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

Regular Meeting
May 28, 2008 - 7 p.m.
City Hall Council Chambers
1201 Civic Center Boulevard

YUBA CITY PLANNING COMMISSION
AGENDA

Commissioner Craig Starkey (Chairman)

Commissioner Preet Didbal (Vice Chair)

Commissioner John Sanbrook

Commissioner Satwant Takhar

Commissioner Mike Tomlinson

Commissioner John Dukes

Commissioner Jana Shannon

Roll Call

Pledge of Allegiance

Approval of minutes from meeting held on May 14, 2008

Appearance of Interested Citizens*

Correspondence: - None

Commission Consideration:

1. Request for an 18-month extension of time for filing the final map for Tentative Map #TM 06-02; Applicant/Owner, Joginder & Manjit Dulai.

Public Hearing:

1. Use Permit #07-14. Use Permit for a drive-thru lane with 2 drive-thru windows on an existing building; located at 995 Tharp Road; APN 58-050-041; Applicant/Owner, Russ Clark/R&D Foods.
2. Use Permit #08-02. Use Permit for the continued use of a modular classroom; located at 1764 Tierra Buena Road; APN 62-052-024; Applicant/Owner, River Valley Christian Fellowship.
3. Tentative Subdivision Map #SM 05-06. Tentative Subdivision Map request to create a subdivision totaling 50 lots for single family residential development on an 11.30 acre project site; located on the east side of Township Road and approximately one-quarter mile north of Colusa Highway (SR 20), south of the Sutter County Bicycle Path; APN 62-020-079. In addition to the Tentative Subdivision Map, the application also includes a proposed Development Agreement with the City and a developer-prepared Township Road Area Technical Master Plan. The Master Plan

responds to a City-identified need to prepare an all-inclusive master plan document for the project site and for adjoining lands. Applicant/Owner, A&G Montna Properties, LP.

4. General Plan Amendment #GP 08-02 and Subdivision Map #08-01. General Plan Amendment and Tentative Subdivision Map to accommodate a 25-lot subdivision; located on 5.65 acres north of Smith Road and west of Gilsizer Slough; APN 56-030-065; Applicant, Darrell Bolognesi; Owner, Braddock and Logan.

Commission Discussion: - None

Other Business: - None

Report on Actions of the City Council

Adjournment

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



City of Yuba City
Planning Division Agenda Report
Planning Commission Meeting

May 28, 2008

DATE: May 23, 2008
TO: Yuba City Planning Commission
FROM: Community Development Department
SUBJECT: Agenda Report – Meeting of May 28, 2008

COMMISSION CONSIDERATION:

- 1. REQUEST FOR AN 18-MONTH EXTENSION OF TIME FOR FILING THE FINAL MAP FOR PARCEL MAP #TM 06-02; APPLICANT/OWNER: JOGINDER AND MANJIT DULAI**

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

Project Description:

On May 10, 2006, the Planning Commission approved Parcel Map #TM 06-02 to subdivide a 0.92-acre lot into two single-family lots to be 0.46 acres each (See Attachment 1). The expiration date for the filing of the final map was May 10, 2008.

The applicant has requested an extension of time for filing the final map for #TM 06-02 (See Attachment 2).

Recommended Action:

Grant an 18-month extension of time which will extend the final filing date for Parcel Map #TM 06-02 to November 10, 2009.

PUBLIC HEARING:

- 1. USE PERMIT UP 07-14 FOR A DRIVE-THRU FACILITY ON AN EXISTING BUILDING; 995 THARP ROAD; ASSESSOR'S PARCEL NUMBER 58-050-041; APPLICANT/OWNER: RUSS CLARK, R & D FOODS**

Project Description:

The applicant is requesting a Use Permit to install a drive-thru facility consisting of a single lane and two drive-thru windows on an existing building located at 995 Tharp Road. The proposed project will convert a portion of the vacant building (formerly a professional office) into a Carl's Jr., which requires the installation of the drive-thru. The drive-thru meets all City and Caltrans requirements pertaining to screening the vehicles so that headlight glare does not interfere with traffic on the public right-of-way. Only minor modifications are proposed for the site and the building.

Property Description:

The 0.91-acre project site is located at the northeast corner of State Route 20 and Tharp Road. The property has been formerly used as a mult-tenant office, although it is currently vacant. (See Attachment 1, "Aerial Photo")

General Plan Designation:

Regional Commercial

Zoning Classification:

General Commercial (C-3) District

Surrounding Land Use:

North: State Route 20, various commercial uses including Sutter Buttes Marketplace, Home Depot, and Walgreens

South: Parking lot, Lowes

East: Parking lot, Sam's Club gas station

West: Tharp Road, various commercial uses including Union Bank of California and Sierra Lube Express

Previous Commission Actions and/or Policies:

None

Environmental:

A Negative Declaration (Exhibit A) was prepared for the project and is attached for Commission review and consideration. Staff requests that the Planning Commission adopt the attached Negative Declaration for the Use Permit for a drive-thru facility on an existing building.

