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

Regular Meeting
April 11, 2007 - 7 p.m.
City Hall Council Chambers
1201 Civic Center Boulevard

YUBA CITY PLANNING COMMISSION
AGENDA

Commissioner Satwant Takhar (Chair) Commissioner John Sanbrook
Commissioner Preet Didbal Commissioner Craig Starkey (Vice Chair)
Commissioner John Dukes Commissioner Mike Tomlinson

Roll Call

Pledge of Allegiance

Approval of minutes from meeting held on March 7, 2007

Appearance of Interested Citizens*

Correspondence: - None

Public Hearings:

1. Public Hearing: Use Permit #UP 07-03. Use Permit to operate a supportive services facility for homeless children/ families; zoned C-M, Heavy Commercial/Light Industrial District; located at 909 Spiva Avenue; APN 52-051-001; Property Owner, Sue & Roger Abe; Applicant, Hands of Hope.
2. Public Hearing: Tentative Map #TM 07-02. Proposal to split 3 parcels into 4 parcels; zoned C-2 (SP) Community Commercial (Specific Plan) District; located at the northeast corner of Harter Parkway and State Hwy. 20; APN 59-010-098, 59-010-099, and 59-010-100; Property Owner, Brown Yuba City, LLC; Applicant, Mike Pearlstein.
3. Public Hearing: Development Plan #DP 07-02. Proposal for 3 Warehouses totaling 59,800 (previously submitted for building permit); zoned M-2, Industrial District with a General Plan Designation of Manufacturing, Processing, Warehousing; located at 457 Epley Drive; APN 54-081-002; Property Owner, Art Gordon; Applicant, Aztec Developers.

Commission Consideration: - None

Commission Discussion: - Meritorious Awards

Over

Other Business: - None

Report on Actions of the City Council

Adjournment

Persons dissatisfied with any decision of the Planning Commission may appeal such action to the City Council. Appeals, accompanied by a fee of \$753 (\$363 if the project concerns a single-family residence), must be filed with the City Clerk, 1201 Civic Center Boulevard, Yuba City, CA 95993 within 10 days of such action. If no appeal is filed within this time limit, the Commission action becomes final. The exception to this is rezonings--please check with the Planning Department, 1201 Civic Center Boulevard, Yuba City for the procedure. Mailed notices of the Council hearings will be accomplished in the same manner as the Planning Commission hearings unless additional notice is deemed necessary.

If you require auxiliary aids or services (e.g., signing services) to make a presentation to the Planning Commission, the City will be glad to assist you. Please contact the City offices (530/822-4601) at least 72 hours in advance so such aids or services can be arranged. City Hall TDD: 530/822-4732.

*Members of the public may address the Planning Commission on items of interest that are within the City's jurisdiction whether or not such items of interest are on the agenda for this meeting. Members of the Commission will respond as best as they can to public comments but cannot take action or enter into a discussion on items not contained on the agenda. Public comment on public hearing agenda items will be permitted during the hearing.



City of Yuba City
Planning Division Agenda Report
Planning Commission Meeting

April 11, 2007

DATE: April 5, 2007
TO: Yuba City Planning Commission
FROM: Brian Trudgeon, Principle Planner
SUBJECT: Agenda Report – Meeting of April 11, 2007

1. PUBLIC HEARING: USE PERMIT UP 07-03 TO OPERATE A SUPPORTIVE SERVICES FACILITY FOR HOMELESS FAMILIES WITH CHILDREN AT 909 SPIVA AVENUE, ASSESSOR’S PARCEL NUMBER: 52-051-001; PROPERTY OWNER: SUE AND ROGER ABE; APPLICANT: HANDS OF HOPE

Project Description:

The applicant proposes to establish a facility to support homeless families with children located at 909 Spiva Avenue. The facility will provide services such as showers, laundry, and after-school tutoring on weekdays from 2:00 p.m. until 8:00 p.m.; overnight stays are not permitted. The facility will serve a maximum of 35 guests (which equates roughly to 10 families) at a time. The facility will not be “open to the public”. Instead, families will be referred to Hands of Hope primarily by local school districts or through a voucher system. A more detailed description of the proposed use is contained in the project description provided by the applicant. (See Attachment 2.)

Property Description:

The facility would be located in an existing building on the north side of Spiva Avenue, east of Gray Avenue.

General Plan Designation:

Business, Technology, Light Industry

Zoning Classification:

C-M, Commercial/Light Industrial District

Redevelopment Area:

The property is located within the boundaries of the Redevelopment Area.

