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TO ADDRESS THE COMMISSION  
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Regular Meeting  
August 22, 2007 - 7 p.m.  
City Hall Council Chambers  
1201 Civic Center Boulevard

YUBA CITY PLANNING COMMISSION  
AGENDA

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

Pledge of Allegiance

Approval of minutes from meeting held on August 8, 2007

Appearance of Interested Citizens\*

Correspondence: - None

Public Hearings:

1. Use Permit #UP 07-05; Use permit for an off-leash dog recreation area; located at 2050 Wild River Drive; APN 55-010-032; Owner, Caltrans; Applicant, Off the Leash Dog Park.
2. General Plan Amendment #GP 07-04, Rezoning #RZ 07-04, Development Plan #DP 07-07; Proposal to amend the General Plan land use designation from "Manufacturing, Processing, and Warehousing" to "Business, Technology, and Light Industry"; to change the Zoning classification from M-2, "Industrial District", X8, "Special Standards Combining District" to CM, "Heavy Commercial/Light Industrial District" or to a zone deemed appropriate; and to construct 5 flex office/industrial buildings totaling 38,700 square feet; located at the southeast corner of Sutter Street and Lamon Way; APN 51-550-035; Owner, Tomlinson Family Trust; Applicant, Michael Tomlinson.
3. General Plan Amendment #GP 07-03, Rezoning #RZ 07-03, Development Plan #DP 07-05; Proposal to amend the General Plan land use designation from "Community Commercial" and "Office/Office Park" to "Regional Commercial"; to change the Zoning classification from C-2, "Community Commercial" and C-O, "Office Commercial" to C-3, "General Commercial" or to a zone deemed appropriate; and to construct a 40,000 square foot facility for the sales, service, and maintenance of new and used autos; located at the southwest corner of Harter Parkway and Highway 20; APN 63-010-101, 63-010-102, 63-010-103; Owner, Roy Lanza and Jaswant Bains; Applicant, John L. Sullivan Family Limited Partnership.

Over

4. General Plan Amendment #GP 07-02, Rezoning #RZ 07-02, Development Plan #DP 07-04; Proposal to amend the General Plan land use designation from "Community Commercial" and "Office/Office Park" to "Regional Commercial"; to change the Zoning classification from C-2, "Community Commercial" and C-O, "Office Commercial" to C-3, "General Commercial" or to a zone deemed appropriate; and to construct a 66,000 square foot facility for the sales, service, and maintenance of new and used autos; located at the southeast corner of Harter Parkway and Highway 20; APN 63-010-099, 63-010-100; Owner, Roy Lanza and Jaswant Bains; Applicant, Steve Downing et al, LLC.

Commission Consideration:

1. Request for extension of time for filing of a final map for TM 05-09 to subdivide one parcel into two lots; located at the corner of Lassen Blvd. and Klamath Lane; Applicant, Southern Cross, LLC; Owner, James R. Scott.

Commission Discussion: - None

Other Business: - None

Report on Actions of the City Council

Adjournment

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Persons dissatisfied with any decision of the Planning Commission may appeal such action to the City Council. Appeals, accompanied by a fee of \$620, 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: August 16, 2007  
TO: Yuba City Planning Commission  
FROM: Community Development Department  
SUBJECT: Agenda Report – Meeting of August 22, 2007

**PUBLIC HEARINGS**

- 1. PUBLIC HEARING: USE PERMIT UP 07-05 FOR ESTABLISHMENT OF AN OFF-LEASH DOG RECREATION AREA LOCATED AT 2050 WILD RIVER DRIVE; ASSESSOR’S PARCEL NUMBER: 55-010-032; PROPERTY OWNER: CALIFORNIA DEPARTMENT OF TRANSPORTATION; APPLICANT: OFF THE LEASH DOG PARK, INC.**

**Project Description:**

The applicant, Off the Leash Dog Park, Inc., has submitted an application for a Use Permit to establish an off-leash dog recreation area. The dog recreation area will be located on approximately 5 acres at 2050 Wild River Drive, on property owned by the California Department of Transportation (Caltrans). The applicant proposes several minor improvements to the land, including concrete slabs to accommodate a dog drinking area, fencing, and port-a-potties. (See Exhibit A, “Site Plan”)

**Property Description:**

The 5-acre project site is located on the west side of Wild River Drive, south of Lonely Oak Drive and north of Gold River Drive. (See Attachment 1, “Aerial Photo”) The proposed dog park will be located on a portion of a 37.83-acre parcel owned by Caltrans. The site contains several oak trees, none of which will be removed.

**General Plan Designation:**

Low Density Residential

**Zoning Classification:**

R-1, One-Family Residence District

**Surrounding Land Use:**

The project site is surrounded on the north and south by single-family residences. Wild River Drive and vacant land are located to the east, and vacant land is located to the West. (See Attachment 1, Aerial Photo)

**Previous Actions and/or Policies:**

The applicant has requested that the City Council approve a waiver of all applicable fees for the proposed dog park. This request will be heard by the City Council at its meeting on August 21, 2007. Staff supports the applicant's request based on the fact that Off the Leash, Inc., is a public benefit nonprofit corporation and will be providing a service to the community by developing and operating the dog recreation area. Staff will report the City Council's action to the Planning Commission at its meeting on August 22, 2007.

**Environmental:**

Categorically Exempt per Section 15061(b)(3) pertaining to projects that have no potential for causing a significant effect on the environment.

**Staff Comments:**

Provided below is an evaluation of the findings required to approve the Use Permit. The required findings are in bold, italicized font.

***1. The proposal is consistent with the General Plan.***

Staff analysis: The R-1 Zoning classification corresponds to the Low Density Residential General Plan designation. Public parks and playgrounds are permitted uses in the R-1 District. Public and quasi-public uses require a Use Permit in the R-1 District. The proposal is consistent with the Zoning classification as well as 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 analysis: According to the applicant, the 5-acre site is adequate to provide large enough areas for small and large dogs to exercise. The site is also large enough to accommodate parking along the adjacent street frontage on Wild River Drive. As demonstrated by the site plan, the fenced recreation area is set back 50 feet from the residential properties located to the north and 50 feet from the residential properties located to the south, providing a sufficient buffer between uses. The proposed site meets all requirements of the Yuba City Zoning Regulations.

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

Staff analysis: The proposed dog recreation area is anticipated to generate negligible amounts of traffic. Therefore, the streets currently serving the site are adequate to carry the traffic generated

by the proposed use.

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

Staff analysis: Only minor improvements are proposed for the site. The applicant plans to construct a fence along the perimeter of the dog recreation area, install two concrete pads and a small equipment shed. Additionally, the applicant will place one port-a-potty outside the recreation area, but behind the gate of the bullpen entry. No trees are proposed to be removed. As such, the minor modifications will be complementary to the 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 analysis: Section 9-2.020 of the Yuba City Municipal Code states that the hours of neighborhood parks in the City are from sunrise to ½ hour after sunset. The hours of the dog recreation area are proposed to be the same as for neighborhood parks. Off the Leash, Inc. will be responsible for ensuring that the gates are locked by ½ hour after sundown each day and unlocked for use by the public each morning. Therefore, the hours of the park will not disturb the peace of the neighborhood. Additionally, Condition number 3 requires Off the Leash, Inc. to prominently post its rules (including the hours of operation) outside the dog recreation area. The “Draft Rules” may be found in Exhibit B. It is anticipated that the addition of a dog recreation area to the City’s recreational amenities will enhance the general welfare of the City. As previously noted in this report, the perimeter fence of the recreation area is 50 feet from the rear fences of the adjoining residential properties. Therefore, the proposed use will not be detrimental to the surrounding neighborhood.

**Recommended Actions:**

The Planning Division recommends that the Planning Commission takes the following actions:

A. Adopt the following findings:

1. Use Permit UP 07-05 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 this chapter.
3. The streets serving the site are adequate to carry the quantity of traffic generated by the proposed dog recreation area.
4. The site design and 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 Use Permit UP 07-05 for the establishment of an off-leash dog recreation area at 2050 Wild River Drive subject to the following conditions of approval:

### **General**

1. Off the Leash Inc. shall be responsible for ensuring that the gate to the dog recreation area is securely locked no later than ½ hour after sundown each day and for ensuring that the gate to the dog recreation area is unlocked for public use no earlier than sunrise each day.
2. Off the Leash, Inc. shall be responsible for ensuring that the port-a-potties are adequately maintained and kept in good working order.
3. Rules governing the use of the park shall be prominently posted outside the gate of the dog recreation area.
4. The Conditions of Approval shall be attached to, and be made an integral part of the grading/leveling plans.

### **Planning Division**

5. 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.

### **Engineering Division**

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.
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
8. To help contain fugitive dust, the site shall be watered down during leveling/grading of the project.

9. Open burning is a source of fugitive gas and particulate emissions, which shall be prohibited at the project site. No open burning of vegetative waste (natural plant growth wastes) or other legal or illegal burn materials (trash, demolition debris, et. al.) shall be conducted at the project site. Vegetative wastes should be chipped or delivered to waste facilities (permitted biomass facilities), mulched, composted, or used for firewood. It is unlawful to haul waste materials offsite for disposal by open burning.
10. To prevent track-out, wheel washers shall be installed where project vehicles and/or equipment exit onto paved street 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.
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.
12. Reduce traffic speed on all unpaved surfaces to 15 mph or less and reduce unnecessary vehicle traffic by restricting access. Provide appropriate training, onsite enforcement, and signage.
13. If any hazardous waste is encountered during leveling/grading 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.
14. During construction, Off the Leash, Inc. shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and roadways. Off the Leash shall be responsible that all construction equipment is equipped with manufacturers approved muffler's baffles. Failure to do so may result in the issuance of an order to stop work.
15. Sidewalks, within and adjacent to the construction area, shall be kept clean and remain accessible for American Disability Act compliance.
16. Any curb, gutter and sidewalk is damaged during leveling/grading operations, shall be replaced from control joint to control joint.
17. Storage of construction material is not allowed in the travel way.
18. Plans shall be approved by the Yuba City Fire Department.
19. Required Note on Plans:
  - a. "Any excess materials shall be disposed of away from the site, by Off the Leash, Inc., in accordance with applicable local, state and federal regulations."

- b. "During construction, Off the Leash, Inc. shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and roadways. Off the Leash, Inc. shall be responsible that all construction equipment is equipped with manufacturers approved muffler baffles. Failure to do so may result in the issuance of an order to stop work."
- c. "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."
- d. "Off the Leash, Inc. shall be required to maintain traffic flow on affected roadways during non-working hours, and to minimize traffic restriction during leveling/grading. Off the Leash, Inc. shall be required to follow traffic safety measures in accordance with the CalTrans "Manual of Traffic Safety Controls for Construction and Maintenance Work Zones."

**Prior to issuance of Grading Permit**

**Planning Division**

- 20. Tree preservation requirements shall be shown on the leveling/grading plan or a separate tree preservation plan as approved by the Public Works Department. Tree preservation plan requirements shall conform to the City's Parks Department requirements.

**Engineering Division**

- 21. 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 shall be provided to the City.
- 22. Off the Leash, Inc. shall be responsible for implementing the Storm Water Pollution and Prevention Plan (SWPPP) through the use of Best Management Practices (BMP). Off the Leash, Inc. 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 for construction of streets and local roads dated May 2006, the requirements in the Manuals, and the requirements of the Permits. Off the Leash, Inc. shall be responsible to include provisions for SWPPP requirements on the contract documents for the work under the proposed development. These provisions shall direct Off the Leash, Inc. to develop a SWPPP document per the directions on the Caltrans website at <http://www.dot.ca.gov/hq/construc/stormwater/stormwater1.htm>. Off the Leash, Inc. shall submit the SWPPP document within the time lines 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. *Off the Leash, Inc. shall not start any work until the SWPPP document has been approved by the City of Yuba City.* Should Off

the Leash, Inc. 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 onsite 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.
  - j. Off the Leash, Inc. is to comply with the Storm Water Pollution and Prevention Plan.

2. **PUBLIC HEARING: GENERAL PLAN AMENDMENT GP 07-04, REZONE RZ 07-04, DEVELOPMENT PLAN DP 07-07 FOR A 39,000 SQUARE FOOT FLEX OFFICE/INDUSTRIAL DEVELOPMENT LOCATED AT THE SOUTHEAST CORNER OF SUTTER STREET AND LAMON WAY; ASSESSOR'S PARCEL NUMBERS: 51-550-046; PROPERTY OWNER: TOMLINSON FAMILY TRUST; APPLICANT: MICHAEL TOMLINSON.**

**Project Description:**

The applicant, Michael Tomlinson, has submitted the following applications:

1. General Plan Amendment GP 07-04 to change the General Plan designation from

Manufacturing, Processing, and Warehousing to Business, Technology, and Light Industry. (See Exhibit B)

2. Rezone RZ 07-04 to change the Zoning classification from Industrial, Special Standards Combining (M-2, X-8) District to Heavy Commercial/Light Industrial (C-M) District. (See Exhibit C)
3. Development Plan DP 07-07 to construct a 39,000 square foot facility consisting of 5 buildings for use as flexible office or industrial suites, 132 parking spaces, and related site improvements. (See Exhibit D)

**Property Description:**

The vacant project site is located at the southeast corner of Sutter Street and Lamon Way, north of the westbound Highway 20 off-ramp. (See Attachment 1)

**General Plan Designation:**

Manufacturing, Processing, and Warehousing

**Zoning Classification:**

M-2, X-8 Industrial, Special Standards Combining District

**Surrounding Land Use:**

Mathews Readymix and Del Norte Clinic are located to the north, a variety of industrial uses are located to the east along Von Geldern Way, Highway 20 is located to the south, and a variety of commercial uses, including Sutter Market, are located to the west. (See Attachment 1, Aerial Photo)

**Previous Actions and/or Policies:**

The X-8 Special Standards Combining District classification that currently exists on the property was part of RZ 98-06 for Marysville Press, which was recommended for approval by the Planning Commission on April 4, 1999, and was approved by the City Council on May 4, 1999. The X-8 Special Standards Combining District provided for the extension of Sutter Street, which was completed in 2000.

**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 adverse impacts from construction are contained in the conditions of approval. Staff requests that the Planning Commission adopt the attached Mitigated Negative Declaration for the Development Plan and recommend that the City Council adopt the attached Mitigated Negative Declaration for the General Plan amendment and Rezone.

