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

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

Roll Call.

Pledge of Allegiance.

Election of a representative to the County Planning Commission

Approval of the minutes for the meeting held on January 11, 2006.

Appearance of Interested Citizens\*

Correspondence: None

1. Public Hearing: Amendment to Article 63 (Signs) of the Yuba City Zoning Code to revise the sign regulations for non-conforming signs, special event signs, prohibited signs, A-frame signs, under canopy signs, and window signs
2. Public Hearing: Use Permit #UP 05-07 for internal illumination of a monument sign; property located in the R-3 (Multiple-Family Residence) zone at 850 Cooper Ave.; A.P. No. 52-181-025; applicant First Lutheran Church
3. Public Hearing: Tentative Map #TM 05-13 to allow the division of one .26 acre parcel into two parcels; property located in the R-1 (One-Family Residence) zone at 207 Dorman Ave.; A.P No. 53-413-011; applicant Kenneth and Addie Hickman
4. Public Hearing: Variance #VR 05-03 request to reduce the minimum lot size requirement of 7,000 sq. ft. for a corner lot and 6,000 sq. ft. for an interior lot; property located in the R-2 (Two-Family Residence) zone; corner of Cooper Ave. and Frederick Ave. ; A.P. Nos. 52-283-012 and 52-283-013; applicant James M. Ratliff

Tentative Map #TM 05-14 to allow the division of an existing two lot parcel into three lots; property located in the R-2 (Two-Family Residence) zone; corner of Cooper Ave. and Frederick Ave.; A.P. Nos. 52-283-012 and 52-283-013; applicant James M. Ratliff

(over)

5. Public Hearing: Use Permit #UP 05-06 of Green/Grace Development for a proposed 4,000 sq. ft. bank with a drive through; property located in the C-2 (Community Commercial) zone at 1050 Colusa Ave.; A.P. No.59-010-089; applicant Keith D. Green
6. Public Hearing: Rezoning #RZ 05-10 for the rezoning of a parcel located in the M-1 (Light Industrial) zone to C-2 (Community Commercial); property located at the north west corner of Lincoln Road and Garden Hwy.; A.P. No. 53-400-067; applicant David Lanza
7. Commission Consideration:
8. Other Business: Planner's Institute Conference in Monterey, March 2006
9. Report on Actions of the City Council.
10. Adjournment.

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

January 31, 2006

TO: YUBA CITY PLANNING COMMISSION  
FROM: PHIL O. CARTER, COMMUNITY DEVELOPMENT DIRECTOR  
SUBJECT: AGENDA REPORT - MEETING OF FEBRUARY 08, 2006

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

**Project Description:**

Text amendments to the City's Sign Code with regard to non-conforming signs, special event signs, signs held or worn by persons, A-frame signs, under canopy signs, and window signs.

**Property Description:**

City wide

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

This project was continued from the June 7, 2005 City Council meeting with discussion and direction to conduct a Joint Study Session with the Sign Committee, Planning Commission, City Council, and other interested parties. The Joint Study Session was held on September 20, 2005, where staff received direction to incorporate additional modifications to the draft Sign Ordinance Revisions. Staff researched and prepared modifications for consideration by the City Council on December 20, 2005. At that meeting, staff received direction to proceed with public hearings on the text amendments regarding non-conforming signs, special event signs, signs held or worn by persons, temporary A-frame signs, under canopy signs, and window signs.

Staff notified the Sign Committee of this Planning Commission hearing and provided them with a copy of the proposed text amendments. City Council will take final action on the modifications to the City's sign regulations.

**Environmental:**

According to Section 15061.3 of the California Environmental Quality Act, this activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that the activity in question may not have a significant effect of the environment, the activity is not subject to CEQA.

## **Staff Comments:**

Over the last 18 months, City Staff and the Sign Committee have been working with stakeholders to understand the issues and priorities for advertising a wide range of businesses. The City seeks to balance the need for commercial enterprise to advertise their business with the desire for a more aesthetic streetscape in the community. The City also recognizes the legal restrictions of regulating signs with regard to time, place, and manner. Proposed amendments to the City's Sign Code herein reflect that input and process.