Staff Comments:

Staff recommends approval of this project as it will be a good use of an existing, underutilized building and corner. As can be seen on the elevations (Exhibit C) the applicant proposes only

minor modifications to the building to accommodate the new drive-thru windows and Carl's Jr. signage. The mature trees located along the street frontages shall remain. The applicant is adding a four-foot-high screen wall with a berm topped with vegetation to screen the vehicles waiting in line from passing motorists.

Listed below in bold, italicized font are the findings required to approve the Use Permit, followed by staff's analysis of each finding.

1. The proposal is consistent with the General Plan.

Staff analysis: The property is zoned C-3, General Commercial District, which is consistent with the existing General Plan designation of Regional Commercial. Section 8-5.1402 of the Yuba City Zoning Regulations allows drive-thru facilities with the issuance of a use permit from the Planning Commission.

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: The 0.91-acre site is adequate to accommodate the addition of a drive-thru lane and the required screening landscaping. All other improvements that are currently on the site will remain and, as proposed, are adequate to meet the requirements of the Zoning Regulations pertaining to access, parking, loading, yards, and landscaping. The addition of the drive-thru lane will not adversely impact on-site pedestrian or vehicular circulation or conflict with the existing parking lot improvements.

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

Staff analysis: The Engineering Division conducted a traffic analysis of the proposed restaurant use and determined that the incremental increase in traffic due to the addition of the drive-thru will be less than 50 peak hour trips. Since this is considered to be insignificant, a full traffic study was not required. Caltrans concurred with this assessment. State Route 20 and Tharp Road are adequate to carry the quantity of traffic generated by the proposed drive-thru. Condition #6 requires the property owner to dedicate right of way and an easement consistent with the ultimate build-out of Tharp Road. This condition ensures that when conditions warrant construction of a dedicated right turn lane, the City will have the right-of-way necessary to construct said improvements.

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

Staff analysis: The applicant proposes to make only minor modifications to the existing building. The modifications meet the requirements of the Zoning Regulations and the Yuba City Commercial Design Guidelines. Condition #9 requires the four-foot tall screen wall with a berm planted with vegetation to be installed prior to issuance of the certificate of occupancy. This requirement ensures that vehicles queued in the drive-thru lane will be minimally visible from the public right-of-way.

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: The establishment of a drive-thru facility on an existing building at the proposed location will not be detrimental to the health, safety, peace, comfort, and general welfare of persons working in the vicinity of the project. Staff considers the proposed drive-thru to be a minor modification to the existing land use. As such, the drive-thru will not be detrimental or injurious to property and improvements in the neighborhood.

Recommended Action:

Staff recommends that the Planning Commission take the following actions:

- A. Adopt the following findings:
 1. Use Permit UP 07-14 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 drive-thru facility.
 4. The site design and size and design of the building will complement neighboring facilities.
 5. The establishment or operation of the drive-thru facility will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the vicinity of the proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.
- B. Approve the requested use permit for a drive-thru facility on an existing building subject to the following 9 conditions of approval:

General

1. The Conditions of Approval shall be attached to, and be made an integral part of, the improvement plans.
2. Paved areas shall be swept frequently (water sweeper with reclaimed water recommended; wet broom) if soil material has been carried onto paved areas.
3. Sidewalks within and adjacent to the construction area shall be kept clean and remain accessible for American Disability Act compliance.

4. Storage of construction material is not allowed in any travel way.
5. The following minimum Best Management Practices (BMPs) shall be required during construction:
 - a. 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.
 - b. 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.
 - c. 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.
 - d. Protect drain inlets from receiving polluted storm water through the use of filters such as fabrics, gravel bags or straw wattles.
 - e. Be prepared for rain and have the necessary materials onsite before the rainy season.
 - f. 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 Issuance of Building Permit

6. Pursuant to Section 8-5.6201 of Article 62 in the Yuba City Municipal Code, applicant shall dedicate to City a 12.0 foot wide strip of land on the east side of Tharp Road, along with a 10.0 foot public utility easement. The easement shall be easterly and contiguous to the land dedication.

Prior to Issuance of Certificate of Occupancy

7. All domestic, landscape, and fire service lines shall have reduced pressure backflow preventers.
 8. 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.
 9. The four-foot screen wall shall be constructed, and a berm planted with landscaping (shrubs) shall be installed, along the length of the drive-thru lane.
- 2. USE PERMIT UP 08-02 FOR THE CONTINUED USE OF A ODULAR CLASSROOM; 1764 TIERRA BUENA ROAD; ASSESSOR'S PARCEL NUMBER 62-052-024; APPLICANT/OWNER: RIVER VALLEY CHRISTIAN FELLOWSHIP**

Project Description:

The applicant is requesting a Use Permit to continue using a previously-approved, 1,440 square foot modular building for Sunday school classroom space on the River Valley Christian Fellowship church site. The classroom space will continue to be used for children in grades 1 through 6 on a temporary basis until a permanent building can be constructed.