Surrounding Land Use:

Single-family residences are located to the south, Gray Avenue Middle School and Sam Brannan Park are located to the west, industrial uses are located to the north, and residences are located to the east. The facility will be located in a portion of larger building that is currently occupied by the following businesses: A Fine Finish, Willie’s Moto World, and Nor-Cal Rain Gutter.

Previous Actions and/or Policies:

None.

Environmental:

Categorically Exempt per Section 15301 pertaining to existing facilities.

Staff Comments:

The Zoning Regulations allow in the C-M District public and quasi-public uses such as the one proposed with the issuance of a use permit. In order to approve a use permit, the Planning Commission must make the five findings that are listed below.

1. The proposal is consistent with the General Plan.

Staff comments: The Business, Technology, and Light Industry General Plan designation provides for “development accommodating flexible uses of space”. With the issuance of a use permit, the proposed supportive services facility will be consistent with the General Plan.

2. The site for the proposed use is adequate in size and shape to accommodate said use, public access, parking and loading, yards, landscaping, and other features required by this chapter.

Staff comments: Hands of Hope will be located in an existing building. The applicant provided a detailed parking calculation that demonstrates there is adequate parking for the proposed use. There are currently 27 parking spaces located on Spiva, none of which are used by the other businesses that occupy the building. Hands of Hope estimated that with a maximum of 6 volunteers and 10 families using the facility at a given time, they will create a demand of 16 parking spaces, leaving a surplus of 11 parking spaces located on Spiva.

3. The streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.

Staff comments: The streets serving the site are designed to carry the quantity of traffic generated by any of the permitted uses in the C-M, Commercial/Light Industrial District, most of which would generate a larger quantity of traffic than that which will be generated by the proposed use. With a maximum of 10 families and 6 volunteers at the facility on weekdays between the hours of 2:00 p.m. and 8:00 p.m., Hands of Hope will not generate a significant quantity of traffic that cannot be accommodated by existing street improvements.

4. The site design and the size and design of the buildings will complement neighboring facilities.

Staff comments: The proposed facility will be located in an existing building. The applicant has not proposed any changes to the exterior of the building and therefore, the proposed use will remain compatible with the existing neighboring facilities.

5. The establishment or operation of the use or building applied for 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.

Staff comments: Hands of Hope will not adversely impact the neighborhood or the City for several reasons. Overnight stays are not permitted, and the hours of operation (2:00 p.m. until 8:00 p.m., Monday through Friday) are such that there will not be activity at the facility during early morning hours or late night hours. Section 5-8.01 of the Yuba City Municipal Code prohibits loitering by minors, and Condition #1 requires that patrons of the facility not remain in the vicinity of 909 Spiva beyond the aforementioned hours of operation.

Recommended Action:

- A. Adopt the following findings:
 1. The proposed supportive service facility is consistent with the General Plan.
 2. The site for the proposed use is adequate in size and shape to accommodate said use, public access, parking and loading, yards, landscaping, and other features required by the Zoning Regulations.
 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 buildings will complement neighboring facilities.

5. The establishment or operation of the use or building applied for 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 to establish a supportive services facility for homeless children and their families at 909 Spiva Avenue subject to the following condition of approval:
1. Hands of Hope shall ensure that patrons or guests of the facility do not loiter or remain in the vicinity of the facility outside of the facility's hours of operation.
 2. **PUBLIC HEARING: TENTATIVE MAP TM 07-02 TO SUBDIVIDE THREE PARCELS INTO FOUR PARCELS LOCATED AT THE NORTHEAST CORNER OF HARTER PARKWAY AND STATE HIGHWAY 20, ASSESSOR'S PARCEL NUMBERS 59-010-098, 59-010-099, 59-010-100; PROPERTY OWNER: BROWN YUBA CITY, LLC; APPLICANT: MIKE PEARLSTEIN**

Project Description:

The applicant proposes to subdivide three parcels into four parcels and to adjust the existing property lines to conform to the CC&Rs of the Yuba City Marketplace.

Property Description:

The subject property is part of the Yuba City Marketplace. (See Attachment 1, "Aerial Photo" for the location of the current property lines. Exhibit "A" illustrates the location of the proposed property lines.) The proposed Parcel 4 contains three buildings which are occupied by Bed Bath & Beyond, Office Depot, Beach Hut Deli, Juice It Up, Payless Shoe Source, and several other commercial businesses. Parcels 1, 2, and 3 are currently vacant, but each of the three parcels contain one approved pad space on which future buildings may be constructed.