**Nonconforming Signs.** Pole signs were previously developed and are no longer permitted under the City's sign code. Existing regulations are liberal in allowing continuation of nonconforming signs and the Sign Committee identified the desire to consider alternatives to address the visual impacts and nonconforming status of this type of sign.

Currently, if a business with a pole sign is vacated for less than one year, any new business in that location may continue use of the existing nonconforming pole sign. If the business is vacated for more than one year, use of the nonconforming pole sign may not continue. However, there are no provisions to cause the removal of the pole sign once it can no longer be used as a sign.

The proposed standards reduce the vacancy (period of inactivity) standard from one year to six months and require removal of pole signs within 90 days of the date the sign loses its nonconforming status. Draft modifications allow a one-time reprieve for businesses with pole signs that have lost their nonconforming status to request City approval to reinstate the pole signs to a legal nonconforming status for reuse as a sign. The City would initiate a notification to applicable parties and interested parties would have a period of three months to apply for the sign permit, then nine months following to resign the structure.

At the Joint Study Session, the draft provisions were generally supported and the general consensus was support for the one-time opportunity to reinstate nonconforming status for existing pole signs. Staff also received direction to address sign maintenance, reuse issues associated with advertising on nonconforming signs, and responsibility for removal of nonconforming signs. Amendments in Attachment 1 are intended to address these concerns.

**Special Event Signage.** The Sign Committee identified that the existing 30-day special event sign limitation each calendar year may be too restrictive. After researching the issue and talking with business owners about advertising needs, the committee recommended increasing the time limit to 60 days each calendar year and establishing additional advertising time for businesses where the majority of sales are conducted outdoors (up to 120 days per calendar year). The increased allowance for temporary signage was supported at the Joint Study Session along with a desire to ensure that we can easily administer and enforce the new provisions. Staff has drafted minor amendments for this section in Attachment 1 to reflect input from the meeting on September 20, 2005. At their December 20, 2005 meeting, City Council expressed concern with the 120 day period for special event advertising as potentially excessive. While they ultimately supported the increased time for advertising, they expressed a desire for a trial period and directed staff to establish an administrative process to ensure the proper regulation and enforcement of the new provisions.

**Signs Held or Worn by Persons.** On December 20, 2005 City Council directed staff to incorporate regulations for signs held or worn by persons for the purpose of commercial advertising as a public safety issue. The City Attorney has drafted language to prohibit such signs when visible from a public roadway to ensure that this form of advertising does not cause a traffic hazard in the City. Additional language has been added to the real estate sign exemptions to reiterate this restriction/prohibition as it relates to real estate signs.

**A-Frame Signs.** There are currently no provisions in place for the use of A-frame signs except as permitted in the commercial areas of the Central City Specific Plan Area. At the Joint Study Session, consideration was given to extending these provisions to other commercial areas of the City. Ultimately, the direction was to prohibit A-frame signs throughout the City, including the Central City Specific Plan. An amendment will be required to change the current A-frame sign regulations applicable to commercial areas of the Central City Specific Plan.

**Under Canopy Signs.** The Sign Committee originally identified the need to establish under canopy sign provisions as an exempt sign type in the City's Sign Code. This concept was supported at the Joint Study Session. Text amendments in Attachment 1 establish a definition for under canopy signs and list such signs as exempt with a maximum sign area of 4 square feet. New language also requires a minimum 8-foot vertical clearance and identifies that an encroachment permit is required from the Public Works Department if said signs are located within the public right-of-way.

**Window Signs.** The Sign Committee identified a desire to allow increased window sign area for commercial businesses. Existing sign regulations allow up to three square feet of window signage to identify the business, hours, and emergency information. The committee recommended a performance standard to allow both permanent and temporary window signs up to a combined maximum 35 percent of the total window area for the business. At the Joint Study Session, staff explained the importance of content neutrality and recommended the adoption of standards established by the National Crime Prevention Institute in their Crime Prevention Through Environmental Design (CPTED) manual that window signs for commercial storefronts not exceed a combined maximum of 15 percent of the area of each window. Staff has amended the draft sign revisions to reflect that new standard.

**Recommended Findings:**

1. The proposed text amendments to the City's sign regulations are consistent with the Yuba City General Plan.
2. Proposed text amendments to the City's sign regulations are consistent with applicable State and federal laws.
3. Proposed text amendments are exempt from CEQA.