**Staff Comments:**

Provided below is an evaluation of the findings required to approve each of the three applications. The required findings are italicized in bold font.

**General Plan Amendment GP 07-04:**

General Plan Amendment GP 07-04 is to change the General Plan designation from Manufacturing, Processing, and Warehousing to Business, Technology, and Light Industry. The applicant is requesting the change because the proposed development intended to be used flexibly as either offices or industrial suites would not be permitted under any of the Zoning classifications that correspond to the Manufacturing, Processing, and Warehousing General Plan designation.

Section 8-8 of the Yuba City Municipal Code specifies that a member of the public may initiate a General Plan amendment. The Municipal Code requires the Planning Commission to forward its recommendation and findings to the City Council for action. The Municipal Code does not contain any required findings for the amendment of a General Plan. However, Section 65358 of the California Government Code states that a City may amend its General Plan if it deems the amendment to be in the public interest. In the case of General Plan amendment GP 07-04, staff reasons that the proposal is in the public interest because the land use change will afford small business owners in Yuba City greater opportunities to find space in which to operate their businesses than those which currently exist in the City. Additionally, the proposed designation of Business, Technology, and Light Industry would be compatible with the surrounding land uses and properties, which range in use from heavy industrial, to medical offices. Therefore, staff recommends that the Planning Commission make the following finding:

***General Plan Amendment GP 07-04 to change the General Plan land use designation from Manufacturing, Processing, and Warehousing to Business, Technology, and Light Industry is in the public interest.***

**Rezone RZ 07-04:**

Rezone RZ 07-04 is to change the Zoning classification from Industrial, Special Standards Combining (M-2, X-8) District to Heavy Commercial/Light Industrial (C-M) District. The applicant is requesting the change because the proposed development intended to be used flexibly as either offices or industrial suites would not be permitted under the current Zoning classification.

Section 8-5.7202 of the Yuba City Municipal Code states that amendments to the Zoning Code may be initiated by one or more owners of the property affected by the amendment and requires the Planning Commission to make a finding that the Zoning Code amendment is consistent with the General Plan prior to forwarding the proposal to the City Council for action. In the case of Rezone RZ 07-04, if the Planning Commission and the Council find that the General Plan amendment is in the public interest and approve GP 07-04, the proposed zoning of C-M will be consistent with the new General Plan designation of Business, Technology, and Light Industry. Staff recommends that the Planning Commission make the following finding:

***Rezone RZ 07-04 is consistent with the Business, Technology, and Light Industry land use designation as described in the Yuba City General Plan.***

***Development Plan DP 07-07:***

Development Plan DP 07-07 is to construct a 39,000 square foot facility consisting of 5 buildings for use as flexible office or industrial suites, 132 parking spaces, and related site improvements. The suites in the buildings will be designed so that future tenants could use them for either office space or light industrial space. The Zoning Regulations require the Planning Commission to make three findings in order to approve an application for a development plan. Each of the required findings is listed below followed by staff's analysis of the finding.

In accordance with Section 8-5.70 of the Yuba City Zoning Regulations, the Planning Commission is the approving body for the subject application. Since approval of DP 07-07 is contingent upon approval of the request to change the General Plan designation and the Zoning classification, Condition number 2 states that approval of DP 07-07 shall not take effect until such time as the General Plan amendment and Rezone take effect following approval by the City Council.

***1. 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.***

Access to the development will be gained via Lamon Way, near the east side of the site. The proposed plans demonstrate that the site is adequate to accommodate the five proposed buildings, required parking and loading, yards, and other features required by the Zoning Regulations. As was stated above, the suites inside the buildings could be used for either office or light industrial businesses. If the entire project were to be used as office, which requires the most parking of all the allowed uses, it would require 129 parking spaces. The applicant has proposed 132 parking spaces, for a surplus of 3 spaces. The proposed plans meet all requirements of the Zoning Regulations. As such, staff recommends that the Planning Commission make the aforementioned finding.

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

The improvements to Sutter Street were completed in 2000 and were designed in anticipation of a development similar to the one proposed being constructed on the subject site. Therefore, the streets serving the site are adequate to carry the quantity of traffic generated by the proposed use. Staff recommends that the Planning Commission make the aforementioned finding.

***3. The site design, design of the buildings, and the scale of the project will complement neighboring facilities.***

The design of the buildings and the design of the site meet the requirements of the Zoning Regulations and the Commercial Design Guidelines with respect to materials, building height, and setbacks. The scale of the project is complementary to neighboring facilities and will provide visual enhancement to the neighborhood. Staff recommends that the Planning Commission make the aforementioned finding.

## **Recommended Actions:**

The Planning Division recommends that the Planning Commission takes the following actions:

- A. Adopt the Mitigated Negative Declaration.
- B. Recommend that the City Council adopt the finding that General Plan Amendment GP 07-04 to change the General Plan land use designation from Manufacturing, Processing, and Warehousing to Business, Technology, and Light Industry is in the public interest.
- C. Recommend that the City Council approve General Plan Amendment GP 07-04 to change the General Plan designation from Manufacturing, Processing, and Warehousing to Business, Technology, and Light Industry, as shown on Exhibit B.
- D. Recommend that the City Council adopt the finding that Rezone RZ 07-04 is consistent with the Business, Technology, and Light Industry land use designation as described in the Yuba City General Plan.
- E. Recommend that the City Council approve Rezoning RZ 07-04 to change the Zoning classification from M-2, X-8, to C-M as shown on Exhibit C.
- F. Adopt the following three findings for Development Plan DP 07-07:
  - 1. 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.
  - 2. The streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.
  - 3. The site design, design of the buildings, and the scale of the project will complement neighboring facilities.
- G. Approve Development Plan DP 07-07 to construct a 39,000 square foot facility consisting of 5 buildings and related site improvements for use as flexible office or industrial suites subject to the following conditions of approval:

## **General**

- 1. Approval of Development Plan DP 07-07 shall be null and void without further action if construction of Development Plan DP 07-07 has not been substantially commenced within 2 years of the date of its approval, or on August 22, 2009.
- 2. The Conditions of Approval shall be attached to, and be made an integral part of, the improvement plans.
- 3. Approval of Development Plan DP 07-07 shall be contingent upon approval of General Plan Amendment GP 07-04 and Rezone RZ 07-04 by the City Council. Approval of

Development Plan DP 07-07 shall not take effect until such time as the ordinance for RZ 07-04 takes effect.

4. Development Plan DP 07-07 is approved as shown in Exhibit D and as conditioned herein.

### **Planning Division**

5. 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)*
6. The Developer shall submit a signed Fugitive Dust Control Plan to the Feather River Air Quality Management District. *(Mitigating Measure)*
7. 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. *(Mitigating Measure)*
8. 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. *(Mitigating Measure)*
9. Idling time shall be limited to 5 minutes in accordance with State Idling Rule. *(Mitigating Measure)*
10. Utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators. *(Mitigating Measure)*

### **Engineering Division**

11. The Developer shall prepare and submit improvement plans for the construction of improvements including water, sanitary sewer, storm drain facilities, roadway improvements, curbs, gutters, sidewalks, signing, striping and streetlights.
12. All design and construction shall conform to the latest edition of the City of Yuba City Standard Specifications and Details, State of California Standard Specifications for Construction of Local Streets and Roads (May 2006), AASHTO Policy on Geometric Design of Streets and Highways for local roads, and FHWA Manual on Uniform Traffic Control Devices for Streets and Highways (2003 edition).

13. 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.
14. 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)*
15. 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. Incorporate the use of approved non-toxic soil stabilizer according to manufacturers' specifications to all inactive construction areas. Contractor to provide the specifications to the City Inspector. *(Mitigating Measure)*
16. To help contain fugitive dust, construction sites shall be watered down during the construction phase of the project as directed by the Public Works Department. *(Mitigating Measure)*
17. Temporary silt fencing shall be erected during construction and permanent fencing shall be completed prior to occupancy so that transport of construction debris can be retained on-site. *(Mitigating Measure)*
18. Open burning is a source of fugitive gas and particulate emissions, which shall be prohibited at the project site. No open burning of vegetative waste (natural plant growth wastes) or other legal or illegal burn materials (trash, demolition debris, et. al.) shall be conducted at the project site. Vegetative wastes should be chipped or delivered to waste facilities (permitted biomass facilities), mulched, composted, or used for firewood. It is unlawful to haul waste materials offsite for disposal by open burning. *(Mitigating Measure)*
19. To prevent track-out, wheel washers shall be installed where project vehicles and/or equipment exit onto paved street 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. *(Mitigating Measure)*
20. 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)*
21. 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 mph. *(Mitigating Measure)*

22. Reduce traffic speed on all unpaved surfaces to 15 mph or less and reduce unnecessary vehicle traffic by restricting access. Provide appropriate training, onsite enforcement, and signage. (*Mitigating Measure*)
23. 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*)
24. 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 manufacturers approved muffler baffles. Failure to do so may result in the issuance of an order to stop work.
25. The Developer, at his expense, shall be solely responsible for all quality control associated with the project. The quality control shall include, but is not limited to, the following: survey work, potholing existing utilities, all geotechnical testing, soil reports, concrete testing, asphalt testing, and any other required special testing/inspections. The City will only perform necessary testing to insure compliance.
26. 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, signed special provisions, signed storm water pollution prevention plan, and the approved project agreement conditions.
27. 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.
28. Sidewalks, within and adjacent to the construction area, shall be kept clean and remain accessible for American Disability Act compliance.
29. Storage of construction material is not allowed in the travel way.
30. The Developer and/or the Developer's Superintendent/Representative shall have a pre-construction meeting with the City prior to commencing construction of public improvements. The Developer shall notify the City of the meeting no less than two working days in advance of such meeting.

### **Prior to issuance of Grading Permit**

### **Engineering Division**

31. 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 shall be provided to the City.
32. The improvement plans for the development of the subject property shall include all measures required to ensure that no drainage runoff resulting from the development of the property flow onto the adjacent lands or impede the drainage from those properties. If retaining walls are required they shall be constructed of concrete or masonry block.
33. 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.
34. A grading plan of the development shall be submitted to the Public Works Department as part of the improvement plans.
35. The applicant shall submit to the City, for review and approval, a detailed geotechnical investigation prepared by a Civil Engineer registered in the State of California and qualified to perform geotechnical work. The grading plan shall incorporate the recommendations of the approved geotechnical investigation.
36. 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 for construction of streets and local roads dated May 2006, 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 successful 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 time lines 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.
37. The following minimum Best Management Practices (BMPs) shall be required during construction:
  - i. Construction crews shall be instructed in preventing and minimizing pollution on the job.
  - ii. 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.

- iii. 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.
- iv. 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.
- v. 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.
- vi. 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.
- vii. Protect drain inlets from receiving polluted storm water through the use of filters such as fabrics, gravel bags or straw wattles.
- viii. Be prepared for rain and have the necessary materials onsite before the rainy season.
- ix. 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**

38. Obtain all necessary approvals from City, State, utilities and other effected parties that are required for the project including, but not limited to, the preparation of drawings, studies, reports and permit applications, and payment of fees. Prior to City approval of improvement plans the developer shall provide evidence, to the satisfaction of the Public Works Department, that all such obligations have been met.
39. An encroachment permit from the State of California Department of Transportation will be required for all work to be done within any State Highway right-of-way. Encroachment Permit staff can be reached at (530) 741-4403. A copy of this permit must be supplied to the City prior to approval of the improvement plans.
40. The contractor shall obtain an Encroachment Permit from the City prior to performing any work within public rights of way.
41. Where an 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 California licensed structural engineer to the Public Works Department.

42. Improvement plans shall be approved by the Yuba City Fire Department.
43. 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.
44. All service laterals (water, sewer, irrigation, fire suppression), along with required meters, are to be shown on the civil improvement plans.
45. 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.
46. All domestic, landscape, and fire service lines shall have reduced pressure backflow preventers.
47. All landscaping shall be irrigated. A separate meter shall be installed on the landscape service. More than one meter may be required. The Developer shall pay all applicable fees.
48. Prior to the approval of the Improvement Plans, the Developer shall submit to the Gilsizer Drainage District a drainage plan for any drainage improvements that utilize Gilsizer facilities for approval by Gilsizer.
49. Special drop inlet frames and grates shall be installed at all drop inlets and junction drop inlets throughout the development area. 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.
50. The Developer shall place, within the property boundary, an in-line separator on the storm drain line prior to the point of connection to the storm drain line in the City right-of-way (or prior to the point of connection to the Gilsizer Slough). Property owner shall be responsible for all maintenance of the system.
51. Required Improvement 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. "During construction, the Contractor shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and roadways. The Contractor shall be responsible that all construction equipment is equipped with manufacturers approved muffler baffles. Failure to do so may result in the issuance of an order to stop work."

- 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**

- 52. The curb, gutter, and sidewalk, shall be inspected and approved by the City. Any newly constructed curb, gutter and sidewalk which is not in accord with City standards or is damaged during construction shall be replaced. Any existing curb, gutter, and sidewalk that is damaged during construction shall be replaced. In addition, any concrete with cracks, chips, blemishes, and spalling greater than an inch in diameter shall be replaced from control joint to control joint.
- 53. All reduced pressure backflow preventers shall be tested and a backflow preventer certification performed by an AWWA licensed tester shall be submitted to the Public Works Department.
- 54. The Developer’s Superintendent/Representative shall submit three sets of Pacific Gas and Electric approved utility plans showing joint trench locations and distribution lines.
- 55. The City reserves the right to direct the Developer to hydroflush the storm drain and sewer lines if any construction debris is found in the lines.
- 56. All existing overhead utilities (of 26,000 volts or less) and proposed utilities, both onsite and along all project frontages shall be placed underground. The existing pole on the north side of the property may be utilized as the riser pole. This does not include surface mounted transformers, pedestal mounted terminal boxes and meter cabinets. Appropriate easements shall be obtained by the Developer to facilitate these installations.

