
TO ADDRESS THE COMMISSION
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YUBA CITY PLANNING COMMISSION
AGENDA

Regular Meeting
April 12, 2006 - 7 p.m.
City Hall Council Chambers
1201 Civic Center Boulevard

Roll Call.

Pledge of Allegiance.

Presentation of Planning Commission Resolution No. 06-01 to Craig Starkey in recognition of his outstanding contribution to the Planning Commission.

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

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

Appearance of Interested Citizens*

Correspondence:

1. Continued Public Hearing: ZC 05-03 Revisions to the Sign Ordinance Text in regards to non-conforming signs, special event signs, A-frame signs, under canopy signs, and window signs.
2. Public Hearing: Use Permit #UP 06-01 of Faith Christian Schools to allow a temporary 12 foot by 60 foot modular building; property located in the R-1 zone at 3105 Colusa Highway; A.P. No. 62-020-073; applicant Faith Christian Schools, Inc.
3. 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
4. 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.
5. Other Business.

(over)

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: April 5, 2006
TO: Yuba City Planning Commission
FROM: Brian Trudgeon, Principal Planner
SUBJECT: Agenda Report – Meeting of April 12, 2006

1. CONTINUED PUBLIC HEARING: ZC 05-03 REVISIONS TO THE SIGN ORDINANCE TEXT IN REGARDS TO NON-CONFORMING SIGNS, A-FRAME SIGNS, UNDER CANOPY SIGNS, AND WINDOW SIGNS

Project Description:

Zoning Code amendment for text changes to the City’s Sign Code and the Central City Specific Plan with regard to non-conforming signs, special event signs, A-frame signs, under canopy signs, and window signs.

Property Description:

Citywide

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 was directed 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.

On February 8, 2006, the Planning Commission considered the draft amendments to the sign provisions, heard public testimony, and continued the item to this meeting with direction for staff to conduct additional outreach and respond to questions raised. Since that time, staff attended regular meetings of the Chamber of Commerce, Building Industry Association, and Downtown Business Association to discuss the proposed changes to the City’s sign regulations. Input and recommendations from those groups are listed in the staff comments section below. All of these groups, as well as the Sign Committee, have been notified about this Planning Commission hearing. 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 Qualities 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:

For more than 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 businesses 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 and Central City Specific Plan 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 re-sign 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 the City 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. At their December 20, 2005 meeting, City Council expressed concern with the 120-day period for special event advertising as potentially excessive. While Council 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.

Since the last Planning Commission meeting on February 8, staff heard concerns from stakeholder groups about the enforcement of these provisions. Several individuals identified the importance of ensuring that business owners are informed of the new regulations, that there is a simple permitting process, and that this sign type is enforced consistently.

A-Frame Signs. There are currently no provisions in place for the use of A-frame signs except as permitted in the Storefront 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 Storefront Commercial areas of the Central City Specific Plan (Attachment 2).

During the outreach meetings with the Downtown Business Association, staff heard significant opposition to the restriction of A-frame signs in the Central City Specific Plan. The business owners identified A-frame signs as a viable form of business identification in a pedestrian environment. Business owners felt the City made this decision with the adoption 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 four square feet. New language also requires a minimum eight-foot vertical clearance and identifies that an encroachment permit is required from the Engineering Division of Development Services if said signs are located within the public right-of-way.

On February 8, 2006, Planning Commissioners asked whether four square feet would be large enough for these pedestrian sign types. Under canopy signs for most jurisdictions are between four and six square feet. At subsequent meetings with stakeholders, staff heard the same concern that four square feet would be too small. Staff has amended the language in Attachment 1 to reflect a maximum of six square feet for under canopy signs, which would be exempt from the allowable sign area for a business.

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 cover more than 15 percent of each window.

On February 8, 2006, the Planning Commission directed staff to consider whether the standards could apply to the total window area, rather than to each individual window. This approach was also supported at subsequent stakeholder meetings. The language in Attachment 1 has been amended to reflect this direction.

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 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. Language was also added to the real estate sign exemptions to reiterate this restriction/prohibition as it relates to real estate signs.

At the February 8, 2006 Planning Commission meeting, there was substantial public opposition to any restrictions on hand-held signs based on First Amendment freedom of speech issues and concerns about restricting viable options for advertising. These same concerns were reiterated at all of the subsequent stakeholder meetings. Staff also received written correspondence challenging the legality of proposed provisions. Upon further research, the City Attorney found that the law is unsettled in this area as the courts do not agree with respect to the extent of permissible regulation. Because the law is so unclear, staff is recommending that we pull these provisions from the proposed Sign Code changes at this time. Attachment 1 reflects this change.