**Recommended Action:**

Staff recommends that the Planning Commission recommend to the City Council adoption of text amendments to the City's Sign Code as listed in Attachment 1.

**Attachment:**

Draft Sign Code Revisions (dated January 30, 2006)

**2. PUBLIC HEARING: USE PERMIT UP 05-07 TO ERECT AN ILLUMINATED IDENTIFICATION SIGN IN THE R-3 DISTRICT; 850 COOPER AVENUE – APPLICANT/ PROPERTY OWNER, FIRST LUTHERAN CHURCH**

**Project Description:**

The applicant proposes to illuminate a 5-foot high by 6-foot wide monument style identification sign to replace a previous non-illuminated sign. The monument sign has 24 square feet of sign area atop a one foot by 5 foot solid base. Approximately 30 percent of the sign area would be reader board, allowing for changeable text.

**Property Description:**

The property is located at the northwest corner of Cooper and Forbes Avenues. The church occupies the east half of the property while a Christian school occupies the west half. The street frontages are improved with curb, gutter and sidewalk.

**General Plan Designation:**

Medium/Low Density Residential.

**Zoning Classification:**

Multiple-Family Residence (R-3) District.

**Surrounding Land Use:**

To the north, east, and west are single family homes, while a women’s shelter, Casa de Esperanza, and a library are located to the south. A similar monument sign, for Margie’s Restaurant, is located caddy-corner from the church in a C-1 Zone (see study sketch).

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

The Commission has not reviewed any projects in the vicinity of the subject property.

**Environmental:**

Categorically exempt.

**Staff Comments:**

The applicant proposes to illuminate a monument sign where a similar non-illuminated sign once stood. The Sign Ordinance provides for schools and churches to have illuminated signs with reader boards in the R Districts with the approval of a minor use permit, assuming the reader board occupies less than 50 percent of the total sign area. The proposed reader board covers approximately 30 percent of the total sign area. The reason for Commission review and a public

hearing is to determine if adjoining residential uses will be adversely affected by the lighted sign. In this case the sign will be placed on the southeast corner of the property at the corner of Cooper and Forbes Avenues in about the same location as the previous sign. Because the illuminated sign would be located in a residential neighborhood, Staff recommends that a condition be placed on the project requiring the sign to be equipped with an automatic timer that will turn off the illumination at 10:00 p.m. nightly. With this condition for the project, Staff feels that the sign is appropriate, should not be an annoyance to the neighborhood, and will be compatible with the surrounding development in the area.

There are two existing Twin Rivers Christian School pole signs located on-site in front of the school. These two signs were erected without permits. Further, the Sign Ordinance allows only one monument sign per building site. Therefore, the approval of this illuminated monument sign cannot be approved unless these two signs are conditioned for removal.

**Recommended Action:**

A. Adopt the following findings:

1. The illumination of the identification sign is consistent with the Medium/Low Density Residential designation as shown on the Land Use Map of the General Plan.
2. The site is of adequate size and shape to accommodate the illuminated identification sign and the sign is in conformance with the sign standards specified in the Zoning Regulations.
3. The streets serving the site are adequate to carry the amount of traffic generated by the church and will not be adversely impacted by the illumination of the identification sign.
4. The design and size of the illuminated identification sign will compliment the existing neighborhood.
5. Approval of the use permit for the illuminated identification sign 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. Approve the use permit for the illuminated identification sign in the R-3 District subject to the following condition of approval:

1. The illuminated identification sign shall be equipped with an automatic timer that turns off the interior lights of the sign at 10:00 p.m. nightly.
2. The two pole signs located in front of the school shall be removed before a building permit for the illuminated sign can be issued.

**3. PUBLIC HEARING: TENTATIVE PARCEL MAP TM 05-13 AT 207 DORMAN AVENUE – NORTH OF DEL MONTE AVENUE, SOUTH OF MONTEREY AVENUE – SUBDIVIDER, MILESTONE ASSOCIATES, INC. – PROPERTY OWNER. KENNETH & ADDIE HICKMAN**

**Project Description:**

The applicant's representative has submitted a letter (attached) requesting removal of the project from consideration by the Planning Commission

**Recommended Actions:**

Conduct the public hearing and accept the applicant's letter of withdraw.