**3. PUBLIC HEARING: GENERAL PLAN AMENDMENT GP 07-03, REZONE RZ 07-03, DEVELOPMENT PLAN DP 07-05 FOR A 40,000 SQUARE FOOT CHRYSLER, JEEP, AND DODGE AUTOMOBILE DEALERSHIP LOCATED AT THE SOUTHWEST CORNER OF HARTER PARKWAY AND HIGHWAY 20; ASSESSOR’S PARCEL NUMBERS: 63-010-101, 63-010-102, 63-010-103; APPLICANT: JOHN L. SULLIVAN FAMILY LIMITED PARTNERSHIP; PROPERTY OWNERS: ROY LANZA AND JASWANT BAINS.**

**Project Description:**

The applicant, John L. Sullivan Family Limited Partnership, has submitted the following applications:

- 1. General Plan Amendment GP 07-03 to change the General Plan designation from

Community Commercial on the north portion of the property and Office & Office Park on the south portion of the property to Regional Commercial. (See Exhibit B)

2. Rezone RZ 07-03 to change the Zoning classification from Community Commercial, Special Standards Combining (C-2, X-19) District on the north portion of the property and Office Commercial, Special Standards Combining (C-O, X-19) District on the south portion of the property to General Commercial, Special Standards Combining (C-3, X-24) District. (See Exhibit C)
3. Development Plan DP 07-05 to construct a 40,000 square foot facility for the sales, service, and maintenance of new and used autos. The project also includes spaces for vehicle display and inventory, parking for customer service and employees. (See Exhibit D)

**Property Description:**

The vacant project site is located south of Highway 20 on the west side of Harter Parkway. (See Attachment 1)

**General Plan Designation:**

Community Commercial (north portion)  
Office & Office Park (south portion)

**Zoning Classification:**

C-2, X-19 Community Commercial, Special Standards Combining District (north portion)  
C-O, X-19 Office Commercial, Special Standards Combining District (south portion)

**Surrounding Land Use:**

Highway 20 and Yuba City Marketplace are located to the north and northwest, respectively; Harter Parkway and the site for the proposed Yuba City Toyota auto dealership are located to the east; River Valley High School is located to the south; and vacant land is located to the west. (See Attachment 1, Aerial Photo)

**Previous Actions and/or Policies:**

RZ 98-05: A request for pre-annexation zoning on the subject property to the Light Industrial, Special Standards Combining (M-1-X12) District was recommended for approval by the Planning Commission on December 17, 1998, and approved by the City Council on January 5, 1999. The X-District called for the extension of Lassen Boulevard and Harter Road as well as the preservation of the Onstott House.

GP 01-03 – Del Monte Square: A request to change the General Plan designation on the subject property from the Light Industrial (LI) designation to the Institutional and Professional (IP), Community Commercial (CC), and Public-Quasi Public (PQP) designations.

RZ 01-04 – Del Monte Square: A request for pre-annexation zoning on the subject property from Light Industrial, Special Standards Combining (M-1-X12) District to the Public Facilities (PF) District, Commercial Office, Special Standards Combining (C-O-X19) District, Community Commercial, Special Standards Combining (C-2-X19) District, and the One Family Residence, Special Standards Combining (R-1-X19) District was recommended for approval by the Planning Commission on May 14, 2003, and approved by the City Council on June 17, 2003. The X-19 District required improvements to a number of streets and intersections, including Walton and Lassen, Tharp and Lassen, and El Margarita.

Annexation #302: The subject property was part of an overall annexation of approximately 283 acres of land south of State Route 20. Annexation of the subject property into the City of Yuba City became effective on August 28, 2004.

SM 04-08 – River Valley Commercial and Estates: The subject property was part of the subdivision of 35.5 acres, a portion of which was to be used for offices, a portion of which was to be used for commercial, and a portion of which was to be used as 19 single-family lots. The project was approved by the Planning Commission on September 3, 2004. The 19-lot single-family subdivision has been constructed and is currently occupied.

### **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 adverse impacts from construction are contained in the conditions of approval. Staff requests that the Planning Commission adopt the attached Mitigated Negative Declaration and recommend that the City Council adopt the attached Mitigated Negative Declaration.

### **Staff Comments:**

Provided below is an evaluation of the findings required to approve each of the three applications. The required findings are italicized in bold font.

#### *General Plan Amendment GP 07-03:*

General Plan Amendment GP 07-03 is to change the General Plan designation from Community Commercial on the north portion of the property and Office & Office Park on the south portion of the property to Regional Commercial. The applicant is requesting the change because the Regional Commercial General Plan designation is the only land use designation that accommodates vehicle sales.

Section 8-8 of the Yuba City Municipal Code specifies that a member of the public may initiate a General Plan amendment. The Municipal Code requires the Planning Commission to forward its recommendation and findings to the City Council for action. The Municipal Code does not contain any required findings for the amendment of a General Plan. However, Section 65358 of the California Government Code states that a City may amend its General Plan if it deems the amendment to be in the public interest. In the case of General Plan amendment GP 07-03, staff reasons that the proposal is in the public interest because the land use change will afford residents of Yuba City greater vehicle purchase options than that which currently exist in the

City. Such options will allow residents the opportunity to make vehicle purchases locally, thus retaining sales tax revenue that might otherwise be captured elsewhere. Therefore, staff recommends that the Planning Commission make the following finding:

***General Plan Amendment GP 07-03 to change the General Plan land use designation from Community Commercial and Office & Office Park to Regional Commercial is in the public interest.***

Rezone RZ 07-03:

Rezone RZ 07-03 is to change the Zoning classification from Community Commercial, Special Standards Combining (C-2, X-19) District on the north portion of the property and Office Commercial, Special Standards Combining (C-O, X-19) District on the south portion of the property to General Commercial, Special Standards Combining (C-3, X-24) District. The applicant is requesting the change because the current zoning classifications do not accommodate vehicle sales.

Section 8-5.7202 of the Yuba City Municipal Code states that amendments to the Zoning Code may be initiated by one or more owners of the property affected by the amendment and requires the Planning Commission to make a finding that the Zoning Code amendment is consistent with the General Plan prior to forwarding the proposal to the City Council for action. In the case of Rezone RZ 07-03, if the Planning Commission and the Council find that the General Plan amendment is in the public interest and approve GP 07-03, the proposed zoning of C-3, X-24 will be consistent with the new General Plan designation of Regional Commercial. Staff recommends that the Planning Commission make the following finding:

***Rezone RZ 07-03 is consistent with the Regional Commercial land use designation as described in the Yuba City General Plan.***

Rezone RZ 07-03 was initiated by John L. Sullivan Family Limited Partnership, for the purpose of constructing a new and used automobile dealership. The environmental review covered only the scope of the proposed auto dealership. Therefore, staff recommends that an X-24 classification be placed on the property to be developed limiting its use to auto dealerships. Condition number 1 states that the use of the 7.65 acres proposed for development of a new and used automobile dealership shall be limited to the sale and service of new and used automobiles. Staff has discussed this restriction with the applicant who has agreed to the proposed restriction.

Development Plan DP 07-05:

Development Plan DP 07-05 is to construct a 40,000 square foot facility for the sales, service, and maintenance of new and used autos. The project also includes spaces for vehicle display and inventory, parking for customer service and employees. The Zoning Regulations require the Planning Commission to make three findings in order to approve an application for a development plan. Each of the required findings is listed below followed by staff's analysis of the finding.

***1. 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.***

The property is located at a signalized intersection for access. The proposed plans demonstrate that the site is adequate to accommodate the auto dealership, required parking and loading, yards, and other features required by the Zoning Regulations. The proposed plans meet all requirements of the Zoning Regulations with the exception of the sign height and the landscaping.

**Sign Height:** The applicant had originally proposed one 35-foot tall monument sign along Highway 20. Staff advised the applicant that the Zoning Regulations allow a maximum 10-foot tall, 64 square foot signs based on the size of the proposed development and the linear frontage of the project site. Therefore, staff could not support the proposed sign design. In response, the applicant revised the sign plans to reduce the height of the two signs along Highway 20 to 20 feet, to be consistent with other monument signs along Highway 20 (e.g. Wal Mart, Home Depot). (See Sheet SA-4.1 of Exhibit D.) In the attached letter from the applicant (Attachment 2) the applicant explains that John L. Sullivan will have three franchises, Chrysler, Jeep, and Dodge, and that extra square footage and height are needed to properly notice potential customers. The applicant also states that the signage located on the building is set back a substantial distance from Highway 20 and that additional signage is needed to notify potential customers of the location of the dealership.

Exceptions to the height and square footage limitations may be granted if the Planning Commission is able to make the finding that the sign is needed to advertise a business that has limited visibility from the adjacent public roadway. Staff does not support the proposed additional height or square footage for the sign as it will not comply with the Zoning Regulations, nor is there any indication that visibility of the auto dealership will be limited from either Highway 20 or Harter Parkway. While the proposed 20-foot high signs are consistent with some of the signs on Highway 20, those signs meet the requirements of the Zoning Regulations for large shopping centers. The proposed project is 40,000 square feet and does not meet the criteria for 20-foot tall signs. Furthermore, it should also be noted that all automobile dealerships constructed since the current Zoning Regulations took effect in 1994 have met the lower standards for sign height (10 feet). Therefore, staff has included condition number 6, which requires the applicant to install a sign that meets the standards of the Zoning Regulations.

**Landscaping:** As proposed, the project does not meet the landscaping requirements identified in the City's Zoning Regulations. Section 8-5.6003(C) of the Zoning Regulations requires the portion of a building that faces onto a customer parking lot or fronts directly onto the street to have a landscape planter installed along at least 20 percent of that building face. In the case of DP 07-05, the north, east, and south sides of the building front onto Highway 20, Harter Parkway, and Spirit Drive respectively. The east and south sides meet the 20 percent requirement, but the north side does not. Condition number 7 requires the applicant to install landscaping along the east building frontage in accordance with Section 8-5.6003(C) of the Zoning Regulations.

The second deficiency with regard to landscaping pertains to street trees. Section 8-5.6004(A)(3) requires street trees to be planted along all street frontages at 30-foot intervals. The applicant has requested relief from this requirement. (See Attachment 2) As can be seen in Exhibit D, the applicant proposed trees along Spirit Way and along most of Harter Parkway to conform to the requirements of the Zoning Regulations. Additionally, the applicant has proposed a total of 8 trees grouped in clusters along the Highway 20 frontage. Two other

automobile dealerships (Wheeler Chevrolet and Geweke Ford) have grouped clusters of trees instead of planting them on 30-foot centers to meet the intent of the landscape requirements, and therefore, staff supports the proposed planting design. However, if the applicant were to plant trees at 30-foot centers as required by code, 8 additional trees would be planted along Highway 20 and 6 additional trees would be planted along the north portion of Harter Parkway. (It should be noted that since the General Plan designates Harter as a “parkway”, double rows of trees are required to be planted.) Condition number 8 requires the applicant to plant the required number of trees along the Highway 20 and Harter Parkway frontages but permits the applicant to plant the trees in clusters. Staff is recommending that some of the additional trees be planted at the corner of the street intersection, adjacent to the proposed display area.

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

The constructed improvements conform to the requirements of the traffic study that was conducted for the River Valley Commercial project. Therefore, the streets serving the site are adequate to carry the quantity of traffic generated by the proposed use. In accordance with the requirements of the mitigation measures and traffic study associated with the River Valley Commercial project (SM 04-08), the applicant will be required to pay the project’s fair share of the improvements/traffic signals at the following intersections:

El Margarita and Spirit Way  
El Margarita and Highway 20  
Harter Parkway and Spirit Way  
Lassen Boulevard and Tharp Road  
Lassen Boulevard and Walton Avenue

Prior to occupancy of the auto dealership, Harter Parkway will connect to Highway 20, which will considerably ease the traffic congestion currently experienced on El Margarita. Additionally, the change in General Plan land use designation and Zoning classification to Regional Commercial to accommodate the proposed auto dealership will generate less traffic than uses that would be permitted under the current Community Commercial and Office designations and classifications. Staff anticipates that the proposed auto dealership will result in an easing of traffic congestion on the streets serving the site. As was noted in the discussion of the Rezone application, the X-24 that limits the use of the site to an auto dealership will be placed on the 7.65 acres that correspond to the Development Plan proposal since the traffic study and the environmental review only considered the impacts associated with the proposed auto dealership.

***3. The site design, design of the buildings, and the scale of the project will complement neighboring facilities.***

The design of the building and the design of the site (with the noted exceptions of sign height and landscaping) meet the requirements of the Zoning Regulations and the Commercial Design Guidelines with respect to building height, setbacks, materials, and all other aspects. The scale of the project is complementary to neighboring facilities, including the proposed Yuba City Toyota dealership across Harter Parkway, the Yuba City Marketplace across Highway 20, and River Valley High School, all of which are large uses situated on large parcels.

In accordance with Section 8-5.70 of the Yuba City Zoning Regulations, the Planning Commission is the approving body for the subject application. Since approval of DP 07-05 is contingent upon approval of the request to change the General Plan designation and the Zoning classification, Condition number 4 states that approval of DP 07-05 shall not take effect until such time as the General Plan amendment and Rezone take effect following approval by the City Council.

**Recommended Actions:**

The Planning Division recommends that the Planning Commission take the following actions:

- A. Adopt the Mitigated Negative Declaration.
- B. Recommend that the City Council adopt the finding that General Plan Amendment GP 07-03 to change the General Plan designation from Community Commercial on the north portion of the property and Office & Office Park on the south portion of the property to Regional Commercial is in the public interest.
- C. Recommend that the City Council approve General Plan Amendment GP 07-03 to change the General Plan designation from Community Commercial on the north portion of the property and Office & Office Park on the south portion of the property to Regional Commercial, as shown on Exhibit B.
- D. Recommend that the City Council adopt the finding that Rezone RZ 07-03 is consistent with the Regional Commercial land use designation as described in the Yuba City General Plan.
- E. Recommend that the City Council approve Rezoning RZ 07-03 to change the Zoning classification from Community Commercial, Special Standards Combining (C-2, X-19) District on the north portion of the property and Office Commercial, Special Standards Combining (C-O, X-19) District on the south portion of the property to General Commercial, Special Standards Combining (C-3, X-24) District as shown on Exhibit C.
- F. Adopt the following three findings for Development Plan DP 07-05:
  - 1. 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.
  - 2. The streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.
  - 3. The site design, design of the buildings, and the scale of the project will complement neighboring facilities.
- G. Approve Development Plan DP 07-05 to construct a 40,000 square foot facility for

the sales, service, and maintenance of new and used autos. The project also includes spaces for vehicle display and inventory, parking for customer service and employees. subject to the following conditions of approval:

### **Conditions of Zoning**

1. The use of the 7.65 acres shown on the project plans as an auto dealership shall be limited to the sales and service of new and used automobiles and related activities.