General Plan Designation:

Regional Commercial

Zoning Classification:

C-2 (SP), Community Commercial (Specific Plan Combining) District

Surrounding Land Use:

Highway 20 and vacant commercial land are located to the south, Harter Parkway is located to the west, Yuba City Marketplace is located to the north, and additional commercial uses are located to the east.

Previous Actions and/or Policies:

On October 26, 2004, the City Council adopted the Harter Specific Plan, Development Plan DP 02-05, for Yuba City Marketplace, the associated EIR, and other related documents.

Environmental:

Categorically Exempt per Section 15315 pertaining to minor land divisions.

Staff Comments:

Staff supports the applicant's proposal to subdivide the three parcels into four parcels and to adjust the lot lines to conform to the CC&Rs of the Yuba City Marketplace. The proposed parcels will conform to all aspects of the General Plan, the Harter Specific Plan, and the Yuba City Zoning Regulations.

Recommended Action:

A. Adopt the following findings:

1. The approval of TM 07-02 is consistent with the goals, policies and objectives, as well as the Regional Commercial designation, of the Yuba City General Plan.
2. The approval of TM 07-02 is consistent with the Harter Specific Plan.
3. The approval of TM 07-02 is consistent with the standards for the C-2, Community Commercial zoning district.
4. TM 07-02, in accord with Section 15315 of the California Environmental Quality Act, is exempt from further environmental review since it consists of the division of property in an urbanized area and is in conformance with local General Plan, Specific Plan, and Zoning requirements.

B. Approve Tentative Map TM 07-02 subject to the following two conditions of approval:

Engineering:

1. Applicant shall provide a public utility easement for the City-maintained water main across Parcel 4 as shown on the tentative parcel map revised March 22, 2007.
2. Cross-easements over all property not occupied by buildings shall be reserved in deeds for all underground utilities, ingress and egress, parking, drainage, landscaping, and the maintenance thereof to the benefit of all parcels involved in the division.

3. **PUBLIC HEARING: DEVELOPMENT PLAN DP 07-02 TO CONSTRUCT THREE WAREHOUSE BUILDINGS TOTALING 59,800 SQUARE FEET LOCATED AT THE NORTHEAST CORNER OF GARDEN HIGHWAY AND EPLEY DRIVE, 457 EPLEY DRIVE; ASSESSOR'S PARCEL NUMBER 54-081-002; PROPERTY OWNER: ART GORDON; APPLICANT: AZTEC DEVELOPERS**

Project Description:

The applicant proposes to construct three warehouse buildings totaling 59,800 square feet at the northeast corner of Garden Highway and Epley Drive.

Property Description:

The 4.09-acre parcel is currently vacant.

General Plan Designation:

Manufacturing, Processing, and Warehousing

Zoning Classification:

M-2, Industrial District

Surrounding Land Use:

Warehouses and other light industrial uses are located to the north, a wholesale business is located to the east, Epley Drive, an auto body shop, and a warehouse are located to the south, and Garden Highway, single-family homes, and the Gum Tree Mobile Home Park are located to the west.

Previous Actions and/or Policies:

None.

Environmental:

A Mitigated Negative Declaration (Exhibit A) was prepared for the project and is attached for Commission review and consideration. Mitigation measures to offset possible temporary adverse impacts from construction activities are contained in the conditions of approval. Staff requests that the Planning Commission adopt the attached Mitigated Negative Declaration.

Staff Comments:

The proposed project meets all requirements of the Zoning Regulations, such as parking, and setbacks. Although there are no design guidelines for Industrial Zoning Districts, the applicant has added additional architectural elements on those portions of the building that face a public

street in order to improve the appearance of the building closest to Garden Highway. Condition #2 requires that the applicant plant redwood or evergreen trees along the north property line in order to screen the plain appearance of the easternmost building from view on Garden Highway.

The M-2, Industrial District is intended to be used for the most intensive industrial uses, such as food and lumber processing or bulk storage. Additionally, less intensive industrial uses, such as distribution centers and contractors' yards, are also permitted. In order to prevent industrially-zoned land from being used as commercial property, Section 8-5.2102 of the Zoning Regulations limits retail sales area in the M-2 District to 15% of the building square footage and limits products sold to those created on-site. Section 8-5.2002 of the Zoning Regulations permits "offices and other ancillary facilities that are part of and clearly subordinate to the principal use". In an effort to keep office space "ancillary and clearly subordinate to the principal use", Condition #3 requires that office space be limited to 10% of each tenant space in the buildings.