**4. PUBLIC HEARING: A REQUEST FOR APPROVAL OF A VARIANCE (VR 05-03) TO REDUCE THE MINIMUM LOT SIZE AND YARD REQUIREMENTS ON A PARCEL OF LAND IN THE TWO-FAMILY RESIDENCE (R-2) DISTRICT, AND A TENTATIVE PARCEL MAP (TM 05-14) TO SUBDIVIDE SAID 13,416 SQUARE FOOT (.31-ACRE) PROPERTY INTO THREE PARCELS – APPLICANT / PROPERTY OWNER: JAMES M. RATCLIFF**

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**Project Description:**

The applicant, is requesting approval of a variance to allow for a reduction to the minimum lot size and minimum yard requirements for the Two-Family Residence (R-2) District and approval of a tentative parcel map to divide two existing vacant lots totaling 13,416 square feet into three lots (5,205 square foot interior lot, 4,011 square foot interior lot, and 4,200 square foot corner lot). The applicant wishes to build duplexes, or two-family residences, on each of these new lots.

**Property Description:**

The subject property is vacant land located at the southwest corner of the Frederick Street and Cooper Avenue intersection and identified as Assessor's Parcel Nos. 52-283-012 and 013. The two existing lots total 13,416 square feet; are mostly rectangular in shape, and have the majority of their frontage facing onto Frederick Street. There is curb, gutter, and sidewalk existing along both streets.

The two existing lots measure 6,801 square feet for the interior lot and 6,615 square feet for the corner lot. At their current lot sizes, the interior lot is large enough for a duplex. However, the corner lot would only be large enough for a one-family residence. In order to construct two duplexes on the current properties, a lot line adjustment would be required to transfer approximately 400 square feet from the interior lot to the corner lot.

**General Plan Designation:**

Low Density Residential (2- 8 units per acre)

**Zoning Classification:**

Two-Family Residence (R-2) District.

**Surrounding Land Use:**

In all directions around the subject property are other single-family, two-family, and multi-family residences. Yuba City High School is located one block to the south (see study sketch).

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

A similar variance and parcel map request located at 155 Wilbur and 163 Dorman Avenue (known as Laura Becker TM 04-07 and VR 04-04) requesting separation of two existing residences on one lot, thus creating two sub-standard size lots, was approved by the Planning Commission on May 26, 2004. However, this project already contained two existing residences each with separate City services and no future development was proposed.

**Environmental:**

The project is exempt pursuant to CEQA Guidelines Section 15061 (b)(3); which states that “CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the proposal will have a significant effect on the environment, then the proposal is not subject to CEQA”. Staff has determined that this proposal does not have the potential to cause a significant effect on the environment.

**Staff Comments:**

Staff does not support or recommend approval of the Variance or the Tentative Parcel Map based on the following analysis and discussion:

**Zoning Regulations**

The R-2 Zoning Regulations, Section 8-5.603, require the following minimum lot sizes:

	<u>Interior Lot</u>	<u>Corner Lot</u>
One-Family Residence:	3,500 square feet	4,500 square feet
Duplexes or Two-Family Residence:	6,000 square feet	7,000 square feet

The applicant wishes to build duplexes on all three lots and is requesting the Variance to minimum lot sizes for such purpose. Based on the development standards above, proposed Lots 1 and 2 (interior) would require a minimum lot size of 6,000 square feet; proposed Lot 3 (corner) would require a minimum lot size of 7,000 square feet. The applicant’s proposed lot sizes are: Lot 1, 5,205 square feet; Lot 2, 4,011 square feet; and Lot 3, (corner) 4,200 square feet. See the table below for a summary of the proposed lot sizes and the variance requested:

	Lot 1	Lot 2	Lot 3
Minimum Lot Size Requirement:	6,000 square feet	6,000 square feet	7,000 square feet
Proposed Lot Size:	5,205 square feet	4,011 square feet	4,200 square feet
Variance Requested:	<i>(795 square feet)</i>	<i>(1,989 square feet)</i>	<i>(2,800 square feet)</i>

The proposed lot sizes are substantially less than the minimum standards of the Zoning Regulations for building duplexes on the lots. If the applicant chose to build one-family residences on the proposed lots, the minimum requirement for interior lots would be 3,500 square feet and for the corner lot 4,500 square feet. The applicant's proposed lot sizes shown approve would not even support a one-family residence on any of the lots.