Recommended Findings:

1. The proposed text amendments to the City's sign regulations are consistent with the 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 recommended findings and text amendments to the City's Sign Code and Central City Specific Plan as listed in Attachments 1 and 2.

Attachments:

1. Draft Sign Code Revisions (dated March 30, 2006)
2. Draft Amendments to the Central City Specific Plan to prohibit A-frame signs

2. PUBLIC HEARING: USE PERMIT 06-01 FOR PLACEMENT OF TWO TEMPORARY STRUCTURES FOR COMPUTER MAINTENANCE, REPAIR AND STORAGE IN THE R-1 DISTRICT; LOCATED AT 3105 COLUSA AVENUE – APPLICANT/PROPERTY OWNER, FAITH CHRISTIAN SCHOOLS, INC.

Project Description:

The applicant proposes to temporarily place, behind the gymnasium at Faith Christian School, a modular building measuring 720 square feet and a cargo container measuring 640 square feet. Only electricity will be supplied to the two structures for lighting; there will be no water or sewer connections. The modular building will be distanced approximately 10 feet from the gymnasium building, with just two feet between the structures. Each structure will measure no taller than 12 feet.

Property Description:

The property is located on the north side of the Colusa Avenue Frontage Road, just north of Colusa Avenue (SR 20) and west of the Live Oak Canal. Of the overall 13 acres of property, 6.5 acres is developed with a Christian school, including football field, gymnasium, parking lot, music room, administration building, library, and classrooms. The remaining 6.5 acres are vacant.

General Plan Designation:

Low Density Residential

Zoning Classification:

One Family Residence (R-1) District

Surrounding Land Use:

Single family homes to the north across Monroe Avenue, First United Methodist Church and baseball fields to the east, Colusa Avenue Frontage Road and State Route 20 to the south, and vacant farmland to the west

Previous Commission Actions and/or Policies:

There has been no previous Planning Commission review of the property as it was developed in the County prior to annexation.

Environmental:

Categorically exempt per CEQA Section 15301, Existing Facilities

Staff Comments:

Faith Christian Schools would like to temporarily place a modular building and cargo container directly east and outside of the gymnasium located in the center of the school property. The modular building, measuring 60 feet long by 12 feet wide (720 square feet) would be located 9.5 feet east of the gymnasium. The cargo container, measuring 40 feet long by 16 feet wide (640 square feet) would be located two feet east of the modular building. Both storage units will be used for computer repair and maintenance, and storage of files, books, and records, and will measure no more than 12 feet in height. Only electricity will be supplied to the storage containers to allow for inside lighting.

Neither structure will be visible from the Colusa Avenue Frontage Road as the buildings will be set back 470 feet from the road and would have parking, landscaping, and a music room between them and the public right-of-way. The structures may be visible from the homes located north of the school, but these homes are more than 700 feet from the structures. Directly east of the proposed storage unit location is vacant farmland.

Recommended Action:

A. Adopt the following findings:

1. The placement of two modular structures is consistent with the Low Density Residential designation of the General Plan.
2. The site is of adequate size and shape to accommodate the proposed two modular structures, public access, parking and loading, yards, landscaping and other features required by the Zoning regulation.
3. The streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.
4. The site design and the size and design of the structures will complement neighboring facilities.
5. Approval of the use permit for the two modular structures 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.
6. The proposal meets the criteria established in Section 8-5.5003(B) pertaining to locational criteria for churches.
7. The project was reviewed per CEQA requirements and found to be categorically exempt per CEQA Section 15301, Existing Facilities.

B. Approve Use Permit UP 06-01 for the placement of two temporary modular structures in the R-1 District subject to the following conditions of approval:

1. A building permit shall be obtained prior to the placement of the modular structures on the property.
2. The use permit shall be valid for a two-year period expiring on April 12, 2008. A two-year extension of time for this use permit may be obtained per the requirements of Section 8-5.7106, Extensions of Time, of the Zoning Regulations.
3. Both modular structures shall be painted a beige color to match the existing exterior color of the gymnasium building.

3. 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, LOCATED AT 1629 COLUSA AVENUE – APPLICANT, JOHN JELIAVICH; PROPERTY OWNER, DAVID LANZA

Project Description:

The bank drive-thru would have two lanes: one with a teller window and the other with a drive-up ATM, all under a canopy at the north side of a 6,000 square foot bank. The bank was previously approved as DP 04-03 for the Sutter Buttes Marketplace project; therefore, the bank is not being reviewed under this use permit, only the drive-thru.