### **General**

2. Approval of Development Plan DP 07-05 shall be null and void without further action if construction of Development Plan DP 07-05 has not been substantially commenced within 2 years of the date of its approval, or on August 22, 2009.
3. The Conditions of Approval shall be attached to, and be made an integral part of, the improvement plans.
4. Approval of Development Plan DP 07-05 shall be contingent upon approval of General Plan Amendment GP 07-03 and Rezone RZ 07-03 by the City Council. Approval of Development Plan DP 07-05 shall not take effect until such time as the ordinance for RZ 07-03 takes effect.
5. Development Plan DP 07-05 is approved as shown in Exhibit D and as conditioned herein.
6. The proposed monument sign shall meet the 10-foot maximum height requirement and the 64 square foot maximum area requirement as specified in the Yuba City Zoning Regulations.
7. The applicant shall be required to install landscaping along 20% of the north building frontage as required by the Yuba City Zoning Regulations.
8. The applicant shall plant 8 additional trees along the Highway 20 frontage and 6 additional trees along the Harter Parkway frontage. The trees may be planted in clusters along both frontages provided that some trees are planted at the corner of Harter Parkway and Highway 20 to the satisfaction of the Planning Division.
9. The project proponent shall use 2003 or newer diesel construction equipment to reduce the emissions of criteria and toxic air contaminants. (*Mitigating Measure*)
10. Construction involving heavy-duty diesel equipment shall be mainly performed between November and April to reduce the impact on air quality during the ozone season (May-October). Should construction activities require the use of heavy-duty diesel construction equipment during the ozone season, the equipment may be operated during the a.m. hours until noon, unless temperatures are not forecasted to exceed 97 degrees Fahrenheit. (*Mitigating Measure*)

11. All diesel equipment shall be restricted to idling 5 minutes or less according to State law. *(Mitigating Measure)*
12. Feather River Air Quality Management District's Standard Mitigation Measures for Construction Phases shall be implemented. *(Mitigating Measure)*
13. The applicant shall promote a company policy restricting idling of all vehicles to 5 minutes or less. Employees will be informed of the policy, and the policy will be posted at the facility. *(Mitigating Measure)*
14. 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**

15. 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.
16. 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. Incorporate the use of approved non-toxic soil stabilizer according to manufacturers' specifications to all inactive construction areas. Contractor to provide the specifications to the City Inspector. *(Mitigating Measure)*
17. To help contain fugitive dust, construction sites shall be watered down during the construction phase of the project as directed by the Public Works Department. *(Mitigating Measure)*
18. To prevent track-out, wheel washers shall be installed where project vehicles and/or equipment exit onto paved street 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. *(Mitigating Measure)*
19. 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)*
20. 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)*

21. 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 manufacturers approved muffler's baffles. Failure to do so may result in the issuance of an order to stop work. *(Mitigating Measure)*
22. 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, signed special provisions and signed storm water pollution prevention plan.
23. 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.
24. Sidewalks, within and adjacent to the construction area, shall be kept clean and remain accessible for American Disability Act compliance.
25. Storage of construction material is not allowed in the travel way.
26. No parking shall be permitted on Harter Parkway.

### **Prior to issuance of Grading Permit**

#### **Engineering Division**

27. 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 shall be provided to the City.
28. The improvement plans for the development of the subject property shall include all measures required to ensure that no drainage runoff resulting from the development of the property flow onto the adjacent residential or agricultural lands or impede the drainage from those properties. If retaining walls are required they shall be constructed of concrete or masonry block.
29. Existing and proposed grade elevations at perimeter of the proposed land development shall be shown on the grading 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.

30. The applicant shall submit, with the first improvement plan check, to the City for review and approval, a detailed geotechnical investigation prepared by a Civil Engineer registered in the State of California and qualified to perform geotechnical work. The grading plan shall incorporate the recommendations of the approved geotechnical investigation.
31. 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 for construction of streets and local roads dated May 2006, 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 successful 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 time lines 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.
32. The following minimum Best Management Practices (BMPs) shall be required during construction:
- i. Construction crews shall be instructed in preventing and minimizing pollution on the job.
  - ii. 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.
  - iii. 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.
  - iv. 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.
  - v. 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.
  - vi. 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.
  - vii. Protect drain inlets from receiving polluted storm water through the use of filters

such as fabrics, gravel bags or straw wattles.

- viii. Be prepared for rain and have the necessary materials onsite before the rainy season.
- ix. 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**

- 33. An Improvement Agreement shall be executed with the City to guarantee the construction of public improvements associated with the project.
- 34. River Valley Court shall be constructed in its entirety with the exception of the sidewalk on the south side, which can be constructed when the property on the south side of River Valley Court develops.
- 35. The contractor shall obtain an Encroachment Permit from the City prior to performing any work within public rights of way.
- 36. Where an 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 California licensed structural engineer to the Public Works Department.
- 37. Improvement plans shall be approved by the Yuba City Fire Department.
- 38. All service laterals (water, sewer, irrigation, fire suppression), along with required meters, are to be shown on the civil improvement plans.
- 39. All domestic, landscape, and fire service lines shall have reduced pressure back flow preventers.
- 40. 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 if the City has to provide any connections to the water main. Connections to existing stubs shall be done in accordance with Standard Detail 410.
- 41. The Developer shall be responsible for preparation of a street tree and irrigation plan that is deemed acceptable by the Director of Parks and Recreation.
- 42. The street landscape planters and the street trees are public improvements which shall meet the Parks Division Planting Standards and Yuba City Standard Details and be included in the improvement plans and specifications for the development when the improvement plans are submitted for the first improvement plan check. The plans shall

reflect street tree placement so that no interference with streets, streetlights, and driveways will occur.

43. The street trees proposed by the Developer shall be a minimum of 15 gallon in size with a one-inch dbh (diameter at breast height). The tree specie(s) shall be a shade type approved by the City Arborist and the Public Works Department. Only one tree specie shall be planted on any street.
44. All landscaping shall be irrigated. A separate meter shall be installed on the landscape service. More than one meter may be required. The Developer shall pay all applicable fees.
45. The Developer shall place, within the property boundary, an in-line separator on the storm drain line prior to the point of connection to the storm drain line in the City right-of-way. Property owner shall be responsible for all maintenance of the system.
46. Required Improvement Plan Notes:
  - a. "Any excess materials shall be considered the property of the contractor or owner 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 issuance of Building Permit**

47. The lot line adjustment relocating the property line shall be recorded.
48. The project's proportionate share of the traffic signal mitigation fees outlined in the Conditions of Approval for Tentative Map #SM 04-08 – "River Valley Estates & Commercial Center" shall be paid. The River Valley Commercial Center portion is approximately 29.5 acres of the total 35 acres or approximately 84.5%. The applicable conditions of approval are outlined as follows:

- #7 – “To mitigate the impacts from the project on the intersection of Walton Avenue and Lassen Boulevard the developer shall contribute 30 percent of the total cost for the installation of a traffic signal. Proportional amounts to be paid at issuance of building permits for non-residential development.” The cost of the traffic signal is estimated to be \$400,000 – River Valley Commercial Center portion is 84.5% of 30% or \$101,400.
- #8 – “To mitigate the impacts from the project on the intersection of Tharp Road and Lassen Boulevard the developer shall contribute 50 percent of the total cost for the installation of a traffic signal. Proportional amounts to be paid at issuance of building permits for non-residential development.” The cost of the traffic signal is estimated to be \$400,000 – River Valley Commercial Center portion is 84.5% of 50% or \$169,000.
- #9 – “To mitigate the impacts on the State Highway 20 corridor resulting from the development of this project the developer shall pay his fair share of the improvement cost for highway road improvements based on an AB 1600 in effect at the time of issuance of building permits within the project area.”
- #10 – “To mitigate the cumulative impacts from the project area that were discussed in the traffic report, the project development shall pay its fair share towards the construction of traffic signals at the intersection of Harter Parkway and High School Boulevard (Spirit Drive), at El Margarita and High School Boulevard (Spirit Drive), as well as El Margarita Road and State Route 20. Those shares shall be paid at the time of issuance of building permit.”

### **Prior to Certificate of Occupancy**

#### **Engineering Division**

49. 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 an inch in diameter shall be replaced from control joint to control joint.
50. The Developer’s Superintendent/Representative shall submit three sets of Pacific Gas and Electric approved utility plans showing joint trench locations and distribution lines.
51. All street lighting shall be energized.
52. The south leg of the intersection of Harter Parkway and State route 20 shall be constructed with full public access from State Route 20 onto Harter Parkway.
53. The City reserves the right to direct the Developer to hydroflush all storm drain mains and all sewer mains.
54. All reduced pressure backflow preventers shall be tested and a back flow preventer certification, performed by an AWWA licensed tester, shall be submitted to the Public Works Department.

**4. PUBLIC HEARING: GENERAL PLAN AMENDMENT GP 07-02, REZONE RZ 07-02, DEVELOPMENT PLAN DP 07-04 FOR A 66,000 SQUARE FOOT TOYOTA AND SCION AUTOMOBILE DEALERSHIP LOCATED AT THE SOUTHEAST CORNER OF HARTER PARKWAY AND HIGHWAY 20; ASSESSOR'S PARCEL NUMBERS: 63-010-099, 63-010-100; APPLICANT: STEVE DOWNING ET AL LLC; PROPERTY OWNERS: ROY LANZA AND JASWANT BAINS.**

**Project Description:**

The applicant, Steve Downing et al LLC, has submitted the following applications:

1. General Plan Amendment GP 07-02 to change the General Plan designation from Community Commercial on the north portion of the property and Office & Office Park on the south portion of the property to Regional Commercial. (See Exhibit B)
2. Rezone RZ 07-02 to change the Zoning classification from Community Commercial, Special Standards Combining (C-2, X-19) District on the north portion of the property and Office Commercial, Special Standards Combining (C-O, X-19) District on the south portion of the property to General Commercial, Special Standards Combining (C-3, X-24 and C-3, X-25) District. (See Exhibit C)
3. Development Plan DP 07-04 to construct a 66,000 square foot facility for the sales, service, and maintenance of new and used autos. The project also includes spaces for vehicle display and inventory, parking for customer service and employees. (See Exhibit D)

**Property Description:**

The vacant project site is located south of Highway 20 on the east side of Harter Parkway. (See Attachment 1)

**General Plan Designation:**

Community Commercial (north portion)  
Office & Office Park (south portion)

**Zoning Classification:**

C-2, X-19 Community Commercial, Special Standards Combining District (north portion)  
C-O, X-19 Office Commercial, Special Standards Combining District (south portion)

**Surrounding Land Use:**

Highway 20 and Yuba City Marketplace are located to the north; Harter Parkway and the site for the proposed John L. Sullivan auto dealership are located to the west; the future River Valley Court and vacant land are located to the south; and vacant and industrial land are located to the east along Klamath Lane. River Valley High School is located on the west side of Harter Parkway, south of the project site. (See Attachment 1, Aerial Photo)

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

RZ 98-05: A request for pre-annexation zoning on the subject property to the Light Industrial, Special Standards Combining (M-1-X12) District was recommended for approval by the Planning Commission on December 17, 1998, and approved by the City Council on January 5, 1999. The X-District called for the extension of Lassen Boulevard and Harter Road as well as the preservation of the Onstott House.

GP 01-03 – Del Monte Square: A request to change the General Plan designation on the subject property from the Light Industrial (LI) designation to the Institutional and Professional (IP), Community Commercial (CC), and Public-Quasi Public (PQP) designations.

RZ 01-04 – Del Monte Square: A request for pre-annexation zoning on the subject property from Light Industrial, Special Standards Combining (M-1-X12) District to the Public Facilities (PF) District, Commercial Office, Special Standards Combining (C-O-X19) District, Community Commercial, Special Standards Combining (C-2-X19) District, and the One Family Residence, Special Standards Combining (R-1-X19) District was recommended for approval by the Planning Commission on May 14, 2003, and approved by the City Council on June 17, 2003. The X-19 District required improvements to a number of streets and intersections, including Walton and Lassen, Tharp and Lassen, and El Margarita.

Annexation #302: The subject property was part of an overall annexation of approximately 283 acres of land south of State Route 20. Annexation of the subject property into the City of Yuba City became effective on August 28, 2004.

SM 04-08 – River Valley Commercial and Estates: The subject property was part of the subdivision of 35.5 acres, a portion of which was to be used for offices, a portion of which was to be used for commercial, and a portion of which was to be used as 19 single-family lots. The project was approved by the Planning Commission on September 3, 2004. The 19-lot single-family subdivision has been constructed and is currently occupied.

### **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 adverse impacts from construction are contained in the conditions of approval. Staff requests that the Planning Commission adopt the attached Mitigated Negative Declaration and recommend that the City Council adopt the attached Mitigated Negative Declaration.

### **Staff Comments:**

Provided below is an evaluation of the findings required to approve each of the three applications. The required findings are italicized in bold font.

#### *General Plan Amendment GP 07-02:*

General Plan Amendment GP 07-02 is to change the General Plan designation from Community Commercial on the north portion of the property and Office & Office Park on the south portion

of the property to Regional Commercial. The applicant is requesting the change because the Regional Commercial General Plan designation is the only land use designation that accommodates vehicle sales.

Section 8-8 of the Yuba City Municipal Code specifies that a member of the public may initiate a General Plan amendment. The Municipal Code requires the Planning Commission to forward its recommendation and findings to the City Council for action. The Municipal Code does not contain any required findings for the amendment of a General Plan. However, Section 65358 of the California Government Code states that a City may amend its General Plan if it deems the amendment to be in the public interest. In the case of General Plan amendment GP 07-02, staff reasons that the proposal is in the public interest because the land use change will afford residents of Yuba City greater vehicle purchase options than that which currently exist in the City. Such options will allow residents the opportunity to make vehicle purchases locally, thus retaining sales tax revenue that might otherwise be captured elsewhere. Therefore, staff recommends that the Planning Commission make the following finding:

***General Plan Amendment GP 07-02 to change the General Plan land use designation from Community Commercial and Office & Office Park to Regional Commercial is in the public interest.***

Rezone RZ 07-02:

Rezone RZ 07-02 is to change the Zoning classification from Community Commercial, Special Standards Combining (C-2, X-19) District on the north portion of the property and Office Commercial, Special Standards Combining (C-O, X-19) District on the south portion of the property to General Commercial, Special Standards Combining (C-3, X-24 and C-3, X-25) District. The applicant is requesting the change because the current zoning classifications do not accommodate vehicle sales.