The R-2 Zoning Regulations, Section 8-5.603, require the following minimum yards:

Front:	15 feet, 20 feet for garage
Interior side:	5 feet
Street side:	10 feet, 20 feet for garage
Rear:	25 feet or 20% of lot depth, whichever is less

The applicant requests a variance to the setback along Cooper Avenue, which could be considered the street side setback or the front setback to Lot 3, depending on how the residence is situated on the lot. If a residence fronts Cooper Avenue, then the required setback would be 15 feet and the applicant's request for 10 feet would be a variance request to front yard setbacks. However, if a residence fronts Frederick Street, as Staff would support, the Cooper Avenue setback would be the street side setback with a minimum of 10 feet, thus a variance would not be required. Staff is not concerned with the yard setback variance as staff is not in support of the tentative parcel map and the variance proposing reduced lot sizes.

### General Plan

The property is designated Low Density Residential, which allows a maximum density of eight residential units per gross acre. The applicant's proposal for 6 units (three duplexes) on .31 acres equates to a density of approximately 19 units per gross acre. Staff cannot support a variance request that approves a development over twice the maximum density allowed by the General Plan.

### Variance Findings

The following are mandatory findings required by law in order to approve a Variance, along with the Applicant's and Staff's responses to each finding:

- A. There are special circumstances applicable to the size, shape, topography, location or surroundings of the property, and because of these circumstances, the strict application of the provisions of this chapter would deprive the property of privileges enjoyed by other properties in the vicinity and in the same zone district.

### ***Applicant's Response:***

*"Other properties would not be affected by this variance and the owner would not be deprived of any privileges given to other property owners. The owner would like to take care of the City's concerns by developing the property which has been vacant for many*

years.”

**Staff’s Comment:**

There are no existing physical attributes (shape or size of lot, topography) of the two lots that are of special circumstance. The two lots are flat vacant properties with no physical constraints.

- B. Approval of the variance will not be a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and in the same zone district.

***Applicant’s Response:***

*“Property owner would gain no special privileges for land use not given to the other owners in the same zone. The owner’s request for a variance would allow for the property to be developed consistently with the property to the south.”*

**Staff’s Comment:**

The surrounding properties contain single family and multi-family residences. However, these residences were built to the City’s zoning standards and general plan densities or were constructed prior to adoption of these documents and were grand-fathered in. In other words, surrounding properties were built to the specifications of the City’s Zoning Regulations and General Plan, and allowing a variance in this case would grant a special privilege in that the property owner could built more residences than the size of the property affords.

- C. The variance does not authorize a use not otherwise permitted by the zone district in which the property is located.

***Applicant’s Response:***

*“This variance only affects the setbacks along Frederick Street and the size of the lots. The ‘use’ of the lot would remain the same”.*

**Staff’s Comment:**

The variance would not authorize a use not otherwise permitted by the zone; only request a variance to development standards, not use.

- D. Approval of the variance will not be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the neighborhood of such use or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the City.

**Applicant's Response:**

*"This variance does not affect construction and does not allow for uses other than residential. The above-mentioned items will not be affected."*

**Staff's Comment:**

Staff does not believe that approval of the variance would be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the neighborhood because the variance would not allow uses that are not compatible with the existing neighborhood, although would allow residences at a higher density than what the zone allows.

**Recommended Action:**

- A. Adopt the following findings and deny the variance based on the following findings of fact:
  - 1. The existing two lots are flat vacant properties with no physical constraints and, therefore, no special circumstance exists to support the need for a variance to the Section 8-5.603 Development Standards in the City's Zoning Regulations.
  - 2. The mandatory findings for a variance could not satisfactorily be made by Staff and the Planning Commission in support of a variance approval.
  
- B. Adopt the following findings and deny the tentative parcel map based on the following finding of fact:
  - 1. The findings for a variance could not be made and, therefore, a variance could not be approved allowing substandard size lots for the tentative parcel map.
  - 2. The proposed lot sizes do not meet the minimum lot size standards set forth in Section 8-5.603 Development Standards of the Yuba City Zoning Regulations.
  - 3. The approval of the tentative map for the construction of duplexes or two family residences, on the parcels would result in a project density of 19 units per acre which exceeds the 8 units per acre allowed by the Low Density Residential designation of the General Plan.