The two drive-thru lanes are 10 feet wide with a 4-foot island between the two lanes. A 29-foot wide by 17-foot long canopy would cover the cars as they idled in front of the bank machines. The canopy stands 24 feet tall, allowing vehicle clearance up to 13’6”. Cars would enter the drive-thru lanes from the east and exit behind the bank along a driveway that loops southwest into the parking lot, toward SR 20. The bank building is currently under construction.

Property Description:

The property is located on the north side of Colusa Avenue (SR 20), west of Stabler Lane, and east of Tharp Road, in the southeastern corner of the Sutter Buttes Marketplace shopping center. The subject property is flat, vacant, and is currently being used as a staging area for the ongoing construction of the Sutter Buttes Marketplace.

General Plan Designation:

Regional Commercial

Zoning Classification:

General Commercial (C-3 X₁₆) District

Surrounding Land Use:

To the north is the railroad right-of-way with office buildings and warehouses beyond, to the south is State Route 20 with a gas station and restaurant beyond, to the east across Stabler Lane is Nor-Cal Electrical and storage facilities, and to the west is Walgreen’s.

Previous Commission Actions and/or Policies:

On June 8, 2005, the City Council approved the Sutter Buttes Marketplace with five commercial retail buildings, two commercial pads, and 334 customer parking spaces, via DP 04-03. The River Valley Community Bank was approved as Retail Building #5 of this development.

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, both relating to cultural resources. 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-3 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 for the Sutter Buttes Marketplace development plan.

Building Design

The design of the drive-thru lanes and canopy matches the design, color, and materials of the retail building approved with the DP 04-03. The canopy will extend 29 feet from the bank building and measure 17 feet long. At an elevation of 24 feet, the canopy is two feet taller than the bank building. A cement plaster finish painted “wild grasses” along the main walls of the drive-thru canopy will match that of the bank’s primary entrance. Stone columns, colored “cliffstone manzanita”, will provide the support poles for the canopy structure and will match the columns supporting the entrance canopy along the bank’s front elevation.

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, cultural artifacts and/or human bones could be encountered. The standard mitigation measures included with the negative declaration would ensure that any cultural, historical, or archaeological finds would be immediately reported to the proper agencies for review and determination of origin and properly mitigated.

Summary:

This project will be a nice addition to the Sutter Buttes Marketplace shopping center and will provide a welcome convenience for the residents of Yuba City. Staff is recommending Planning Commission approval of UP 06-02.

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 with drive-thru lanes is consistent with the Regional Commercial designation as shown on the Land Use Diagram of the Yuba City 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 allow convenient ingress to and egress 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 UP 06-02 for the River Valley Bank drive-thru in the C-3 X₁₆ 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. Canopy lighting shall be recessed into the bottom structure of the drive-thru 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 obtrusive glare off-site.

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.

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

Project Description:

Development Plan

The project consists of a development plan review for the Lowe’s Home Improvement Warehouse, 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 project includes the demolition of the existing Wal-Mart store and parking lot.

Primary access to the property will be via a shared parking lot with Sam’s Club from North Walton Avenue to the east, three access lanes from Tharp Road, one for delivery trucks and one at the rear of the store to Lassen Blvd. The Lassen Boulevard and southernmost Tharp Road access points will be used mostly by delivery trucks. Customers will access Lowe’s via the two Tharp Road access points and through the Sam’s Club parking lot.

Two pedestrian pathways will traverse the parking lot from the front of the store north to the rear of the parking lot. The easternmost pathway will connect to the sidewalk on the east side of Tharp Road. The pathways will be yellow-striped on the parking lot.

Architecture Design Review

Attached for your review are the proposed building elevations for the Lowe’s store. The elevations have been updated to reflect staff’s concerns, and staff supports the current elevations before you today. Metal coping on top of the parapets and the pilasters is proposed on all four sides of the structure. Staff desires the same coping on the back side of the front elevations that might be seen from the public right-of-way behind Lowe’s (see Condition of Approval #13).

Split-face CMU block as a wainscoting will stretch the entire front elevation, the majority of the east elevation, a very small portion of the west elevation, and at the wall screening the loading dock at the south elevation. This block will be painted “Kaffee” brown, which will be the same color as the concrete tilt-up walls but will differ in texture.

Pilasters will be utilized on all sides of the building to break up the flat plane of the tilt-up building. Single-scored split-face CMU and a bullnose accent block will be used at the base of the pilasters and painted the same “Kaffee” brown as the wainscoting. Rectangular-shaped scoring on the rear pilasters will help to create some relief from this otherwise flat elevation.