Staff supports the applicant's proposal subject to all of the attached conditions of approval. The proposed project has been reviewed by all necessary City departments and other applicable agencies and complies with all applicable standards as conditioned.

Recommended Action:

A. Adopt the following findings:

1. Following review and consideration of the attached Mitigated Negative Declaration and any comments received, find there is no substantial evidence that the project will have a significant impact on the environment.
2. The three proposed warehouse buildings totaling 59,800 square feet and associated improvements are consistent with the Manufacturing, Processing, and Warehousing designation as shown on the Land Use Map of the General Plan and are consistent with the requirements of the M-2, Industrial District.
3. The 4.09-acre project site is adequate in size and shape to accommodate the 59,800 square foot project and associated improvements with respect to the standards in the Yuba City Zoning Regulations.
4. The streets serving the project site are adequate to carry the quantity of traffic generated by the warehouses.
5. The site design, design of the buildings, and scale of the project will complement neighboring facilities.

B. Approve Development Plan DP 07-02 subject to the following thirty-nine (39) conditions of approval:

General

1. The Conditions of Approval shall be attached to, and be made an integral part of, the improvement plans.

Planning Division

2. Redwood or evergreen trees shall be planted along the north property line to screen the easternmost building from view on Garden Highway.
3. A maximum of 10% of each tenant space within each building may be used for office space.
4. Should artifacts or unusual amounts of bone or shell be uncovered during demolition or construction activity, all work shall be stopped and a qualified archeologist shall be contacted for on-site consultation. 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 for guidelines. If the bone appears to be human, California law mandates that the Sutter County Coroner and the Native American Heritage Commission be contacted. *(Mitigating Measure)*

Engineering Division

5. Traffic control construction signs shall be installed/erected per City of Yuba City Standards and Details, Caltrans Standards and Details, and the Manual of Uniform Traffic Control Devices. The signs shall be maintained throughout the project duration.
6. All grading operations on the project shall be suspended as directed by the Feather River Air Quality Management District when winds exceed 20 miles per hour or when winds carry dust beyond the property line despite implementation of all feasible dust control measures. An operational water truck shall be onsite at all times to assist in dust control. *(Mitigating Measure)*
7. Onsite dirt piles or other stockpiled particulate matter shall be covered, wind breaks installed, and water and/or soil stabilizer employed to reduce wind blown dust emissions. *(Mitigating Measure)*
8. To help contain fugitive dust, construction sites shall be watered down during the construction phase of the project. *(Mitigating Measure)*
9. Temporary silt fencing shall be erected during construction so that transport of construction debris can be retained on-site. *(Mitigating Measure)*

10. To prevent track-out, wheel washers shall be installed where project vehicles and/or equipment exit onto paved street from unpaved areas. 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. *(Mitigating Measure)*
11. 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. *(Mitigating Measure)*
12. If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Sutter County Environmental Health Department, the Fire Department, the Police Department, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies. *(Mitigating Measure)*
13. During construction, the Contractor shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and roadways. Contractor shall be responsible that all construction equipment is equipped with manufacturer-approved muffler baffles. Failure to do so may result in the issuance of an order to stop work. *(Mitigating Measure)*
14. The Developer's Superintendent/Representative shall be onsite when Contractor is working and be available to the City's Inspectors assigned to the project. The Developer shall be responsible for making sure that the contractor is working from signed improvement plans and a signed storm water pollution prevention plan.
15. The Developer's Superintendent/Representative shall ensure that all private vehicles be either parked off-site or outside of construction areas. All vehicles, construction equipment, and construction material related to the project shall be organized in such a manner to provide emergency vehicle access to the entire project.
16. Sidewalks, within and adjacent to the construction area, shall be kept clean and remain accessible for American Disability Act compliance.
17. Storage of construction material is not allowed in the travel way.
18. There shall be no parking along Garden Highway. Curbs shall be painted and signs installed per the Public Works Director, indicating that no parking is permitted along Garden Highway.