If the Planning Commission believes that findings in support of the Variance can be made, they must verbalize these finding responses to Staff and direct Staff to return at the next available Planning Commission meeting with their written finding responses in support of the Variance, along with any conditions of approval appropriate to approving the Variance and the Tentative Parcel Map applications.

**5. PUBLIC HEARING: USE PERMIT UP 05-06 ALLOWING DRIVE-THRU LANES FOR WASHINGTON MUTUAL BANK LOCATED WITHIN THE YUBA CITY MARKETPLACE SHOPPING CENTER IN RETAIL BUILDING ‘J’ – APPLICANT, KEITH D. GREEN/ PROPERTY OWNER, W.M. GRACE DEVELOPMENT CO.**

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**Project Description:**

The bank drive-thru would have two drive-thru lanes, teller windows, and drive-up ATM, all under a canopy at the south side of a 4,000 square foot bank. The bank would be attached to the north by an additional 14,778 square feet of retail space for a total building area of 18,778 square feet on a pad totaling 36,060 square feet (approximately .83 acres). The entire retail building was previously approved as DP 00-01 for the Home Depot Shopping Center project. A bank or financial institution is an allowed use within the C-2 zone. Therefore, the retail building and the bank are not being reviewed under this use permit, only the drive-thru.

The two drive-thru lanes are 12 feet wide with a 6 foot island between the two lanes. A 29 foot wide by 40 foot long canopy would cover the cars as they idled in front of the bank machines. The canopy stands 20 feet tall, eight feet below the tallest point of the bank building. Cars would enter the bank machines from the east and exit to the west behind the retail building or along a pathway south of the new Office Depot. Currently, the retail building structure is not built.

**Property Description:**

The property is located on the north side of the Colusa Avenue (SR 20), west of Stabler Lane, and east of Tharp Road in the southwestern most corner of the Home Depot Shopping Center. The subject property is flat, vacant and is currently being used as a staging area for on-going construction of the Yuba City Marketplace Shopping Center.

**General Plan Designation:**

Regional Commercial

**Zoning Classification:**

Community Commercial (C-2) District

**Surrounding Land Use:**

To the north is the Home Depot and Wal-Mart retail centers, to the east is the Home Depot parking lot and a new pad retail building with a Nextel store, to the south is State Route 20 and various light-industrial warehouse uses across State Route 20, and to the west is a new pad retail building with Office Depot (see study sketch).

### **Previous Commission Actions and/or Policies:**

On October 3, 2000, the City Council approved a Home Depot Shopping Center with three pad retail buildings and 971 parking spaces via DP 00-01. At the time, retail building 'A' included a drive-thru lane on the north side of the building, opposite the banks proposed drive-thru location. This pad building with north side drive-thru lane was approved along with the Home Depot project as a whole. Since that time, retail building 'A', now shown here as retail building 'J', has gone through minor changes, including the removal of the north side drive-thru lane. Therefore, construction of a drive-thru lane on the south side of retail building 'J' requires Use Permit approval by the Planning Commission.

### **Environmental:**

A Mitigated Negative Declaration was prepared for the project and is attached for 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 the above mentioned impacts to less than significant. Staff requests that the Planning Commission adopt the attached Mitigated Negative Declaration.

### **Staff Comments:**

The bank is a permitted use in the C-2 zone. However, a drive-thru requires approval of a use permit. If the applicant proposed to construct the bank without the drive-thru it would only be a matter of issuing a building permit provided the building design met the criteria of the approved plans of the Home Depot Development Plan.

### **Building Design**

The design of the drive-thru lanes and canopy meets the design, color, and materials of the retail building approved with the DP 00-01. The canopy will extend 40 feet out from the bank building and measure 29 feet wide. At an elevation of 20 feet, the canopy will sit 8 feet below the top of the bank building, not dominating the main retail building. A fabricated foam wood cornice with stucco finish painted "enchanted forest" atop the drive-thru canopy will match that of the retail building. Also, 4" x 8" x 16" split faced CMU veneer painted "tantalizing tan", similar to that wainscoting at both the end tenants, will surround the support poles of the canopy structure. Since the canopy and drive-thru faces State Route 20, Staff has included a mitigation measure to assure that lighting of the drive-thru does not impact traffic along State Route 20.