Section 8-5.7202 of the Yuba City Municipal Code states that amendments to the Zoning Code may be initiated by one or more owners of the property affected by the amendment and requires the Planning Commission to make a finding that the Zoning Code amendment is consistent with the General Plan prior to forwarding the proposal to the City Council for action. In the case of Rezone RZ 07-02, if the Planning Commission and the Council find that the General Plan amendment is in the public interest and approve GP 07-02, the proposed zoning of C-3, X-24 and C-3, X-25 will be consistent with the new General Plan designation of Regional Commercial. Staff recommends that the Planning Commission make the following finding:

***Rezone RZ 07-02 is consistent with the Regional Commercial land use designation as described in the Yuba City General Plan.***

Rezone RZ 07-02 was initiated by Steve Downing et al LLC, for the purpose of constructing a new and used automobile dealership. The environmental review covered only the scope of the proposed auto dealership. Therefore, staff recommends that an X-24 classification be placed on the property to be developed limiting its use to auto dealerships. Condition number 1 states that the use of the 8.75 acres proposed for development of a new and used automobile dealership shall be limited to the sale and service of new and used automobiles. As shown on the project plans, Exhibit D, the southwest corner of the site (1.26 acres) is not proposed to be developed at

this time, and it would not be appropriate to limit the use of that site to an auto dealership. As such, staff recommends that the aforementioned X-zone not apply to the southwest corner of the project site, which would allow all permitted uses in the C-3 District to be established at this location. However, due to the proximity to River Valley High School, it would be in the best interest of the public to prohibit the sale of alcohol and tobacco products on the southwest corner (1.26 acres) of the site. Therefore, staff recommends that a different X-25 classification be placed on that property limiting the uses to any permitted use in the C-3 District, provided that no alcohol or tobacco is sold. Condition number 2 reflects this limitation. Staff has discussed this restriction with the applicant who has agreed to the proposed restriction.

Development Plan DP 07-04:

Development Plan DP 07-04 is to construct a 66,000 square foot facility for the sales, service, and maintenance of new and used autos. The project also includes spaces for vehicle display and inventory, parking for customer service and employees. The Zoning Regulations require the Planning Commission to make three findings in order to approve an application for a development plan. Each of the required findings is listed below followed by staff's analysis of the finding.

***1. 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.***

The property is located at a signalized intersection for access. The proposed plans demonstrate that the site is adequate to accommodate the auto dealership, required parking and loading, yards, and other features required by the Zoning Regulations. The proposed plans meet all requirements of the Zoning Regulations with the exception of the sign height and the landscaping.

**Sign Height:** The applicant had originally proposed two 35-foot tall monument signs on Highway 20 and one 11-foot tall monument sign on Harter Parkway. Staff advised the applicant that the City's Zoning Regulations allow a maximum 10-foot tall, 64 square foot signs based on the size of the proposed development and the linear frontage of the project site. Therefore, staff could not support the proposed sign designs. In response, the applicant revised the sign plans to reduce the height of the two signs along Highway 20 to 20 feet, to be consistent with other monument signs along Highway 20 (e.g. Wal Mart, Home Depot). (See Sheet SG-1 of Exhibit D). In the attached letter from the applicant (Attachment 2) the applicant explains that Yuba City Toyota will have three franchises, Toyota, Lincoln, and Mercury, and that extra square footage and height are needed to properly notice potential customers who are passing the site. The applicant also states that the proposed signage located on the building is set back a substantial distance from Highway 20 and that additional signage is needed to notify potential customers of the location of the dealership.

Exceptions to the height and square footage limitations may be granted if the Planning Commission is able to make the finding that the sign is needed to advertise a business that has limited visibility from the adjacent public roadway. Staff does not support the proposed additional height or square footage for the signs as they will not comply with the Zoning Regulations, nor is there any indication that visibility of the Toyota dealership will be limited from either Highway 20 or Harter Parkway. While the proposed 20-foot high signs are

consistent with some of the signs on Highway 20, those signs meet the requirements of the Zoning Regulations for large shopping centers. The proposed project is 66,000 square feet and does not meet the criteria for 20-foot tall signs. Furthermore, it should also be noted that all automobile dealerships constructed since the current Zoning Regulations took effect in 1994 have met the lower standards for sign height (10 feet). Therefore, staff has included condition number 7, which requires the applicant to install a sign that meets the standards of the Zoning Regulations.

**Landscaping:** As proposed, the project does not meet the landscaping requirements identified in the City's Zoning Regulations. Section 8-5.6003(C) of the Zoning Regulations requires the portion of a building that faces onto a customer parking lot or fronts directly onto the street to have a landscape planter installed along at least 20 percent of that building face. In the case of DP 07-04, the north and east sides of the building front onto Highway 20 and Harter Parkway, respectively. The north side meets the 20 percent requirement, but the east side does not. Condition number 8 requires the applicant to install landscaping along the east building frontage in accordance with Section 8-5.6003(C) of the Zoning Regulations.

The second deficiency with regard to landscaping pertains to street trees. Section 8-5.6004(A)(3) requires street trees to be planted along all street frontages at 30-foot intervals. The applicant's original proposal had very few trees proposed along any of the frontages. (See Attachment 2) After working with staff, the applicant added trees along the private drive at the south edge of the project and along the south portion of Harter Parkway to conform to the requirements of the Zoning Regulations. Additionally, the applicant has proposed a total of 16 trees grouped in clusters along Highway 20 and along the north portion of Harter Parkway. Two other automobile dealerships (Wheeler Chevrolet and Geweke Ford) have grouped clusters of trees instead of planting them on 30-foot centers to meet the intent of the landscape requirements, and therefore, staff supports the proposed planting design. However, if the applicant were to plant trees at 30-foot centers as required by code, 19 trees would be planted along Highway 20 and 11 trees would be planted along the north portion of Harter Parkway. Condition number 9 requires the applicant to plant 8 additional trees along the Highway 20 frontage and 6 additional trees along Harter Parkway frontage but permits the applicant to plant the trees in clusters. Staff is recommending that some of the additional trees be planted at the corner of the street intersection, adjacent to the proposed display area.

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

The constructed improvements conform to the requirements of the traffic study that was conducted for the River Valley Commercial project. Therefore, the streets serving the site are adequate to carry the quantity of traffic generated by the proposed use. In accordance with the requirements of the mitigation measures and traffic study associated with the River Valley Commercial project (SM 04-08), the applicant will be required to pay the project's fair share of the improvements/traffic signals at the following intersections:

El Margarita and Spirit Way  
El Margarita and Highway 20  
Harter Parkway and Spirit Way

Lassen Boulevard and Tharp Road  
Lassen Boulevard and Walton Avenue

Prior to occupancy of the auto dealership, Harter Parkway will connect to Highway 20, which will considerably ease the traffic congestion currently experienced on El Margarita. Additionally, the change in General Plan land use designation and Zoning classification to Regional Commercial to accommodate the proposed auto dealership will generate less traffic than uses that would be permitted under the current Community Commercial and Office designations and classifications. Staff anticipates that the proposed auto dealership will result in an easing of traffic congestion on the streets serving the site. As was noted in the discussion of the Rezone application, the X-24 that limits the use of the site to an auto dealership will be placed on the 8.75 acres that correspond to the Development Plan proposal since the traffic study and the environmental review only considered the impacts associated with the proposed auto dealership.

***3. The site design, design of the buildings, and the scale of the project will complement neighboring facilities.***

The design of the building and the design of the site (with the noted exceptions of sign height and landscaping) meet the requirements of the Zoning Regulations and the Commercial Design Guidelines with respect to building height, setbacks, materials, and all other aspects. The scale of the project is complementary to neighboring facilities, including the proposed John L. Sullivan dealership across Harter Parkway, the Yuba City Marketplace across Highway 20, and River Valley High School, all of which are large uses situated on large parcels.

In accordance with Section 8-5.70 of the Yuba City Zoning Regulations, the Planning Commission is the approving body for the subject application. Since approval of DP 07-04 is contingent upon approval of the request to change the General Plan designation and the Zoning classification, Condition number 5 states that approval of DP 07-04 shall not take effect until such time as the General Plan amendment and Rezone take effect following approval by the City Council.

**Recommended Actions:**

The Planning Division recommends that the Planning Commission take the following actions:

- A. Adopt the Mitigated Negative Declaration.
- B. Recommend that the City Council adopt the finding that General Plan Amendment GP 07-02 to change the General Plan designation from Community Commercial on the north portion of the property and Office & Office Park on the south portion of the property to Regional Commercial is in the public interest.
- C. Recommend that the City Council approve General Plan Amendment GP 07-02 to change the General Plan designation from Community Commercial on the north portion of the property and Office & Office Park on the south portion of the property to Regional Commercial, as shown on Exhibit B.

- D. Recommend that the City Council adopt the finding that Rezone RZ 07-02 is consistent with the Regional Commercial land use designation as described in the Yuba City General Plan.
- E. Recommend that the City Council approve Rezoning RZ 07-02 to change the Zoning classification from Community Commercial, Special Standards Combining (C-2, X-19) District on the north portion of the property and Office Commercial, Special Standards Combining (C-O, X-19) District on the south portion of the property to General Commercial, Special Standards Combining (C-3, X-24 and C-3, X-25) District as shown on Exhibit C.
- F. Adopt the following three findings for Development Plan DP 07-04:
  - 1. 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.
  - 2. The streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.
  - 3. The site design, design of the buildings, and the scale of the project will complement neighboring facilities.
- G. Approve Development Plan DP 07-04 to construct a 66,000 square foot facility for the sales, service, and maintenance of new and used autos. The project also includes spaces for vehicle display and inventory, parking for customer service and employees. subject to the following conditions of approval:

**Conditions of Zoning**

- 1. The use of the 8.75 acres shown on the project plans as an auto dealership shall be limited to the sales and service of new and used automobiles and related activities.
- 2. The sale of alcohol and tobacco shall not be permitted on the southwest 1.26 acres of the site, shown on the project plans as “undeveloped area”.

**General**

- 3. Approval of Development Plan DP 07-04 shall be null and void without further action if construction of Development Plan DP 07-04 has not been substantially commenced within 2 years of the date of its approval, or on August 22, 2009.
- 4. The Conditions of Approval shall be attached to, and be made an integral part of, the improvement plans.
- 5. Approval of Development Plan DP 07-04 shall be contingent upon approval of General Plan Amendment GP 07-02 and Rezone RZ 07-02 by the City Council. Approval of

Development Plan DP 07-04 shall not take effect until such time as the ordinance for RZ 07-02 takes effect.

6. Development Plan DP 07-04 is approved as shown in Exhibit D and as conditioned herein.
7. The proposed monument signs shall meet the 10-foot maximum height requirement and the 64 square foot maximum area requirement as specified in the Yuba City Zoning Regulations.
8. The applicant shall be required to install landscaping along 20% of the east building frontage as required by the Yuba City Zoning Regulations.
9. The applicant shall plant 8 additional trees along the Highway 20 frontage and 6 additional trees along the Harter Parkway frontage. The trees may be planted in clusters along both frontages provided that some trees are planted at the corner of Harter Parkway and Highway 20 to the satisfaction of the Planning Division.
10. The project proponent shall use 2003 or newer diesel construction equipment to reduce the emissions of criteria and toxic air contaminants. *(Mitigating Measure)*
11. Construction involving heavy-duty diesel equipment shall be mainly performed between November and April to reduce the impact on air quality during the ozone season (May-October). Should construction activities require the use of heavy-duty diesel construction equipment during the ozone season, the equipment may be operated during the a.m. hours until noon, unless temperatures are not forecasted to exceed 97 degrees Fahrenheit. *(Mitigating Measure)*
12. All diesel equipment shall be restricted to idling 5 minutes or less according to State law. *(Mitigating Measure)*
13. Feather River Air Quality Management District's Standard Mitigation Measures for Construction Phases shall be implemented. *(Mitigating Measure)*
14. The applicant shall promote a company policy restricting idling of all vehicles to 5 minutes or less. Employees will be informed of the policy, and the policy will be posted at the facility. *(Mitigating Measure)*
15. 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

16. 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.
17. 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. Incorporate the use of approved non-toxic soil stabilizer according to manufacturers' specifications to all inactive construction areas. Contractor to provide the specifications to the City Inspector. *(Mitigating Measure)*
18. To help contain fugitive dust, construction sites shall be watered down during the construction phase of the project as directed by the Public Works Department. *(Mitigating Measure)*
19. To prevent track-out, wheel washers shall be installed where project vehicles and/or equipment exit onto paved street 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. *(Mitigating Measure)*
20. 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)*
21. 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)*
22. 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 manufacturers approved muffler's baffles. Failure to do so may result in the issuance of an order to stop work. *(Mitigating Measure)*
23. 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, signed special provisions and signed storm water pollution prevention plan.
24. 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.

25. Sidewalks, within and adjacent to the construction area, shall be kept clean and remain accessible for American Disability Act compliance.
26. Storage of construction material is not allowed in the travel way.
27. No parking shall be permitted on Harter Parkway.

### **Prior to issuance of Grading Permit**

#### **Engineering Division**

28. 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 shall be provided to the City.
29. The improvement plans for the development of the subject property shall include all measures required to ensure that no drainage runoff resulting from the development of the property flow onto the adjacent residential or agricultural lands or impede the drainage from those properties. If retaining walls are required they shall be constructed of concrete or masonry block.
30. Existing and proposed grade elevations at perimeter of the proposed land development shall be shown on the grading 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.
31. The applicant shall submit, with the first improvement plan check, to the City for review and approval, a detailed geotechnical investigation prepared by a Civil Engineer registered in the State of California and qualified to perform geotechnical work. The grading plan shall incorporate the recommendations of the approved geotechnical investigation.
32. 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 for construction of streets and local roads dated May 2006, 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 successful 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 time lines 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.

33. The following minimum Best Management Practices (BMPs) shall be required during construction:
- i. Construction crews shall be instructed in preventing and minimizing pollution on the job.
  - ii. 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.
  - iii. 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.
  - iv. 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.
  - v. 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.
  - vi. 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.
  - vii. Protect drain inlets from receiving polluted storm water through the use of filters such as fabrics, gravel bags or straw wattles.
  - viii. Be prepared for rain and have the necessary materials onsite before the rainy season.
  - ix. 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**

34. An Improvement Agreement shall be executed with the City to guarantee the construction of public improvements associated with the project.
35. River Valley Court shall be constructed in its entirety with the exception of the sidewalk on the south side, which can be constructed when the property on the south side of River Valley Court develops.