Prior to issuance of Grading Permit

Engineering Division

19. On proposed developments that are larger than one acre, provide evidence that a Notice of Intent has been submitted and received by the local Water Quality Control Board for a General Construction Activity Storm Water Permit. Two copies of the project Storm Water Pollution Protection Plan (SWPPP) shall be provided to the City.
20. The civil plans for the development of the subject property shall include all measures required to ensure that no drainage runoff resulting from the development of the property flows onto the adjacent lands or impedes the drainage from those properties. If retaining walls are required, they shall be constructed of concrete or masonry block.
21. Existing and proposed grade elevations at perimeter of the proposed land development shall be shown on the improvement plans. The Engineer of Record shall designate on the plans as to where any retaining walls are required and provide details of all proposed retaining walls. The retaining wall is required where grade differences between the proposed development and the surrounding land is greater than 6 inches. The use of any type of wood as the retaining wall is not permitted.
22. The Developer shall be responsible for implementing the Storm Water Pollution and Prevention Plan (SWPPP) through the use of Best Management Practices (BMP). The Developer shall be responsible for maintaining the SWPPP. The SWPPP shall conform to the provisions in Section 7-1.01G, "Water Pollution," of the Caltrans Standard Specifications (dated May 2006) for construction of streets and local roads, the requirements in the Manuals, and the requirements of the permits. The Developer shall be responsible to include provisions for SWPPP requirements on the contract documents for the work under the proposed development. These provisions shall direct the Contractor to develop a SWPPP document per the directions on the Caltrans website at <http://www.dot.ca.gov/hq/construc/stormwater/stormwater1.htm>. The Contractor shall submit the SWPPP document within the timelines set forth on the development's special provisions and allow 15 days for the City of Yuba City to review and approve or return the document for revisions. *The Developer/Contractor shall not start any work until the SWPPP document has been approved by the City of Yuba City.* Should the Developer fail to ensure satisfactorily compliance with the SWPPP, the City Inspector may issue a stop work order until compliance is achieved.
23. The following minimum Best Management Practices (BMPs) shall be required during construction:
 - a. Construction crews shall be instructed in preventing and minimizing pollution on the job.

- b. Stabilize construction entrance/exit to prevent tracking onto roadway. Only one stabilized construction entrance/exit will be allowed per site. Vehicles entering and leaving construction sites spread pollutants such as sediment, gravel, and other loose particles onto adjacent roads. Pollutants are washed into roadside ditches and are a nuisance to drivers and may cause damage to vehicles.
- c. Protect exposed slopes from erosion through preventative measures. Cover slopes to avoid contact with storm water by hydro-seeding, mulch, use of plastic sheeting, or other approved means.
- d. Use brooms and shovels when possible to maintain a clean site. Use of a hose is not recommended. Introducing water as a cleanup method adds to water pollution.
- e. Designate a concrete washout area, as needed, to avoid wash water from concrete tools or trucks from entering storm drain systems. Maintain washout area and dispose of concrete waste on a regular basis.
- f. Establish a vehicle storage, maintenance, and refueling area, as needed, to minimize the spread of oil, gas, and engine fluids. Use of oil pans under stationary vehicles is strongly recommended.
- g. Protect drain inlets from receiving polluted storm water through the use of filters such as fabrics, gravel bags, or straw wattles.
- h. Be prepared for rain and have the necessary materials on-site before the rainy season.
- i. Inspect all BMPs before and after each storm event. Maintain BMPs on a regular basis and replace as necessary through the entire course of construction.

Prior to approval of Improvement Plans

Engineering Division

- 24. The Contractor shall obtain an Encroachment Permit from the City prior to performing any work within public rights-of-way.
- 25. Where excavation for a trench and/or structure is 5 feet deep or more, the contractor shall conform to O.S.H.A. requirements. The Contractor shall provide a copy of the approved O.S.H.A. permit and shoring details and calculations prepared by a California licensed structural engineer to the Public Works Department.