The concrete tilt-up walls will be painted three shades of a lighter brown color (“Crewel Tan”, “Tea Chest”, and “Straw”) to provide for some variation to the exterior elevations of the building. “Copper Red” accents will dot the north, south, and east elevations to add color standout to the dominantly brown building, while the signs at the front (north) and west elevations will utilize white lettering on a “Lowe’s Blue” background.

The garden center will be surrounded by tube steel fencing and tube steel gates that are black vinyl coated as a chain-link fabric and black powder coated as a security fabric. The length of the tube steel fencing will be broken up by pilasters 30 feet on center that are similar in design, material type, and color to other pilasters around the building.

Signage

Signage is shown on the north and west elevations. All signs will be white lettering over a “Lowe’s Blue” background with “Copper Red” trim. The largest sign will be the entryway sign that reads Lowe’s. Two other signs are proposed on the front elevation, one for the Indoor Lumber Yard and the other for the Garden Center in similar design and colors. The west elevation will have a Lowe’s sign similar to the front entryway sign but smaller in size. The signs shown on the plans are conceptual only; signs will need to be reviewed and approved by separate permit through the Planning Division. Sign criteria will be reviewed per Article 63, Signs, of the Zoning Regulations.

Loading/Pickup Area

At the left side of the front elevation, Lowe’s is proposing a loading/pick-up area at their Indoor Lumber Yard. This will be a covered area where customers can drive up, load materials such as lumber, and drive off. The loading/pick-up area will have two lanes under a canopy for loading purposes. The canopy and pilasters will match the exterior of the rest of the building. Two small landscape areas are proposed in landscape medians between the pilasters.

Property Description:

The project area consists of approximately 13 acres currently completely developed with a Wal-Mart retail store and parking lot adjacent to a Sam’s Club warehouse store and parking lot. The property is located at the northeast corner of Tharp Road and Lassen Boulevard and is visible from Colusa Avenue (State Route 20).

General Plan Designation:

Regional Commercial

Zoning Classification:

General Commercial (C-3) District

Surrounding Land Use:

The project site is surrounded by other retail/commercial and industrial uses. Other commercial/retail uses exist to the north and east of the project site, while warehouses exist across the street to the south, and offices exist across the street to the west.

Previous Commission Actions and/or Policies:

The Wal-Mart and Sam's Club buildings were approved simultaneously by the City Council in 1991; both buildings were constructed the following year. A parcel map (TM 04-09) was approved by the City Council on September 6, 2005. The map is expected to be recorded in the near future.

Environmental:

A Mitigated Negative Declaration has been prepared for this project and is attached for Commission review. An Air Quality Impact Report (Report) was prepared for this project by Castle Environmental Consulting and is attached to the Initial Study and Mitigated Negative Declaration. Provided below is a summary of the identified potentially significant impacts and the proposed mitigation measures:

Air Quality

The Report assessed the potential air quality impacts associated with the demolition, construction, and operation of the proposed Lowe's Project. Air quality impacts were assessed in accordance with CEQA guidance prepared by the Feather River Air Quality Management District (FRAQMD). Emissions were categorized into construction and operational emissions.

Construction Emissions

According to the report, the daily construction emissions would exceed the FRAQMD daily emission thresholds for ROG and NO_x. The mitigation measures listed under the conditions of approval include standard construction mitigation measures required for all projects, as well as additional measures to specifically target NO_x emissions from the two construction activities with the highest daily construction equipment emission: demolition and paving. PM₁₀ emissions would be less than the daily emission threshold and not a significant impact.

Operational Emissions

During operation of the Lowe's, it was determined that the proposed project would reduce ROG and PM₁₀ emissions and slightly increase NO_x emissions on both a daily and annual basis. To mitigate operational emission to a less than significant level, FRAQMD requested that mitigation measures totaling 4.9 reduction points be selected from its Best Available Mitigation Measures list (see Mitigation Measures MM AQ 20 – MM AQ 27).

Cultural Resources

Although no historical or archaeological resources are known to exist at the project site, these resources could be uncovered during grading and construction activities. As a precaution, mitigation measure MM V-1 is included to ensure that any artifacts found are reported to the property authorities for review and determination.

Staff Comments:

Development Proposal

The Yuba City Design Guidelines provide for the governing body having the final approval of a project to be the entity which gives final approval in the Design Review Process. City Council will be the final approval for the project and the design review process. The Planning Commission will review the proposal and can make recommendations to City Council.