36. The contractor shall obtain an Encroachment Permit from the City prior to performing any work within public rights of way.
37. Where an 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 California licensed structural engineer to the Public Works Department.
38. Improvement plans shall be approved by the Yuba City Fire Department.
39. All service laterals (water, sewer, irrigation, fire suppression), along with required meters, are to be shown on the civil improvement plans.
40. All domestic, landscape, and fire service lines shall have reduced pressure back flow preventers.
41. 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 if the City has to provide any connections to the water main. Connections to existing stubs shall be done in accordance with Standard Detail 410.
42. The Developer shall be responsible for preparation of a street tree and irrigation plan that is deemed acceptable by the Director of Parks and Recreation.
43. The street landscape planters and the street trees are public improvements which shall meet the Parks Division Planting Standards and Yuba City Standard Details and be included in the improvement plans and specifications for the development when the improvement plans are submitted for the first improvement plan check. The plans shall reflect street tree placement so that no interference with streets, streetlights, and driveways will occur.
44. The street trees proposed by the Developer shall be a minimum of 15 gallon in size with a one-inch dbh (diameter at breast height). The tree specie(s) shall be a shade type approved by the City Arborist and the Public Works Department. Only one tree specie shall be planted on any street.
45. All landscaping shall be irrigated. A separate meter shall be installed on the landscape service. More than one meter may be required. The Developer shall pay all applicable fees.
46. The Developer shall place, within the property boundary, an in-line separator on the storm drain line prior to the point of connection to the storm drain line in the City right-of-way. Property owner shall be responsible for all maintenance of the system.

47. Required Improvement Plan Notes:

- a. "Any excess materials shall be considered the property of the contractor or owner 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 issuance of Building Permit**

48. The lot line adjustment relocating the property line shall be recorded.

49. The project's proportionate share of the traffic signal mitigation fees outlined in the Conditions of Approval for Tentative Map #SM 04-08 – "River Valley Estates & Commercial Center" shall be paid. The River Valley Commercial Center portion is approximately 29.5 acres of the total 35 acres or approximately 84.5%. The applicable conditions of approval are outlined as follows:

- #7 – "To mitigate the impacts from the project on the intersection of Walton Avenue and Lassen Boulevard the developer shall contribute 30 percent of the total cost for the installation of a traffic signal. Proportional amounts to be paid at issuance of building permits for non-residential development." The cost of the traffic signal is estimated to be \$400,000 – River Valley Commercial Center portion is 84.5% of 30% or \$101,400.
- #8 – "To mitigate the impacts from the project on the intersection of Tharp Road and Lassen Boulevard the developer shall contribute 50 percent of the total cost for the installation of a traffic signal. Proportional amounts to be paid at issuance of building permits for non-residential development." The cost of the traffic signal is estimated to be \$400,000 – River Valley Commercial Center portion is 84.5% of 50% or \$169,000.
- #9 – "To mitigate the impacts on the State Highway 20 corridor resulting from the development of this project the developer shall pay his fair share of the improvement cost for highway road improvements based on an AB 1600 in effect at the time of issuance of building permits within the project area."

- #10 – “To mitigate the cumulative impacts from the project area that were discussed in the traffic report, the project development shall pay its fair share towards the construction of traffic signals at the intersection of Harter Parkway and High School Boulevard (Spirit Drive), at El Margarita and High School Boulevard (Spirit Drive), as well as El Margarita Road and State Route 20. Those shares shall be paid at the time of issuance of building permit.”

**Prior to Certificate of Occupancy**

**Engineering Division**

50. 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 an inch in diameter shall be replaced from control joint to control joint.
51. The Developer’s Superintendent/Representative shall submit three sets of Pacific Gas and Electric approved utility plans showing joint trench locations and distribution lines.
52. All street lighting shall be energized.
53. The south leg of the intersection of Harter Parkway and State route 20 shall be constructed with full public access from State Route 20 onto Harter Parkway.
54. The City reserves the right to direct the Developer to hydroflush all storm drain mains and all sewer mains.
55. All reduced pressure backflow preventers shall be tested and a back flow preventer certification, performed by an AWWA licensed tester, shall be submitted to the Public Works Department.

**COMMISSION CONSIDERATION**

1. **COMMISSION CONSIDERATION: REQUEST FOR EXTENSION OF TIME FOR FILING THE FINAL MAP FOR TENTATIVE MAP #TM 05-09; LOCATED AT THE CORNER OF LASSEN BLVD. AND KLAMATH LANE; APPLICANT, SOUTHERN CROSS, LLC; OWNER, JAMES R. SCOTT**

Section 8-2.610 of the Yuba City Municipal Code states that tentative maps are approved for a period of two years. Two extensions of time (not to exceed 18 months each) may be granted.

**Project Description:**

On August 10, 2005, the Planning Commission approved the tentative map of Southern Cross, LLC, to subdivide a 1.41 acre site into two lots with 6 conditions of approval. The applicant has requested an extension for filing of the final map. (See attached letter.)

The applicant requested an extension prior to close of business on the day that the original approval would have expired. The map has not been modified, and conditions pertaining to the map have not changed.

**Recommended Action:**

Grant an 18-month extension of time which will extend the final filing date to February 10, 2009.

YUBA CITY PLANNING COMMISSION  
MINUTES

Regular Meeting  
August 22, 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

Vice Chairman Craig Starkey  
Commissioner Preet Didbal  
Commissioner Mike Tomlinson

Commissioner John Sanbrook  
Commissioner John Dukes  
Commissioner Jose Flores

ABSENT

Chairman Satwant Takhar (*excused*)

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

The Pledge of Allegiance was led by Anthony Banas of the Boy Scouts.

The meeting minutes of August 8, 2007, were approved as written.

Appearance of Interested Citizens: - None

Correspondence: - None

The Planning Commission deviated from the agenda and heard Item #1 of Commission Consideration first.

Commission Consideration:

- 1. COMMISSION CONSIDERATION: REQUEST FOR EXTENSION OF TIME FOR FILING THE FINAL MAP FOR TENTATIVE MAP #TM 05-09; LOCATED AT THE CORNER OF LASSEN BLVD. AND KLAMATH LANE; APPLICANT, SOUTHERN CROSS, LLC; OWNER, JAMES R. SCOTT**

Katie Ertmer, Associate Planner, briefly explained what was being requested by the applicant.

Commissioner Sanbrook moved to grant an 18-month extension for Tentative Map #TM 05-09, was seconded by Commissioner Dukes and the motion passed by a voice vote of 6-0-1 (Chairman Takhar absent).

Public Hearings:

1. **PUBLIC HEARING: USE PERMIT #UP 07-05 FOR ESTABLISHMENT OF AN OFF-LEASH DOG RECREATION AREA LOCATED AT 2050 WILD RIVER DRIVE; ASSESSOR'S PARCEL NUMBER: 55-010-032; PROPERTY OWNER: CALIFORNIA DEPARTMENT OF TRANSPORTATION; APPLICANT: OFF THE LEASH DOG PARK, INC.**

Katie Ertmer, Associate Planner, presented a staff report.

Commissioner Sanbrook asked if the property located to the east is owned by Caltrans, and if it is vacant.

Ms. Ertmer stated that the property Commissioner Sanbrook spoke of is owned by Caltrans, and is vacant.

Vice Chairman Starkey opened the public hearing.

Steven Shoup, 1953 Johnathan Court, talked about the proposal and told the Planning Commission that the rest of the land has been leased to a rancher for an orchard, and stated that the majority of the neighbors are in favor of the dog park.

Commissioner Sanbrook asked the applicant where they are with Caltrans regarding insurance on the lease.

Mr. Shoup stated that Caltrans has approved a 2 million dollar insurance policy.

Commissioner Sanbrook asked if there is off-site parking.

Mr. Shoup stated there is off-site parking and that there are no houses facing the park.

Ms. Ertmer stated that staff is comfortable with parking on Wild River Drive.

Commissioner Sanbrook asked if there were any requirements for onsite parking.

Ms. Ertmer stated there were none.

Commissioner Dukes asked if there will be a maintenance fee charged for users of the park.

Mr. Shoup stated that funding will come from fundraising events.

Vice Chairman Starkey asked if there will be any landscaping.

Mr. Shoup said there will be some work done on the landscaping, and said there will be a mix of surfaces.

Vice Chairman Starkey asked if the restroom facilities would have some kind of buffering or fencing around them.

Mr. Shoup stated there would be port-a-potties, and said a lattice border of some kind could be placed around them.

Commissioner Dukes asked if there would be any tables or benches in the park.

Mr. Shoup said there would most likely be benches, and that tables really weren't needed in this type of facility, Mr. Shoup said there has already been a bench donated, and most likely there will be more donations. Mr. Shoup stated that the main concern would be to develop the hardscape surface areas first.

Commissioner Sanbrook mentioned the 50 foot setback requirement from homes, and asked if there is a setback requirement from the street.

Mr. Shoup said it was not advised due to environmental issues and cost.

Anthony Banas asked who would be policing the area.

Ms. Ertmer stated the applicant has proposed draft rules for the park and that they would be responsible for enforcement, and said that the Police Department would respond to calls as needed.

Commissioner Sanbrook asked if the rules should be incorporated as a part of the Conditions of Approval.

Ms. Ertmer stated it would be easy to add the rules as a condition of approval.

Anthony Banas asked what would happen if a dog gets loose.

Vice Chairman Starkey stated that the dog owner would be responsible for their dog(s), and would maintain the liability.

Ms. Ertmer added that the municipal code requires that dogs be on a leash.

Mark Banas, 2079 Gold River Drive, expressed his concerns about barking dogs already in the neighborhood. Mr. Banas also asked where the money would be coming from for the landscaping of the facility, and also expressed his concerns about transients using the park.

Ms. Ertmer stated that since this proposal is for a use permit, the applicant has to comply with the permit.

Vice Chairman Starkey asked if the use permit could be pulled if any conditions of approval are violated.

Mr. Ertmer stated that it could be pulled at any time if they are not complying with the Conditions of Approval.

Commissioner Sanbrook asked if it wouldn't be prudent to place a time limit on the permit since they have a 10 year lease on the site.

Ms. Ertmer said not necessarily, since the use would be required to comply with conditions of approval no matter what the time limit is.

Commissioner Sanbrook stated he doesn't want this to be a problem for the city, and thinks that it is something that is probably needed and has merit, and said he feels it is up to the applicant to police this operation so it doesn't become a nuisance.

Ms. Ertmer stated that there is the recommended language for the incorporating the draft rules into the conditions of approval.

Mr. Banas asked what the chances were of the Police Department responding to any calls regarding transients, or people in the dog park creating a disturbance.

Vice Chairman Starkey stated that he actually had an opportunity to ride along with a police officer and stated that calls are responded to in a timely manner.

Ms. Ertmer stated that the port-a-potties will be within a fence, which will be required to be locked within a half hour of sundown.

Jim Prager, 2531 Aurora Drive, talked about the dog park he saw in Austin, Texas, and said he feels this project would be of value to the community.

Sandra Rothe, 4098 Marlette Drive, stated that the dog park will be handicapped accessible. Ms. Rothe said there will be a small dog area and a large dog area, and said that gates will be locked after hours. Ms. Rothe said she has spoken with the Police Department and they are in favor of the dogs getting exercise, and read off some quotes from people who are in favor of dog parks.

Rose Alexander, 324 Lonley Oak, talked about the excessive amount of traffic in the area, the barking dogs, including her own, and the impact the dog park will have on the neighborhood, and stated her concerns about garbage.

Todd Alexander, 324 Lonley Oak, also spoke about the garbage and traffic problem.

Vice Chairman Starkey stated that the garbage issue has been addressed.

Commissioner Sanbrook stated he has looked at the lease and said it states that the use can be terminated on 90 day notice if it becomes a nuisance or if there are problems.

Chris Parent, 816 12<sup>th</sup> Street, Marysville, stated that they have talked to the Yuba City Police Department, and that they are in favor of the dog park, and said it also gives them places to do canine demonstrations, training and community outreach. Mr. Parent mentioned the orchard that will be going in on the remainder of the property, and stated that the orchard will also have workers, equipment, etc., that can cause the resident's dogs to bark. Mr. Parent stated the garbage issue is in their plan and will be taken care of and maintained.

Audrey Poole, 4810 Fortna Road, talked about her experience with a dog park.

Mr. Shoup stated that he belongs to four different dog parks, some of which used to be drug infested parks. Mr. Shoup said that people who bring their dogs to dog parks are responsible people, and good citizens. Mr Shoup said since they don't have much money, there will be hundreds of people who will volunteer labor to help construct the park.

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

Commissioner Dukes stated he had visited a dog park in Seattle and was pleasantly surprised, and said he sees the park as a great enhancement to the city.

Commissioner Flores stated that he is in favor of the dog park.

Commissioner Tomlinson stated that something like this needs to be located within the City, and that this property be put to good use as a dog park. Commissioner Tomlinson also stated he doesn't feel there will be a transient problem, but is concerned about the ongoing maintenance of the park, and would feel more comfortable with a two-year review of this permit.

Commissioner Didbal stated she is in favor of the park, and feels it would be a great service to the community. Commissioner Didbal said she has seen several dog parks in Roseville, and is impressed.

Commissioner Sanbrook stated that this is a worthwhile project which is needed in the community, and said he is impressed with the proposal.

Commissioner Sanbrook moved to approve Use Permit #UP 07-05 with a revision to condition #3 which now reads: "Rules governing the use of the park *as contained in Exhibit B, are hereby incorporated as Conditions of Approval of this Use Permit and shall be prominently posted outside the gate of the dog recreation area*", and adding an additional condition #24 to read: "*This Use Permit shall be reviewed by the Planning Commission within 24 months of approval to ensure compliance with the Conditions of Approval*", was seconded by Commissioner Didbal, and the motion passed by a vote of 6-0-1 (Chairman Takhar absent).

Commissioner Tomlinson and Vice Chairman Starkey recused themselves from the next item.

Commissioner Dukes took over as Vice Chairman.

**2. PUBLIC HEARING: GENERAL PLAN AMENDMENT #GP 07-04, REZONE #RZ 07-04, DEVELOPMENT PLAN #DP 07-07 FOR A 39,000 SQUARE FOOT FLEX OFFICE/INDUSTRIAL DEVELOPMENT LOCATED AT THE SOUTHEAST CORNER OF SUTTER STREET AND LAMON WAY; ASSESSOR'S PARCEL NUMBERS: 51-550-046; PROPERTY OWNER: TOMLINSON FAMILY TRUST; APPLICANT: MICHAEL TOMLINSON.**

Ms. Ertmer presented a staff report.