26. Civil plans shall be approved by the Yuba City Fire Department.
27. Striping, pavement markings, and traffic signage shall be provided on all streets as necessary and as required by the Public Works Department. Signage restricting parking and red painted curbing shall be installed where appropriate. Speed limit signs shall be installed at locations determined by the Public Works Department. Twenty-five miles per hour speed limit signs shall be installed within the subdivision at locations determined by the Public Works Department. The Developer shall submit to the Public Works Department a design recommendation for all other speed limits. These proposed speed limit signs shall be shown on the Improvement Plans.
28. All service laterals (water, sewer, irrigation) along with required meters, are to be shown on the civil Improvement Plans. Connection fees shall apply.
29. The fire suppression system(s) that will be servicing the property shall tie in directly to the City water main. Hot tap fees shall apply.
30. All domestic, landscape, and fire service lines shall have reduced back flow preventers.
31. Special drop inlet frames and grates shall be installed at all drop inlets and junction drop inlets at any new inlets. Cast into the curb back shall be a message "Dump No Waste – Drains to River". If casting cannot be found that fits the City's standard drop inlet, then designated markers, approved by the City, shall be installed to the manufacturer's specifications on the top of curb or at an appropriate alternative nearby location when no curb is available, at all storm drain inlets in the development area.
32. Required Civil Plan Notes:
 - a. "Any excess materials shall be considered the property of the contractor and shall be disposed of away from the job site in accordance with applicable local, state and federal regulations."
 - b. "The Contractor(s) shall be required to maintain traffic flow on affected roadways during non-working hours and to minimize traffic restriction during construction. The Contractor shall be required to follow traffic safety measures in accordance with the Caltrans "Manual of Traffic Safety Controls for Construction and Maintenance Work Zones." The City of Yuba City emergency service providers shall be notified, at least two working days in advance, of proposed construction scheduled by the Contractor(s)."
 - c. "Prior to the issuance of building permits, all applicable development impact fees shall be paid to the satisfaction of the Public Works Department and in accordance with City and local district ordinances."

- d. “Soil shall not be treated with lime or other cementitious material without prior express permission by the Public Works Department.”

Prior to Certificate of Occupancy

Engineering Division

33. The curb, gutter, and sidewalk, shall be inspected and approved by the City. Any curb, gutter, and sidewalk which is not in accord with City standards or is damaged before or during construction shall be replaced. In addition, any concrete with cracks, chips, blemishes, and spalling greater than one inch in diameter shall be replaced from control joint to control joint.
34. A back flow preventer certification must be performed by an AWWA licensed tester and submitted to the Public Works Department.
35. The Developer’s Superintendent/Representative shall submit three sets of Pacific Gas and Electric approved utility plans showing joint trench locations and distribution lines.
36. The City reserves the right to direct the Developer to hydroflush all storm drain mains and all sewer mains.
37. The existing handicap ramp at the northeast corner of Epley Drive and Garden Highway is to be replaced to meet current ADA and City standards.
38. Any existing cracked or spalling sidewalk is to be replaced. Sidewalk is to comply with current Yuba City standards.
39. Provide a one-way directional sign type R6-1R in the Garden Highway median in front of the Garden Highway driveway. Location is to be verified by Public Works Department prior to installation.

YUBA CITY PLANNING COMMISSION
MINUTES

Regular Meeting
April 11, 2007
City Hall Council Chambers

The meeting was called to order by Vice Chairman Starkey at 7:00 p.m. Members present were as follows:

PRESENT

Chairman Satwant Takhar
Commissioner Preet Didbal
Commissioner John Dukes

Commissioner John Sanbrook
Commissioner Mike Tomlinson
Commissioner Jose Flores

ABSENT

Commissioner Craig Starkey (*Excused*)

Also present were Aaron Busch, Community Development Director; Brian Trudgeon, Principle Planner; Katie Ertmer, Associate Planner; Paulla Hyatt-McIntire, Deputy City Attorney; and Roberta Kyle, Recording Secretary.

The Pledge of Allegiance was led by Commissioner Didbal.

The meeting minutes of March 7, 2007, were approved as corrected.

Appearance of Interested Citizens: - None

Correspondence: - None

Public Hearings:

- 1. PUBLIC HEARING: USE PERMIT UP 07-03 TO OPERATE A SUPPORTIVE SERVICES FACILITY FOR HOMELESS FAMILIES WITH CHILDREN AT 909 SPIVA AVENUE, ASSESSOR'S PARCEL NUMBER: 52-051-001; PROPERTY OWNER: SUE AND ROGER ABE; APPLICANT: HANDS OF HOPE**

Katie Ertmer, Associate Planner, presented a staff report.

Commissioner Sanbrook asked if there was any offsite parking. Ms. Ertmer stated that the parking is on the street.

Commissioner Sanbrook asked if the issue of overnight stays, hours of operation, capacity, etc. should be addressed.

Ms. Ertmer said she would recommend flexibility to the hours of operation.

Commissioner Sanbrook asked if the Police Department has looked at this request.

Ms. Ertmer said Police have looked at it, and had no comments.

Commissioner Sanbrook asked if the applicants are screened.

Ms. Ertmer stated the applicants are not screened, but the employees are screened. Ms. Ertmer said that the applicants are referred by the School District.

Commissioner Tomlinson asked if Roger Abe owns the property across the street.