Staff asks that the Commission support the project and recommends that City Council approve the project. Staff supports this proposal and offers the following comments on various issues that deserve further discussion:

Design Guidelines

The guidelines require that commercial projects exceeding 25,000 square feet (such as this one) must set aside a civic space for outdoor seating, cafés, or other types of outdoor public functions. The area must equate to 5 percent of the building area up to 10,000 square feet. This project totals 164,388 square feet; therefore the civic space must be in excess of 8,200 square feet. Staff estimates that the applicant's plan shows approximately 6,700 square feet of possible public space adjacent to and in front of the Garden Center and another small area to the right of the loading area. We have not seen any detailed plans for how these civic spaces will be developed. We have therefore included a condition (see Condition of Approval #3) which requires Lowe's to submit a detail to show how the civic spaces will be developed prior to the issuance of a building permit. Staff wants to ensure that the civic spaces are left open as public areas and not filled up with displayed merchandise and shopping carts. Staff feels that if these criteria are met prior to building permit issuance, the intent of the Design Guidelines will be satisfied.

Building Design

Staff has met and worked with Lowe's representatives through several renditions and have arrived at what we are presenting at this time. The color elevations are a representation of the actual architectural plans. Staff feels that for a building of this size the intent of the Design Guidelines have been met and the building is attractive.

Landscaping

The preliminary landscape plan submitted shows "orchard parking" tree planting throughout the parking lot with two pedestrian aisles traversing the parking lot perpendicular to the Lowe's

store. Landscaping is also proposed along Tharp Road to screen the parking lot and the side of the Garden Center. Trees already exist along Lassen Boulevard at the rear of the property and will remain. However, Lowe's proposes to plant additional trees at the edge of their service area for additional screening of the rear service area. Staff worked with Lowe's representatives to provide the 20 percent required landscaping along the building frontage, which Lowe's has done and is reflected on the landscape plans. Staff feels that this proposal meets the landscape requirements.

Fire Safety

The Fire Department has expressed no major concerns regarding the project, since the project must be designed in conformance with the Uniform Fire Code and a similar building and use previously existed at the project site.

Miscellaneous

The Zoning Regulations require that the project have cart corrals, a percentage of required bicycle parking, and that trash enclosures be screened. Cart corrals scattered throughout the parking lot are shown on the site plan. A trash enclosure and trash compactor is shown at the rear of the building behind the truck well. Staff has required the applicant to provide a block wall screening the trash enclosure and compactor to be screened from public view. It appears that this has been accomplished by the rear site elevation. Even though the applicant has not shown bicycle parking on the site plan, staff has included a condition (see Condition of Approval #6) that this area must be shown and approved prior to building permit issuance.

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 which address 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 Yuba City General Plan. The project is located on the corner of 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 Yuba City General Plan 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 accesses, 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 Development Services 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 Planning and Building Divisions 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, and 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 to screen the equipment contained within and 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 constructing 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 shall be reviewed and approved by the Development Services Department.

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 five 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 Department of Public Works 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 manufacturer's 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.

- 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)

ATTACHMENT 1
Draft Sign Code Revisions

~~Existing text that is to be removed~~
Newly created text to be inserted

Section 8-5.7306 Nonconforming Signs

~~A nonconforming sign may be continued subject to the limitations pursuant to Sec. 8-5.7302 of this article.~~

If the use of a nonconforming sign is abandoned, discontinued, or terminated for a period of six months or more, the right to continue to use the nonconforming sign shall expire and the sign shall be removed within 90 days. Said sign shall not be reused unless it is brought into conformance with the provisions of this chapter. In no event shall the nonconforming sign be used for anything other than permanent on-site business identification. The property owner is responsible for sign removal.

Property owners that have existing standing nonconforming signs that have lost their right to continue use because of abandonment, discontinuance, or termination prior to the effective date of this Ordinance may regain the right to continue to use their nonconforming sign provided (i) an application for exemption is received by the planning department within three months of the effective date of this Ordinance, and (ii) the re-signage is completed within nine months of the effective date of this Ordinance.

All nonconforming signs shall be maintained in good physical condition as stated in Section 8-5.6303.

Section 8-5.6308 Special Event Signs

~~Temporary, on-site, special event signs, including but not limited to banners, pennants, streamers, bunting, wind signs, balloons, or flags other than those of any nation, state or political subdivision shall be permitted up to 30 days out of a calendar year subject to securing a zoning clearance (Sec. 8-5.7002) for each special event as follows:~~

- All non-residential uses where business is conducted primarily within enclosed buildings may have special event signs for a maximum of 60 days in each calendar year.
- The City recognizes unique advertising needs for businesses where the majority of sales are conducted outdoors. As such, these businesses are permitted a maximum of 120 days per calendar year for special event signage. For the purposes of this section only, outdoor sales are defined as the display and sales of products or services conducted primarily outside a structure and limited to those items generally stored, used, or inspected outdoors where parking is the principal use of the property (i.e., automotive sales, recreational vehicle sales).