Ms. Ertmer suggested that the second sentence of Condition #3 be deleted so it is compatible with Condition #1.

Commissioner Sanbrook stated that in the General Plan Update in April of 2004, the City recognized this area as a manufacturing/processing/warehousing area.

Ms. Ertmer stated that the General Plan Update in 2004 only considered properties located in the City's Sphere of Influence, but not in the City's limits.

Commissioner Sanbrook asked Ms. Ertmer to confirm her statement that under the M2 district, this project would not be allowed.

Ms. Ertmer stated that the office portion of this project would not be allowed, and stated that the applicant is seeking to do a flexible use and allow the tenants or the potential future owners of the site to use more than a small fraction of this for office if they choose to do so.

Commissioner Sanbrook stated that anything allowed in an M2 District is allowed in an M1 District and asked if the proposal is limited to 40% of the area for office use.

Ms. Ertmer stated that they are holding it to 10-15% for office to maintain a true ancillary use.

Commissioner Sanbrook stated the zoning regulations allow up to 40%.

Ms. Ertmer stated she doesn't believe that is the case, and said that the Zoning Regulations let you use a certain amount for retail but only as it is produced on site and the office portion is ancillary and generally has been interpreted as allowing 10-15% to be used for office.

Commissioner Sanbrook asked if anything really needs to be done to accommodate this project.

Ms. Ertmer stated that would be best left to the applicant and their wishes for the project and said that to maintain the maximum flexibility, the CM District meets the needs of the applicant, and therefore the General Plan would need to be amended in order to get that CM designation.

Commissioner Sanbrook said that in looking at the General Plan, about 433 acres were set aside for the business/technology/light industry, and 88 acres for manufacturing/processing/warehousing.

Ms. Ertmer said that was correct, but believes that figure accounted for land within the entire sphere of the City, not just within the city limits.

Commissioner Sanbrook said the General Plan also suggests that the business/technology/light industry designations are reserved for areas that front along major transportation corridors, and that this area is not a major transportation corridor, and said he has concerns.

Ms. Ertmer stated that this project is immediately adjacent to State Route 20, and said with respect to the policy issues of reserving manufacturing land, and especially with this project, is not sure how realistic it is to anticipate a true M2 Heavy Industrial use ever being developed on this site.

Commissioner Sanbrook brought up the other uses in the area, and Ms. Ertmer stated those were also not true M2 uses. Ms. Ertmer said that this area is definitely a candidate for review when the next General Plan and zoning updates comes up.

Commissioner Dukes asked if the General Plan Amendment is combined with the other items on the agenda, and if it would count as one.

Ms. Ertmer stated that was correct and depending on what happens at this meeting, they are tentatively set to go before the City Council on September 18<sup>th</sup>.

Commissioner Sanbrook asked if the limit was four amendments to any mandatory element General Plan in a year.

Ms. Ertmer stated that was correct, and that they can all be bundled together into one resolution and would count as one amendment, and stated that this would be the second General Plan amendment of the year if it goes forward.

Commissioner Sanbrook asked when the next General Plan Update would be conducted on land within the current city limits.

Ms. Ertmer asked the Community Development Director to answer Commissioner Sanbrook's question.

Aaron Busch, Community Development Director, stated that the City is not required to do an update for another 5 years, in 2009, and said they are in the process of working on the Housing Element update which is mandated for completion by June 2008, and is the immediate focus for the General Plan. Mr. Busch said following that, they will be moving towards working on the update for the General Plan, and also stated that they are in the process of reviewing the zoning to ensure that current zoning is consistent with the existing General Plan designations.

Commissioner Sanbrook asked where the medical building is located in relation to the project.

Ms. Ertmer showed the area on a map.

Vice Chairman Dukes opened the public hearing

Mike Tomlinson, 1007 Live Oak Blvd., applicant, spoke about the roads in the area, and the change of zoning. Mr. Tomlinson also talked about long range plans for other properties he owns, and talked about what shape the property was in before bringing this proposal forward.

Commissioner Sanbrook asked Mr. Tomlinson if he planned to condo the project.

Mr. Tomlinson stated he was not planning to condo the project, but said he may in the future do a parcel map dividing each of the five buildings, and if sold, would be sold as stand-alone parcels with cross easements for parking, etc.

Commissioner Sanbrook asked about condition #56 regarding appropriate easements to facilitate the installation of the undergrounding of utilities.

Mr. Tomlinson stated that all the utilities they are referring to are currently on site, and that PG&E may be requiring an easement, and stated he is fully prepared to provide that easement for PG&E which is part of the development process.

John Neiswanger, 890 Von Geldern, said he has concerns about drainage of the property, and said other than that, he has no objections to the project.

Roger Key, Key and Associates, stated they are taking action regarding drainage on the property with storm drains.

Mr. Tomlinson talked more about the history of the drainage issue.

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

Commissioner Sanbrook moved to:

- A. Adopt the Mitigated Negative Declaration;
- B. Recommend that the City Council adopt the finding that General Plan Amendment #GP 07-04 is in the public interest;
- C. Recommend that the City Council approve General Plan Amendment #GP 07-04;
- D. Recommend that the City Council adopt the finding that Rezone #RZ 07-04 is consistent with the Yuba City General Plan;
- E. Recommend that the City Council approve Rezoning #RZ 07-04;
- F. Adopt the three findings for Development Plan #DP 07-07;
- G. Approve Development Plan #DP 07-07 subject to 56 conditions of approval with a modification to condition #3 deleting the second sentence, now to read: *“Approval of Development Plan #DP 07-07 shall be contingent upon approval of General Plan Amendment #GP 07-04 and Rezone #RZ 07-04 by the City Council.”*

The motion was seconded by Commissioner Flores, and passed by a vote of 4-0-3 (Vice Chairman Starkey and Commissioner Tomlinson recused, Chairman Takhar absent).

Commissioner Tomlinson and Vice Chairman Starkey returned to the dais, and Vice Chairman Starkey resumed the meeting.

**3. PUBLIC HEARING: GENERAL PLAN AMENDMENT #GP 07-03, REZONE #RZ 07-03, DEVELOPMENT PLAN #DP 07-05 FOR A 40,000 SQUARE FOOT CHRYSLER, JEEP, AND DODGE AUTOMOBILE DEALERSHIP LOCATED AT THE SOUTHWEST CORNER OF HARTER PARKWAY AND HIGHWAY 20; ASSESSOR’S PARCEL NUMBERS: 63-010-101, 63-010-102, 63-010-103; OWNER/APPLICANT: JOHN L. SULLIVAN FAMILY LIMITED PARTNERSHIP.**

Ms. Ertmer mentioned that the property is now owned by John L. Sullivan Family Limited Partnership.

Ms. Ertmer presented a staff report, and explained condition #1 which limits the use of the property to the sales and service of new and used autos and related activities. Ms. Ertmer also reviewed the findings.

Ms. Ertmer stated that Diana Langley, Senior Engineer was present and would address any concerns or issues pertaining to Public Works.

Ms. Ertmer went over signage and landscaping requirements and conditions that address those issues.

Commissioner Sanbrook stated he is supportive of the general plan amendment, but has a problem with the rezone with imposed conditions, and said he was under the impression that rezones cannot be conditioned.

Paulla Hyatt-McIntire, City Attorney, stated she sees nothing improper with conditioning a rezone.

Mr. Busch stated that through the “X” overlay zoning district is how the condition is applied, and said the underlying zoning is not changed.

Vice Chairman Starkey opened the public hearing

Denis Cook, representing Sullivan, talked about the new dealerships and their concerns about conditions of approval #2 (for Dodge) and #3 (for Toyota), regarding the length of time for the permit. Mr. Cook stated they would like it to say the permit would expire 2 years after City Council approval.

Ms. Ertmer stated that issue is taken care of by deleting the second sentence of condition #4.

Mr. Cook asked about condition #6 (for Dodge) and condition #7 (for Toyota) regarding sign height and size.

Ms. Hyatt-McIntire asked that each project be heard separately due to the Planning Commission's ability to vote.

Mr. Cook went back to condition #6 for Sullivan, and explained factors to allow larger signs.

Commissioner Dukes asked Mr. Cook what the square footage of the sign would be on the 20 foot sign he is requesting on Highway 20.

Mr. Cook said it would be around 152 to 153 square feet.

Commissioner Sanbrook stated that in looking at the sign regulations on monument signs, it says 10 feet is the maximum height and 64 square feet is the maximum square footage, and stated that these are not realistic limitations, and said it seems they should be changing that.

Mr. Cook suggested looking at the ordinance as a whole because not every project fits the code, and that this has happened many times before.

Commissioner Sanbrook stated it seems to him there is excellent visibility from both Highway 20 and Harter Parkway to this site, and said he doesn't see anything that interferes with the visibility of the operation.

Mr. Cook stated that with four or more businesses, you can have a higher sign, and said that this project is essentially several business, since it sells seven different makes of autos, so it has unique characteristics associated with this that don't apply to normal retail uses.

Mr. Cook brought up condition #8 regarding trees, and said he has concerns, and that there are already plenty of additional trees on the property. Mr. Cook also brought up condition #46c, and said the applicant should be able to pay fees upon occupancy rather than prior to issuance of a building permit.

Commissioner Dukes asked if this is a new requirement, and stated that in the past, fees were paid upon certificate of occupancy.

Mr. Busch stated that this is an option that allows the applicant to pay fees before they increase. Mr. Busch said the condition can be modified.

Mr. Cook stated the applicant would not like to pay fees until occupancy.

Mr. Busch said Condition #46c can be modified to state that fees may be paid prior to issuance of building permits, or paid prior to the issuance of certificate of occupancy, and stated that whatever fees they pay will be the fees that are in effect at the time of payment.

Vice Chairman Starkey asked if the square footage of the display area and square footage of the building would total enough square footage to allow a larger sign.

Mr. Busch stated that if the Planning Commission chose to go that route, it is a sliding scale, but cautioned the Commissioners that it opens a whole new issue on how signage area is calculated.

Vice Chairman Starkey asked Mr. Cook if they are in agreement with all the other conditions, and Mr. Cook stated they are in agreement.

Ms. Ertmer stated that condition #34 should be deleted as it was erroneously included in the staff report, and recommended that the Planning Commission delete it in their motion.

Commissioner Dukes asked when the street improvements had to be done for El Margarita and Spirit Way, El Margarita and Hwy. 20, Harter Parkway and Spirit Way, Lassen Blvd. and Tharp Road, and Lassen Blvd. and Walton Ave.

Diana Langley, Senior Engineer, stated that in the City's CIP for 2007-2008, they have budgeted to install the traffic signals at Walton/Lassen, and Lassen/Tharp within this next fiscal year, and said that the other signals were not warranted at this time, other than El Margarita and Hwy. 20, but are anticipating that with the construction of the access opening of Harter Parkway onto Hwy. 20, that will alleviate traffic issues at El Margarita and Hwy. 20. Ms. Langley said that at El Margarita and Spirit Way, once school has started, traffic counters will be put out to see if an all-way stop is warranted.

Commissioner Sanbrook asked about fair share.

Ms. Langley stated that Condition #48 addresses that issue and explained.

Commissioner Sanbrook asked specifically what the fair share would be for El Margarita and Spirit Drive.

Ms. Langley stated that percentage was determined in 2004 with the development of the River Valley Estates project. Ms. Langley said the estimates in dollars are being updated to account for the actual cost of construction.

Bill Kinsey, representing Sullivan, stated that Mr. Sullivan is looking forward to moving his dealership to Yuba City, and talked about signage and landscaping. Mr. Kinsey passed out a drawing of another dealership in regards to trees.

Vice Chairman Starkey asked Mr. Kinsey about some kind of feature located at the corner of Harter and Hwy. 20.

Mr. Kinsey said it is a landscaped berm where cars will be displayed.

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

Commissioner Sanbrook stated that there is no indication that visibility will be limited, and mentioned what the applicant has brought up about having 4 monument signs

Ms. Ertmer stated that with respect to signage, staff feels that there is not a visibility problem at this location, and that other dealerships have been able to meet the 10 foot requirement, with the exception of Wheeler whose sign was constructed prior to the regulations going into effect, making it an existing non-conforming sign. Ms. Ertmer said staff disagrees with the contention that the multiple franchises count as multiple businesses in this location.

Commissioner Sanbrook asked what findings the PC would need to make to be able to deviate from the sign regulations as they currently exist.

Ms. Ertmer said that in the Development Plan there would be no findings, but if you were doing a use permit for a sign without a Development Plan, there would be a limited visibility finding that is required.

Commissioner Dukes asked how larger signage could be allowed under an “X” zone.

Ms. Ertmer stated that staff feels that the “X” zone should not be used in reducing standards in the Zoning Regulations.

Mr. Busch stated that the use permit is covered through the Development Plan, so if the Planning Commission wants to do something other than what’s allowed by code, they can make that approval subject to the conditions of the Development Plan.

Commissioner Sanbrook stated that the zoning regulations state that a finding must be made for signage that has limited visibility from the adjacent public roadway, and staff is saying that doesn’t exist.

Ms. Ertmer stated that as a part of the Development Plan a finding is not required.

Mr. Busch stated that if the Planning Commission is interested in looking at something other than what the regulations allow, and the Planning Commission’s action is based on a particular finding, they can certainly include that as part of their action.

Mr. Cook talked about the “X” district, and said they are asking for the exception under the “X” district. and talked about the three findings in Article 38.

Mr. Busch stated that the “X” district can be applied for a variety of different things and what staff has proposed is that the “X” district be applied for limitations on the use of the site at the car dealership, and what the applicant is proposing is to expand the application of the “X” district to accommodate the exceptions they are seeking. Mr. Busch stated that what staff has suggested is that if the Planning Commission wishes to do what the applicant is seeking or something different than what staff is proposing, there are other mechanisms to do so, not just through the “X” district.

Vice Chairman Starkey stated that they need to deal with conditions #6 and #8.

Commissioner Tomlinson stated that car dealerships have different demands and different needs, and said he feels he cannot find a reason for changing the sign ordinance requirement, but would agree with their landscape plan, and also said he has a problem with approving a non-compliant sign.

Commissioner Flores had no comment.