Brian Trudgeon, Principle Planner, said Mr. Abe does still own the property.

Commissioner Dukes asked if there should be a condition regarding overnight stays.

Ms. Ertmer said the zoning already prohibits overnight stays.

Chairman Takhar opened the public hearing.

Barry Kaufman, 842 Spiva Avenue, expressed his concerns regarding the parking lot, asked if an impact study had been done, and asked what the facility will do to the neighborhood.

Ms. Ertmer stated the Engineering Division has examined the request and had determined that it will not generate any significant traffic.

Mr. Kaufman asked if the applicants were renting or leasing the facility, and asked if Hands of Hope will make repairs to the building. Mr. Kaufman also spoke about speeding and racing along the street, vandalism, and crime. Mr. Kaufman said he is opposed to the request.

Arthur Rafferty, 835 Spiva Avenue, stated he is not opposed to the request, and is happy here is something to help other people. Mr. Rafferty stated his concerns about graffiti, etc. and doesn't want more business to come in without responsibility. Mr. Rafferty said he wants to make sure the building is maintained outside, and that there should be strict guidelines in regards to maintenance of the building.

Mike Mannshaadt, President of Hand of Hope, clarified that Hands of Hope has rented 6,000 square feet within 55,000 square feet of the building, and said they have started painting the building. Mr. Mannshaadt stated that Hands of Hope would like to be part of the solution of the problems on Spiva Avenue. Mr. Mannshaadt said Hands of Hope is not leasing the parking lot.

Commissioner Dukes asked if conditions can be required on the exterior of the building.

Mr. Trudgeon said no, but the Code Enforcement Officer can keep track of the building and the parking lot.

Commissioner Tomlinson asked about the tree in the sidewalk and if it is the responsibility of the City or property owner.

Mr. Trudgeon said he will have Mike Healy from Street Maintenance look at the tree and take action.

Commissioner Sanbrook asked if the request was exempt from an environmental study.

Ms. Ertmer stated the request is exempt.

Commissioner Sanbrook asked about tagging, and Ms. Ertmer explained what tagging is.

Commissioner Sanbrook asked if a time limit could be placed on the permit to have it come back before the Planning Commission.

Ms. Ertmer said that was possible.

Mr. Mannshaadt spoke about their funding and what they are able to do with that money, and explained that they have a 2 year lease and are ready to put in improvements into the building.

Commissioner Sanbrook asked Mr. Mannshaadt if he would be adverse to a condition limiting the hours of operation from 2 p.m. to 8 p.m., and a maximum of 10 families and 6 volunteers.

Mr. Mannshaadt stated he believes there is a necessary need to serve the 500+ people in need, and said the facility would never be open before 2 p.m. since they want the families to be together. Mr. Mannshaadt stated they will need flexibility on the hours.

Commissioner Sanbrook asked Mr. Mannshaadt if he would be adverse to a condition stating that the permit be reviewed after 1 year.

Mr. Mannshaadt stated Hands of Hope will work under the conditions given.

Mr. Rafferty said the applicant should not be offended by anything the City imposes, and said the applicant needs to be aggressively administrative regarding tagging, parking, etc.

Mr. Kaufman said that he is not attacking Hands of Hope, but just wants everyone to be aware of problems in the area. Mr. Kaufman also stated that the tree in the sidewalk has been cut down, and he apologized to Hands of Hope.

There being no further testimony, Chairman Takhar closed the public hearing.

Commissioner Dukes asked what the length of time is on the permit.

Mr. Trudgeon stated that as long as they abide by the conditions, they can stay indefinitely.

Commissioner Dukes stated that a 2 year review may be more logical, and in line with the length of their lease.

Mr. Trudgeon said it should be just a review so there is no cost to the applicant since they are a non-profit organization.

Commissioner Tomlinson stated that he is not in favor of a review at all.

Chairman Takhar said he also supports a 2 year review and supports Hands of Hope's endeavor.

Commissioner Tomlinson spoke about the parking lot and feels the property owner would make Hands of Hope do improvements, and asked if the City can require the owner to do the improvements.

Mr. Trudgeon said that is something the Code Enforcement Officer would stay on top of.

Commissioner Dukes feels Hands of Hope would improve the neighborhood.

Commissioner Dukes moved to A. Adopt the 5 findings; and B. Approve the Use Permit #UP 07-03 subject to 1 condition of approval, with a second condition of approval added to read: "*Review the Use Permit in 2 years*", was seconded by Commissioner Sanbrook, and the motion passed by a vote of 6-0-1 (Commissioner Starkey absent).