~~Special event signs, regardless of number or location of such signs, shall be accompanied by a cash deposit or bond to assure the removal of such signs in accordance with the provisions of this chapter. If such special event signs are not removed within the required time, the City may~~

~~remove such signs, which then shall become property of the City and may also require forfeiture of all or part of such cash deposit or bond.~~

In no event shall the special event sign advertising exceed 30 days in any quarter of the designated calendar year. as part of the zoning clearance application. Prior to the use of the special event signs, each business shall provide a schedule to the City identifying the dates for which the special event signs are to be used and obtain a zoning clearance pursuant to Section 8-5.7002. The use of these types of special event signs is limited to properties located in commercial and industrial zoning districts.

Sec. 8-5.6305 Prohibited Signs

A. ~~A-frames~~ Except as provided for in Section 8-5.6308 of this article. **A-frame signs.**

Sec. 8-5.6306 Exempt Signs

Sec. 8-5.6310-B Under Canopy Signs

One under canopy sign, with a maximum sign area of six square feet, is permitted for each commercial business. The sign must be located perpendicular to the building face with no less than eight feet of vertical clearance above the sidewalk. An encroachment permit issued by the Engineering Division of Development Services may be required if the sign projects into a public right-of-way.

Sec. 8-5.6306 N Window Signs (inside and outside)

Signs painted on, or otherwise displayed from the inside or outside surface of a window, showcase, or other similar facility ~~not exceeding three square feet and limited to business identification, hours of operation, address, and emergency information.~~ Such signs shall be are permitted in addition to other permitted signs, provided that all such commercial and incidental signs (both temporary and permanent) do not exceed a combined maximum of 15 percent of the total window area.

8-5.8055 Signs

A-frame Sign – A free-standing sign usually hinged at the top or attached in a similar manner, and widening at the bottom to form a shape similar to the letter “A”, located near street level or on the sidewalk, oriented and scaled to the pedestrian rather than to the motorist.

Article 80 Definitions

Under Canopy Sign – A small, pedestrian-oriented sign that projects perpendicular from a structure hung beneath a canopy.

ATTACHMENT 2
Draft Central City Specific Plan Amendments

~~Existing text that is to be removed~~

Chapter VIII. Standards & Guidelines – Signs

Storefront Commercial Area Signs (p. 139)

I. DEVELOPMENT STANDARDS

C. EXEMPTIONS

1. Temporary Signs:

- a. Special Event Signs – For sales and product promotions subject to the provisions of Section 8-5.6308. Special Event Signs, of the Zoning Regulations.

YUBA CITY PLANNING COMMISSION
MINUTES

Regular Meeting
April 12, 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

Commissioner Melia Campbell	Commissioner Tej Maan
Commissioner Preet Didbal	Commissioner John Sanbrook
Commissioner Maynard Dunn	Commissioner Satwant Takhar
Chairman Mike Cartoscelli	

Also present were Principal Planner Brian Trudgeon and Joe Prutch of PMC.

ABSENT

None

The Pledge of Allegiance was led by Commissioner Takhar.

Presentation of Planning Commission Resolution No. 06-01 to Craig Starkey in recognition of his outstanding contribution to the Planning Commission.

The minutes of the meeting held March 8, 2006 were corrected referring to #2 infrastructure. Minutes were approved for the meeting of March 8, 2006.

1. CONTINUED PUBLIC HEARING: #ZC 05-03 REVISIONS TO THE SIGN ORDINANCE TEXT IN REGARD TO NON-CONFORMING SIGNS, A-FRAME SIGNS, UNDER CANOPY SIGNS, AND WINDOW SIGNS.

Pam Johns reported that the staff report shows concerns about regulations pertaining to hand-held signs and A-frame signs. In addition, there were concerns about restrictions on window signs. There was also a recommendation that enforcement provisions be addressed in conjunction with those amendments. The Downtown Business Association's (DBA) concern was the proposed amendment to the A-frame sign restrictions for the Central City Specific Plan. The Commission also received a letter confirming the DBA's position on A-frame sign regulations. There are issues in regard to non-conforming signs, held-hand signs, special event signs, under canopy signs, and window signs. There are no changes proposed in the staff report for non-conforming signs and special event signs. In terms of held-hand signs, the City Attorney recommended that staff withdraw this language at this time; therefore, the proposal in the staff report does not include any regulation on hand-held signs. The staff recommendation on A-frame signs is consistent

with direction from the City Council. Staff recommends an increase to six square feet for under canopy signs to accommodate a wider range of shapes and sizes. Staff supports the request to change the applicability of the maximum sign area coverage so that it applies to total window area rather than to each individual area for window signs.