Commissioner Dukes said that regarding visibility, over 2/3 of the property is hidden by trees, which should allow a larger sign.

Commissioner Didbal stated she agrees with Commissioner Tomlinson, and said they need to stay with the zoning ordinance in regards to signage. Commissioner Didbal also stated that regarding landscaping, she is not sure if all the trees are needed.

Commissioner Sanbrook said if the regulations in the Sign Ordinance are not realistic, they need to be changed. Commissioner Sanbrook stated he is conflicted on four signs at 10 ft. tall and 64 square feet each (256 square feet total), vs. one sign at 20 ft. tall and 152 square feet.

Commissioner Tomlinson said the applicants are seeking better visibility, and doesn't see that there is a visibility issue at this site if the Planning Commission were to grant the applicant's request for fewer trees.

Commissioner Sanbrook said he can live with the landscape plan they have submitted, and feels it is adequate.

Commissioner Flores stated that the landscape plan and signage is good.

Vice Chairman Starkey said the landscape plan is OK, and regarding signage, said there are different uses, and different circumstances.

Commissioner Dukes asked the applicant if the different car dealerships are considered separate businesses or are they combined as one business for that property.

Mr. Kinsey stated they are separate franchises.

Commissioner Dukes stated that essentially, they are three separate businesses.

Commissioner Sanbrook stated the zoning regulations state that you need to have four or five businesses to get more signage.

Mr. Busch confirmed that there needs to be five or more businesses.

Commissioner Tomlinson asked the Chair to recognize Mr. Downing.

Steve Downing, Yuba City Toyota, 1340 Bridge Street, talked about the signage, and said monument signs are by far the nicest. Mr. Downing used Lowe's 24 foot sign as an example of how fast signs can get covered by trees. Mr. Downing said he feels a smaller sign would eventually be covered by trees.

John Ochipinti, 2319 Lincoln Road, spoke about signage visibility, and said he feels reviewing the sign ordinance would be a good idea.

Commissioner Tomlinson stated that the ordinance calls for more trees which staff has asked for, and said they cannot relax the requirements in this case when everyone else has had to comply. Commissioner Tomlinson said he is willing to look at the sign ordinance again.

Commissioner Dukes spoke about the Feather Down shopping center, and how one cannot see any of the businesses in there due to the mature landscaping, and asked if Geweke Ford was required to put in the same trees and subject to the same ordinance.

Ms. Ertmer said that Geweke Ford was required to put in the same trees.

Mr. Cook disagrees that the proposed project needs more trees.

Commissioner Tomlinson asked if the ordinance says that the trees have to be placed 30 feet apart on all of the frontages and are we asking them to do that.

Mr. Cook said no.

Ms. Hyatt-McIntire told the Planning Commission to consider breaking up the vote on each application.

Commission Sanbrook asked Ms. Hyatt-McIntire if she had any input on sign height requirement.

Ms. Hyatt-McIntire said she believes it is a policy decision, and there is no need to make specific findings, and said the conditions can be changed.

Commissioner Dukes asked if they have the freedom to change a condition.

Ms. Hyatt-McIntire said it is a policy condition, not a legal issue right now.

Vice Chairman Starkey asked if the landscape plan is OK, is there was any objection to removing condition #8.

Mr. Cook asked that condition #2 be deleted.

Ms. Ertmer stated that the effective approval date of this application is when the Planning Commission wishes to approve it, and said that Planning Commission is the approving body for the Development Plan. Ms. Ertmer said the Development Plan is contingent upon approval by of the General Plan Amendment and Rezone which will be heard by City Council at a later date.

Vice Chairman Starkey suggested the date of expiration be within 2 years of the date of City Council approval.

Ms. Hyatt-McIntire asked Ms. Ertmer where the code was regarding expiration of a permit.

Ms. Ertmer stated it is Article 71, Section 8-5.7105.

Mr. Busch explained that if the project is approved tonight, the applicant can submit for a building permit application, but it should be pointed out that they have to go through the improvement plans review process, and the plan check review process, which does take some time. Mr. Busch stated that while the

General Plan Amendment and Rezone are going forward to the City Council, we could be doing them a favor in the event the applicant is even ready to submit the application. Mr. Busch said that if in the event the General Plan Amendment and Rezone gets pushed off to a later date, that could be reason for argument, but it is staff's intent that the Planning Commission give a recommendation tonight and will be forwarding on to the City Council in September.

Ms. Hyatt-McIntire stated that the ordinance does provide 2 years from the date of approval, and that the only requirement is that building construction be substantially commenced, in this case, a foundation, within 2 years.

Commissioner Tomlinson asked the applicant if there are certain sign packages that are required.

Mr. Kinsey said there are, but they can ask for changes to the package. Mr. Kinsey stated they always try to work with Cities.

Commissioner Sanbrook moved to:

- A. Adopt the Mitigated Negative Declaration;
- B. Recommend that the City Council adopt the finding that General Plan Amendment #GP 07-03 is in the public interest;
- C. Recommend that the City Council approve General Plan Amendment #GP 07-03;
- D. Recommend that the City Council adopt the finding that Rezone #RZ 07-03 is consistent with the Yuba City General Plan;
- E. Recommend that the City Council approve Rezoning #RZ 07-03.

The motion was seconded by Commissioner Dukes, and passed by a vote of 6-0-1 (Chairman Takhar absent).

Commissioner Sanbrook moved to:

- F. Adopt the three findings for Development Plan #DP 07-05, and add two additional findings to read:
  - #4: *'The revision to the development standards will not cause a project to occur that will be incompatible with existing or planned surrounding land uses.'*
  - #5: *"The quality of the development will be as good as or better than would be accomplished through traditional zoning."*
- G. Approve Development Plan #DP 07-05 subject to 52 conditions of approval with the following changes:
  - \* Delete the last sentence of Condition #4, to read: *"Approval of Development Plan #DP 07-05 shall be contingent upon approval of General Plan Amendment #GP 07-03 and Rezone #RZ 07-03 by the City Council"*;
  - \* Make a modification to Condition #6, to read: *"The proposed monument sign shall be limited to a maximum height of 20 feet and maximum area of 156 square feet, as shown on sheet # SA-4.1 of Exhibit D, "project plans"'*;
  - \* Remove Condition #8;
  - \* Remove Condition #34;
  - \* Make a modification to Condition #46c to read: *"Prior to the issuance of building permits, or at the Developer's option, prior to the issuance of Certificate of Occupancy, 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.”.

The motion was seconded by Commissioner Dukes, and passed by a vote of 4-2-1 (Commissioner Tomlinson no, Vice Chairman Starkey no, and Chairman Takhar absent).

Vice Chairman Starkey and Commissioner Tomlinson recused themselves and left for the remainder of the meeting.

Commissioner Dukes took over as Vice Chairman.

**4. PUBLIC HEARING: GENERAL PLAN AMENDMENT #GP 07-02, REZONE #RZ 07-02, DEVELOPMENT PLAN #DP 07-04 FOR A 66,000 SQUARE FOOT TOYOTA AND SCION AUTOMOBILE DEALERSHIP LOCATED AT THE SOUTHEAST CORNER OF HARTER PARKWAY AND HIGHWAY 20; ASSESSOR’S PARCEL NUMBERS: 63-010-099, 63-010-100; APPLICANT: STEVE DOWNING ET AL, LLC; PROPERTY OWNERS: ROY LANZA AND JASWANT BAINS.**

Ms. Ertmer asked if she could just point out only the differences to the previous project.

The Planning Commissioners agreed.

Ms. Ertmer recommended that the Planning Commission adopt the same conditions as the Sullivan project. Ms Ertmer stated that there are three different conditions in this project that were not in the previous project, and started with Condition #5, to recommend deletion of the second sentence, recommend deletion of Condition #9, and to recommend that condition #35 read as follows: *“River Valley Court shall remain a private driveway and shall be constructed to meet the City’s Commercial Driveway Standards.”*

Ms. Ertmer said they would further recommend that Condition #47c be modified in order to allow for payment at the pleasure of the project proponent. Ms. Ertmer said that Condition #8 should be modified to read *“west”* instead of east.

Vice Chairman Dukes asked for clarification on Condition #35.

Ms. Ertmer explained.

Vice Chairman Dukes opened the public hearing.

Denis Cook, representing Yuba City Toyota, asked for modifications to condition #2. Mr. Cook asked for expansion of the area from 1.26 acres to 2.5 acres.

Ms. Ertmer explained that the reason for the limitation was to avoid having to do a traffic study, and asked Ms. Langley if she had any input.

Ms. Langley stated that the area has been studied several times and would not trigger the need for another study.

Ms. Ertmer asked if that area was required for employee parking.

Mr. Cook stated they would continue to use it for employee parking, but wanted to avoid it being exclusive for auto sales and service because if they ever wanted to add another dealership, the 1.26 acres would not be sufficient, they would need the additional 2.5 acres.

Commissioner Sanbrook asked from an environmental view, are there any complications.

Ms. Ertmer said the only thing would be a traffic study, which would not be triggered in this case.

Mr. Busch stated that the Planning Commission can give an advisory recommendation to the City Council.

Commissioner Dukes needed clarification if the zoning would be changed, or would it stay the same.

Ms. Ertmer stated it would be changed from CO to C3.

Commissioner Sanbrook asked if there would be limitations as we now have on the balance if the property.

Ms. Ertmer stated that was correct, and that right now you can only build offices there.

Commissioner Sanbrook asked if another dealership could be built there.

Ms. Ertmer said that would be allowed also.

Mr. Busch said that whatever comes in on that site, will be mandated to meet all the parking requirements and setback requirements, and future developers will have to demonstrate compliance through the development review process. Mr. Busch suggested that we take the opportunity to finalize the review between now and when it goes for final action.

Ms. Hyatt-McIntire stated that what she thinks is being asked is that before the conditions are approved that we make a finding that the rezone is consistent with the General Plan.

Mr. Busch said that in a sense we are modifying the exhibits that are being presented to the Planning Commission tonight because the "X" zone will be expanded from that corner all the way across the southern boundary of the property.

Ms. Hyatt-McIntire asked Mr. Busch that other than finding it is consistent with the General Plan, what else might be considered for change.

Mr. Busch stated that on the surface he doesn't see anything, so maybe to protect ourselves if there is difficulty in giving us that room between now and Council then we just make a condition that the future development of that site, as expanded, must comply with all city rules, standards and policies in effect at the time they develop.

Ms. Ertmer said that from a noticing standpoint, the notice went out did say "to a zone deemed appropriate", so she thinks it is OK to make the change.

Ms. Hyatt-McIntire stated there is no problem with making the change, but it needs to be here before it goes to the City Council.

Commissioner Dukes said if it became an issue and something came up between now and the City Council date, the Council could make the decision.

Mr. Busch stated that he doesn't see anything happening, but if we include the condition that the future development of that site, as expanded, must comply with all city rules, standards and policies in effect at the time they develop, we should have no problem.

Ms. Ertmer stated that the worst case scenario would be that it has to be brought back before the Planning Commission before it goes to Council, and as long as the applicant understands that, there should be no problem.

Mr. Cook said that tonight's decision is a recommendation to the City Council and said that Mr. Busch is saying he doesn't see a problem but would like to look at it closer, and we would expect that within the next 30 days if he found something different, he would present that to the Council, and we understand that, but reserve the right to disagree and discuss.

Mr. Busch stated that we support that and would have to include some reference that the boundary of the additional "X" zone would be expanded, and if we do find something, staff will share that with the applicant and include in the recommendation to the City Council.

Mr. Downing thanked staff and the Planning Commission for being helpful and for their support, and stated that this community has forward-thinking and vision.

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

Mr. Busch stated that if the Planning Commission wishes to accommodate the applicant's request to expand the boundaries of the rezone, they would need to modify Actions C and E to read at the end of the sentence: "*as shown on Exhibit B as modified boundaries along said property line*".

Vice Chairman Dukes also asked if Condition #2 would need to be modified to show the expansion.

Mr. Busch said that was correct.

Commissioner Sanbrook moved to:

- A. Adopt the Mitigated Negative Declaration;
- B. Recommend that the City Council adopt the finding that General Plan Amendment #GP 07-02 is in the public interest;
- C. Recommend that the City Council approve General Plan Amendment #GP 07-02;
- D. Recommend that the City Council adopt the finding that Rezone #RZ 07-02 is consistent with the Yuba City General Plan;
- E. Recommend that the City Council approve Rezone #RZ 07-02 as modified in the revised Conditions #1 and #2;

- F. Adopt the three findings for Development Plan #DP 07-04, and add two additional findings to read:  
#4: *‘The revision to the development standards will not cause a project to occur that will be incompatible with existing or planned surrounding land uses.’*  
#5: *‘The quality of the development will be as good as or better than would be accomplished through traditional zoning.’*;
- G. Approve Development Plan #DP 07-04 subject to 54 conditions of approval with the following changes:
- \* Make a modification to Condition #1 to read: “The use of the *northerly 6.14 acres of the project* shall be limited to the sales and service of new and used automobiles and related activities.”;
  - \* Make a modification to Condition #2 to read: “The sale of alcohol and tobacco shall not be permitted on the *southerly portion* of the site, shown on the project plans as “undeveloped area”, *and the area located to the east of the undeveloped area.*”;
  - \* Make a modification to Condition #5 to read: “*Approval of Development Plan #DP 07-04 shall be contingent upon approval of General Plan Amendment #GP 07-02 and Rezone #RZ 07-02 by the City Council*”;
  - \* Make a modification to condition #7 to read: “The proposed monument sign shall *be limited to a maximum height of 20 feet and maximum area of 170 square feet, as shown on sheet # SG-1 of Exhibit D, ‘project plans’*”;
  - \* Make a correction to Condition # 8 to read: “The applicant shall be required to install landscaping along 20% of the *west* building frontage as required by the Yuba City Zoning Regulations.”
  - \* Remove condition #9;
  - \* Make a modification to condition #47c to now read: “Prior to the issuance of building permits, *or at the Developer’s option, prior to the issuance of Certificate of Occupancy*, 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.”

The motion was seconded by Commissioner Didbal, and passed by a vote of 4-0-3 (Vice Chairman Starkey and Commissioner Tomlinson recused, Chairman Takhar absent).

Commission Discussion: - None

Other Business: - None

Report on Actions of the City Council: - None

Adjournment: There being no further business, the meeting was adjourned at 10:32 p.m.

Respectfully submitted,

Roberta Kyle, Secretary  
YUBA CITY PLANNING COMMISSION