tharp Road. Mr. Montez agreed that there needs to be access, but stated there are liability issues. Commissioner Campbell asked if the fencing could be set back around 20 feet to allow access to the bank. Mr. Montez said he could check into the feasibility of doing that.

Laura Orlich of SSOE, consultant for Lowe's, stated that she could answer any questions regarding the architecture of the building, and passed photos to the Commissioners.

With no further testimony being offered, Chairman Cartoscelli closed the public hearing.

Commissioner Dunn moved to adopt the findings, make a recommendation to City Council to adopt the Mitigated Negative Declaration and Mitigated Monitoring and Reporting Program, and make a recommendation to City Council to approve the Development Plan (DP #05-03) subject to 21 conditions. The motion was seconded by Commission Takhar, and passed unanimously.

2. CONTINUED PUBLIC HEARING: USE PERMIT #UP 06-02 ALLOWING DRIVE-THRU LANES FOR RIVER VALLEY COMMUNITY BANK, LOCATED WITHIN THE SUTTER BUTTES MARKETPLACE IN RETAIL BUILDING # 5 – APPLICANT/PROPERTY OWNER, JOHN JELAVICH.

Joe Prutch of PMC, presented the staff report and went over the revisions on the plans in regards to the 3 concerns that staff had which were, 1) provisions for safety at the drive-thru exits, 2) a pedestrian walkway at the entrance to the bank, and 3) additional rear corner articulation on the exterior elevation.

Mr. Prutch said staff is recommending that the Planning Commission adopt the findings, adopt the Mitigated Negative Declaration, and approve Use Permit UP #06-02 subject to 2 conditions and 2 mitigation measures.

Chairman Cartoscelli opened the public hearing.

John Jelavich stated that he does agree with the modifications staff has requested.

With no further testimony being offered, Chairman Cartoscelli closed the public hearing.

Commissioner Campbell stated that she appreciates the changes that were made, and hopes that Mr. Jelavich agrees that the new version is better. Commissioner Campbell also talked about a walkway that is needed.

Mr. Prutch explained his understanding of the intent and showed on the map. Commissioner Campbell said that the parking lots need to be safe for pedestrians, and asked for striping within the parking lot by moving landscape island over one space. Mr. Jelavich said he didn't see a problem achieving that request.

Commissioner Sanbrook moved to adopt the findings and the Mitigated Negative Declaration, and to approve the Use Permit (UP #06-02) subject to 2 conditions, 2 mitigation measures, and the modification regarding striping as specified by Commissioner Campbell. The motion was seconded by Commissioner Campbell and passed unanimously.

Commissioner Dunn recused himself from the dais due to his involvement with the next project.

3. CONTINUED 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

Brian Trudgeon, Principal Planner, presented the staff report.

Mr. Trudgeon said staff is recommending the Planning Commission adopt the findings, and approve Tentative Map TM 06-01 with 18 conditions as stated in the staff report.

Commissioner Campbell asked what the square footage of the lots will be. Mr. Trudgeon said the would be 40 x 100 or 50 x 100.

Commissioner Takar asked if the project is exempt from impact fees. Mr. Trudgeon stated that they are exempt from impact fees for any residence that was on site but has not been removed since the latest Development Impact Fees have been established.

Commissioner Sanbrook asked about the opposition at the last meeting. Mr. Trudgeon said that the project was legal noticed for this meeting.

Chairman Cartoscelli opened the public hearing.

Bill Stevenson, 459 ½ Palora Avenue, co-owner with Maynard Dunn, feels this would be a good infill project, and asked about the possibility of City water coming down Francis. Mr. Trudgeon said the only way the City could run water there would be to have a future CIP project.

With no further testimony being offered, Chairman Cartoscelli closed the public hearing.

Commissioner Takhar moved to adopt the findings, and approve the Tentative Map (TM 06-01) with 18 conditions as stated in the staff report, was seconded by Commissioner Sanbrook, and the motion passed unanimously (with Chairman Dunn being recused).

4. PUBLIC HEARING: TENTATIVE PARCEL MAP #06-02 FOR A TWO PARCEL SPLIT LOCATED AT 2420 BLEVIN ROAD – SUBDIVIDER / PROPERTY OWNER: JOGINDER AND MANJIT DULAI

Katie Ertmer, Associate Planner, presented the staff report.

Chairman Cartoscelli opened the public hearing.

Don Solheim, MHM Engineering, wanted to go over condition #33. The applicants want to keep the existing well for irrigation purposes only, and will not be connected to the residence. The residence will be connected to City water.

Ms. Ertmer has spoken to the applicants regarding this issue and stated it will be a condition of approval.

Commissioner Campbell asked if the well would be on the newly created parcel. Mr. Solheim said it would.

Dale Henderson, 2471 Blevin Road, stated his concerns about parcel size, street improvements and traffic.

With no further testimony being offered, Chairman Cartoscelli closed the public hearing.

Commissioner Campbell asked if this was the Crossan Map that came before the Planning Commission in the past, and asked how much square footage each lot will be.

Mr. Trudgeon said it was the same map, and that the lots would be around 20,000 sq. ft. each. There was further discussion about lot sizes.

Commissioner Sanbrook moved to adopt the findings, and approve the Tentative Map (TM 06-02) with 35 conditions as stated in the staff report, and with the modification to condition #33, was seconded by Commissioner Maan, and the motion passed unanimously.

Other Business:

Brian Trudgeon talked briefly about the next Planning Commission meeting and that staff will be bringing forward for Commission consideration the expansion of the Franklin Master Plan area, and Commission discussion on the Master Plan that Brian Millar from Land Logistics will be presenting.

Report on Actions of the City Council: - None

Adjournment: The meeting was adjourned at 8:12 P.M.

Respectfully submitted,

AARON BUSCH, Secretary
YUBA CITY PLANNING COMMISSION