The public hearing was opened. David Behr, 205 Catherine Lane, Grass Valley, stated that 15 percent of window sign coverage in the Sign Ordinance seems to be extremely small, and that he was not very clear on the purpose of the ordinance. Mr. Behr also stated that small businesses cannot afford to have regulations on signs, unlike larger businesses that can afford to advertise on television. For small business owners, window signs are their only form of advertisement to keep up with large businesses. Mr. Behr asked the Commission: If the proposal is passed, how would small businesses advertise if they can't attract customers with window signs? Pam Johns stated that window sign regulations currently allow a maximum of three square feet total for all window areas. The recommendation for the signs is from the National Crime Prevention Institute. The ordinance is intended to address crime prevention for visibility of store front.

Darin Gale of Yuba City stated that there is a comprehensive Zoning Code update that will go before the Commission to help mark the new products being developed in the City of Yuba City. Mr. Gale stated that hand-held signs represent a good product. He asked the Commission to take into account that the companies utilizing hand-held sign advertising are trying to send a good message to the community by offering uniformed jobs at a good wage to people young and old.

Don Covey, 669 Plumas Street, asked that the Commission allow the use of A-frame signs in the downtown area. He also stated that with the widening of the sidewalks, the A-frame signs will be less of a hazard. Mr. Covey feels that the A-frame signs are an effective form of advertisement. He encourages the Commission to consider permitting the allowance of A-frame signs in the Downtown Specific Plan Area.

Russ Clark, 621 Daniel Drive, thanked the Commission for taking into consideration the window sign footage. Mr. Clark stated that special event sign regulations should be the same for all businesses and encouraged the Commission to set the regulations for the special event signs to be the same for every business. Commissioner Dunn asked staff to clarify the special event window signs. Pam Johns explained that, for the special event signs, there are two sets of regulations. The first regulation is for 60 days and the other is 120 days, depending on whether the majority of the sales take place outdoors or indoors.

Jeffrey Spencer asked the Commission to look at restricting hand-held signs in heavy traffic areas. He feels that it is a severe safety factor and a huge distraction while driving. Mr. Spencer suggests that hand-held signs be limited to local streets only.

John Dukes, 1985 Nand Drive, stated that, for non-conforming signs, the current sign regulation does not allow any method for removal of these signs. He also stated that businesses cannot use the signs although they can put faces on them and make them a functional sign; however, because the signs are a non-conforming status, nothing can be

done with them. Mr. Dukes said that part of the reason the grandfathering took place was to allow those businesses the opportunity to bring the non-conforming signs up to the current standards, with a limited period of time for the businesses to complete the modifications. They had 90 days until the ordinance went into effect. At that point, if businesses didn't comply, then we have help within the ordinance to force the businesses to remove the signs. In regard to the A-frame signs, Mr. Dukes stated that the problem is enforcement. Signs are of different quality, and the challenge is being able to move on the sidewalks without running into the A-frame signs. To eliminate the problems created by A-frame signs, the Sign Committee needs to eliminate the problems altogether. He supports removal of hand-held signs from the ordinance as recommended.

Ida York, 1417 Sicard Street, Marysville, feels that window signs for businesses are important for business. She stated that the window signs are a big part of her advertisement. She asked the Commission to re-examine the sign regulations for the window sign ordinance.

John Dukes, 1985 Nand Drive, spoke pertaining to the percentage of window signs. The fact is that there are two elements to the sign ordinance: one is identification of the business (who they are and what they do), and the second which falls under special events and is also known as marketing. These are regulations on how the community should look and how we want it to look. In the sign ordinance, the primary reason is business identification, and we end up dealing with the marketing side of this.

The public hearing was closed with no additional testimony offered.

Commissioner Takhar made a motion to have a performance standard on A-frame signs in the downtown area, window signs will have a 35 percent window coverage area, special event signage regulation will be set to 90 days, hand-held sign will be dropped from the ordinance, non-conforming and six square foot under canopy signs will be permitted; motion seconded by Commissioner Maan. Motion approved by unanimous vote of the Commission.

2. PUBLIC HEARING: USE PERMIT #UP 06-01 OF FAITH CHRISTIAN SCHOOLS TO ALLOW A TEMPORARY 12 FOOT BY 60 FOOT MODULAR BUILDING; PROPERTY LOCATED IN THE R-1 ZONE AT 3105 COLUSA HIGHWAY; A.P. NO. 62-020-073; APPLICANT FAITH CHRISTIAN SCHOOLS, INC.