2. PUBLIC HEARING: TENTATIVE MAP TM 07-02 TO SUBDIVIDE THREE PARCELS INTO FOUR PARCELS LOCATED AT THE NORTHEAST CORNER OF HARTER PARKWAY AND STATE HIGHWAY 20, ASSESSOR'S PARCEL NUMBERS 59-010-098, 59-010-099, 59-010-100; PROPERTY OWNER: BROWN YUBA CITY, LLC; APPLICANT: MIKE PEARLSTEIN

Ms. Ertmer presented a staff report.

Commissioner Tomlinson asked if parcel 4 includes two buildings and a parking lot, and three buildings in the back.

Ms. Ertmer showed on the map how the parcels will be situated.

Commissioner Sanbrook asked about Condition #1, the public utilities easement across parcel 4.

Ms. Ertmer showed on the map where the easement will be.

Chairman Takhar opened the public hearing.

There being no testimony, Chairman Takhar closed the public hearing.

Commissioner Sanbrook moved to A. Adopt the 4 findings; and B. Approve Tentative Map #TM 07-02 subject to 2 conditions of approval, was seconded by Commissioner Dukes, and the motion passed by a vote of 6-0-1 (Commissioner Starkey absent).

3. PUBLIC HEARING: DEVELOPMENT PLAN DP 07-02 TO CONSTRUCT THREE WAREHOUSE BUILDINGS TOTALING 59,800 SQUARE FEET LOCATED AT THE NORTHEAST CORNER OF GARDEN HIGHWAY AND EPLEY DRIVE, 457 EPLEY DRIVE; ASSESSOR'S PARCEL NUMBER 54-081-002; PROPERTY OWNER: ART GORDON; APPLICANT: AZTEC DEVELOPERS

Ms. Ertmer presented a staff report.

Chairman Takhar opened the public hearing.

John Ocipinti, proponent for the project, mentioned Aztec Developers would eventually like to condo the project.

Commissioner Sanbrook asked staff to explain the rationale behind the 10% limitation, and Mr. Trudgeon explained.

Commissioner Sanbrook asked if it was a limitation specified in the M2 District.

Mr. Trudgeon stated it was not, and explained that it is a policy given from the Community Development Director.

Commissioner Dukes asked the applicant if 25% of space would be beneficial.

Mr. Ocipinti stated it would help, but asked what would be display and what would be office.

Mr. Trudgeon said that when the tenant improvement comes in, they can specify the areas.

Commissioner Tomlinson asked if it is not part of the Zoning Code, why is it being limited.

Mr. Trudgeon said because it is in an industrial zone.

Mr. Ocipinti showed a drawing of the project and said they will retain ownership of the property.

Commissioner Sanbrook asked about design guidelines, and asked if staff is comfortable with the project.

Mr. Trudgeon said there are no design guidelines for industrial, and said staff is comfortable with the project and that there have been upgrades to the building from the view of Eply Drive and Garden Highway, and that trees have been planted along the north end of the property line to screen that side of the project.

There being no further testimony, Chairman Takhar closed the public hearing.

Commissioner Tomlinson asked about parking ratios.

Ms. Ertmer said the parking spaces far exceed what is required.

Commissioner Dukes asked if there are any requirements to change to condos.

Ms. Ertmer said the applicant would have to come back before the Planning Commission.

Commissioner Sanbrook moved to A. Adopt the 5 findings; and B. Approve Development Plan #DP 07-02 subject to 39 conditions of approval, was seconded by Commissioner Tomlinson, and the motion passed by a vote of 6-0-1 (Commissioner Starkey absent).

Commission Consideration: - None

Commission Discussion: - Meritorious Awards

Mr. Trudgeon said this item can be brought back to the next meeting of April 25, 2007.

Commissioner Dukes stated that the owner's name of Kelly Moore Paints needs to be corrected.

Other Business:

Roberta Kyle read into the record, an additional letter from Commissioner Tomlinson dated March 8, 2007, which stated additional properties he owns that are located within the Yuba City Redevelopment Agency area. Those properties are as follows: 716 Colusa Avenue and 616 Colusa Avenue.

Report on Actions of the City Council:

Ms. Ertmer gave a brief report.

Adjournment: The meeting was adjourned at 8:09 p.m.

Respectfully submitted,

AARON BUSCH, Secretary
YUBA CITY PLANNING COMMISSION