### **Cultural Resources**

As referenced in the mitigated negative declaration, although the project site has been disturbed, there remains the possibility that during further grading and construction of the drive-thru and canopy 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

The bank teller windows and ATMs will be located on the south side of the bank building facing State Route 20. Because these types of bank facilities often incorporate bright lighting as a safety precaution, Staff wanted to assure that this lighting would not affect traffic on State Route 20. Therefore, a mitigation measure was included to recess the canopy lighting and shield all canopy lighting in such a way that no glare shall reach the State Route 20 right-of-way.

## **Summary**

This project will be a nice addition to the Home Depot Shopping Center and provide a welcomed convenience for the residents of Yuba City. Staff is recommending Planning Commission approval of UP 05-06.

## **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 project will be the construction of the Washington Mutual Bank Drive-Thru lanes and canopy, which 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 (.83-acres) to accommodate the proposed use. Access to the bank drive-thru will be from the southwest corner of the Home Depot Shopping Center 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 the use permit for Washington Mutual Bank in the C-2 District subject to the following conditions of approval:

Conditions of Approval:

1. Drive-thru canopy design, materials and colors shall match those of the attached retail and bank building.
2. 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.
3. 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.
4. Canopy lighting shall be fully recessed into the bottom structure of the canopy so as not to hang down below any portion of the underside of the canopy. Further, all exterior lighting associated with the drive-thru shall be shielded so as not to produce obstructive glare onto the SR20 right-of-way.

**6. PUBLIC HEARING: REZONING RZ# 05-10 – REZONING OF 1.39 ACRES WITHING THE LIGHT INDUSTRIAL (M-1) DISTRICT TO THE COMMUNITY COMMERCIAL (C-2) DISTRICT; LOCATED ON THE NORTHWEST CORNER OF LINCOLN ROAD AND GARDEN HIGHWAY, EAST OF STATE ROUTE 99 – PROPERTY OWNER AND APPLICANT, DAVID LANZA.**

**Project Description:**

The proposed project is for the rezoning of 1.39 acres of property from the Light Industrial (M-1) District to the Community Commercial (C-2) District to facilitate the redevelopment of the site for retail use. The C-2 District is consistent with the current Community Commercial General Plan Designation. Although no plans have yet been submitted for potential retail use, all future development will need to satisfy the requirements of the California Environmental Quality Act (CEQA) and Yuba City Zoning Guidelines.

**Property Description:**

The subject property is currently vacant and located on the northwest corner of Lincoln Road and Garden Highway, east of State Route 99, in southeastern Yuba City. The property has a street address of 655 Lincoln Road and is designated as A.P. No. 53-400-064.

**General Plan Designation:**

Community Commercial: This General Plan Designation is for development containing shopping centers, retail plazas, etc. Establishments in this designation could contain a wide variety of businesses, including retail stores, eating and drinking establishments, as well as medical or professional offices in a retail-type setting.

**Zoning Designation:**

Light Industrial (M-1) District

**Surrounding Land Use:**

North – Light Industrial  
South – Lincoln Road (Multi-Family)  
East – Garden Highway (Warehouse)  
West – Light Industrial

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

None

**Environmental:**

A Negative Declaration (EA 05-38) has been prepared and is attached for the Commission's review. No significant impacts were identified with the proposed rezoning. Future development of retail uses will need to satisfy the requirements of the California Environmental Quality Act (CEQA).

**Staff Comments:**

Staff supports the applicant's petition to rezone the 1.39-acre vacant parcel from the Light Industrial (M-1) District to the Community Commercial (C-2) District. The project is consistent with the Community Commercial designation as outlined in the General Plan. The C-2 District would allow for future retail development within the area.

**Recommended Actions:**

- A. Adopt the following recommended findings:
  - 1. Following review and consideration of the attached negative declaration along with any comments received; find that no potential impacts were identified.
  - 2. The approval of RZ 05-10 is consistent with the goals, polices and objectives of the Community Commercial designation of the Yuba City General Plan, and
- B. Adopt the negative declaration.
- C. Recommend that the City Council adopt an ordinance for approval of Rezone RZ 05-10, thus rezoning the property to the Community Commercial (C-2) District, as indicated on the attached exhibit.