Joe Prutch of PMC reported that the applicant proposes having two temporary storage units for storage of records, computer repair, etc. The lot itself is 13 acres in size, and the storage units will be located at the back of the lot. There is no visual impact from these storage buildings. The applicant wants to paint the storage containers beige to match the existing buildings. Placement of these storage units would be temporary under an allowed condition of two years. Staff is asking the Commission to adopt the findings seen in the staff report and approve the use permit for Faith Christian Schools.

The public hearing was opened. Michael Childer, 2225 Live Oak Boulevard, stated he is in favor of the use permit for Faith Christian Schools.

The public hearing was closed with no additional testimony offered.

A motion was made in favor of the project by Commissioner Takhar; motion seconded by Commissioner Dunn. Motion approved by unanimous vote of the Commission.

3. PUBLIC HEARING: USE PERMIT #UP 06-02 OF RIVER VALLEY COMMUNITY BANK TO ALLOW 6,000 SQUARE FOOT BANK WITH TWO DRIVE-THROUGH LANES: ONE WITH DRIVE-UP TELLER AND SECOND WITH DRIVE-UP ATM; PROPERTY LOCATED IN C-3 X ZONE AT 1629 COLUSA AVENUE; A.P. NOS. 59-010-075 AND 59-010-076; APPLICANT RIVER VALLEY COMMUNITY BANK

Joe Prutch of PMC gave a report which showed the applicant, River Valley Community Bank, is applying for a use permit for the drive-through portion only. The bank was approved previously as part of the development plan. The applicant is proposing two drive-through lanes: one occupied by a teller and the other for ATM use. Staff is asking that the Commission adopt the findings for this project and approve Use Permit 06-02 for River Valley Community Bank.

The public hearing was opened. John Jelavich, 1809 Lorraine Way, stated that the original plan of the project has been approved. He felt that how the building is planned looks nice.

The public hearing was closed with no additional testimony offered.

Following Commission discussion concerning building design, pedestrian access, location of the drive-through lanes, and access to the parking area, Commissioner Dunn made a motion to return the agenda item to staff for consideration to revise the design of the building and to continue the item to a date unspecified; motion seconded by Commissioner Takhar. Motion approved by unanimous vote of the Commission.

4. 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.

Joe Prutch of PMC presented the staff report. The applicant, Lowe's Home Improvement Warehouse, Inc., proposes demolition of the existing 129,000 square foot Wal-Mart building and construction of a new 164,000 square foot Lowe's building. The applicant will also renovate the parking lot to allow orchard style parking. The parking lot will include a loading and parking area. An Air Quality Study was done, and there were a few mitigations to help reduce air quality, both during construction of

the project and during the operation of the store. The Air Quality Study included a traffic analysis that was done to determine the amount of air pollution from vehicles. Study calculations showed that the previous Wal-Mart store had about 7,200 daily trips. The Air Quality Study predicts that the Lowe's Home Improvement Warehouse will generate 5,900 daily trips, 1,300 daily trips less than were generated by Wal-Mart. Staff is suggesting that the Planning Commission recommend to City Council that Council adopt the findings in the staff report and recommended approval of the development plan.

The Commission's main concern was the traffic impact this project will have on Tharp Road and Highway 20. The Commission asked staff to realize that Wal-Mart is now a Super Wal-Mart and is right across the street. Super Wal-Mart will likely add more daily trips to the other businesses on Tharp Road, thus impacting the Tharp Road/Highway 20 intersection. Commissioners told staff they would like a traffic study done to see what impact Lowe's will have on the traffic on Tharp Road. Staff told the Commission that staff received notification from Caltrans that Caltrans foresees no impact on the highway with this project being developed.

The public hearing was opened. Al Montes with Lowe's Site Development Division, Western Region, Carlsbad, California, stated that, on the issue of traffic analysis for Lowe's, the Air Quality Study shows that Lowe's will generate less traffic than the previous store.

Frank Sen of C.E.I., Fresno, California, stated that when the Super Wal-Mart was built, an E.I.R. was prepared and a traffic study completed. That traffic study indicated there would not be an impact with Lowe's going in the existing Wal-Mart space. Mr. Sen feels it would be unfair to have Lowe's commission another traffic study when one has already been completed.

The public hearing was closed.

A motion was made that this item be continued May 10, 2006, at the Planning Commission meeting by Commissioner Takhar; motion seconded by Commissioner Didbal. Motion approved by unanimous vote of the Commission.

5. ADJOURNMENT: The meeting was adjourned at 11:10 P.M.

Respectfully submitted,

BRIAN TRUDGEON, Acting Secretary
YUBA CITY PLANNING COMMISSION