Property Description:

The 0.86-acre project site is located on the west side of Tierra Buena Road, south of Butte House Road. The site is currently developed with a 3,950 square foot church sanctuary, a 2,450 square foot fellowship hall, a 1,100 square foot office, assorted accessory structures, and parking areas. There are no street frontage improvements in the vicinity of the property. The applicant is currently applying for permits to construct a parking lot across the street from the church, on property owned by the applicant. Although the parcel on which the parking lot is located is in Sutter County, the applicant worked with the City to ensure that the proposed parking lot meets all City standards. (See Attachment 1, “Aerial Photo”)

General Plan Designation:

Low Density Residential

Zoning Classification:

One-Family Residence (R-1) District

Surrounding Land Use:

North: Commercial uses

South: Single-family residences

East: Tierra Buena Road, church parking lot, Redding Avenue, single-family residences

West: Single-family residences, Tierra Buena School

Previous Commission Actions and/or Policies:

On January 11, 2006, the Planning Commission approved UP 05-05 for the installation of the modular building that is the subject of this report.

Environmental:

The proposed project is Categorical Exempt from the California Environmental Quality Act in accordance with Section 15303 of the CEQA Guidelines, pertaining to projects located in an urbanized area when the surrounding area is not environmentally sensitive.

Staff Comments:

The property was developed while the parcel was still located in the County, and as a result, the property does not conform to City standards with respect to street frontage improvements,

parking, and landscaping. However, staff recommends approval of this project because the applicant is making incremental good-faith efforts to construct and install permanent improvements that will bring the entire property up to the current City standards. For example, the church has purchased a parcel across the street and is currently in the process of constructing a permanent parking lot that meets City standards with respect to landscaping, lighting, and parking space dimensions. Considerable investments will need to be made to meet all current City standards on the parcel on which the church itself is situated. Given the applicant's demonstrated willingness to construct permanent improvements, staff considers it reasonable to approve the Use Permit for the continued use of the modular units in order to provide the applicant with additional time to raise money for and make the necessary improvements associated with a permanent structure.

Listed below in bold, italicized font are the findings required to approve the Use Permit, followed by staff's analysis of each finding.

1. The proposal is consistent with the General Plan.

Staff analysis: The property is zoned R-1, One-Family Residence District, which is consistent with the existing General Plan designation of Low Density Residential District. Nothing has changed with respect to the locational criteria for churches outlined in Section 8-5.5003(B) of the Zoning Regulations since the Planning Commission last approved this project. The proposal remains consistent with the General Plan.

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

Staff analysis: The 0.86-acre site is adequate to accommodate the continued use of the modular building for classrooms. Additionally, the applicant has acquired the parcel across the street to accommodate the required parking for the church.

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

Staff analysis: The continued use of the modular building for Sunday school classrooms will not generate any additional traffic beyond that which is currently generated by the church and the classroom. Tierra Buena Road and Butte House Road are adequate to continue carrying the traffic generated by the continued use of the temporary classrooms.

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

Staff analysis: As it is a temporary use, the modular building does not meet the standards in the Yuba City Design Guidelines, although it does meet the requirements of the Building Code. The modular building has been painted to match the existing church buildings. It is located in the back of the lot and is barely visible from the public right-of-way. With the exception of the modular classroom, all improvements on the site were developed when the property was in the County. However, as previously noted, the applicant is taking steps to improve the site so that it

meets current City standards.

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: Staff has received no complaints from neighbors, and as of the writing of this report, staff has not received comments on the public notice that was mailed to property owners in the vicinity of the project. When it was originally approved, the Planning Commission made the finding that the temporary use of the modular building will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing in the vicinity of the use. As there have been no changes over the past two years, staff considers the continued temporary use of the modular building not to be detrimental to the health, safety, peace, comfort, and general welfare of persons residing in the vicinity of the church.

Recommended Action:

Staff recommends that the Planning Commission take the following actions:

- A. Adopt the following findings:
 1. Use Permit UP 08-02 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 temporary use of a modular building for Sunday school classrooms.
 4. The site design and size and design of the building will complement neighboring facilities.
 5. The establishment or operation of the use or building applied for will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the vicinity of the proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.
- B. Approve the requested use permit to continue using a 1,440 square foot modular building for temporary Sunday school classrooms subject to the following 2 conditions of approval:

General

1. Approval of Use Permit UP 08-02 shall be valid for a two-year period, expiring on May 28, 2010.

2. Use Permit UP 08-02 is approved as shown in Exhibit A and as conditioned herein.

3. **TENTATIVE SUBDIVISION MAP #SM 05-06. TENTATIVE SUBDIVISION MAP REQUEST TO CREATE A SUBDIVISION TOTALING 50 LOTS FOR SINGLE FAMILY RESIDENTIAL DEVELOPMENT ON AN 11.30 ACRE PROJECT SITE; LOCATED ON THE EAST SIDE OF TOWNSHIP ROAD AND APPROXIMATELY ONE-QUARTER MILE NORTH OF COLUSA HIGHWAY (SR 20), SOUTH OF THE SUTTER COUNTY BICYCLE PATH; APN 62-020-079. IN ADDITION TO THE TENTATIVE SUBDIVISION MAP, THE APPLICATION ALSO INCLUDES A PROPOSED DEVELOPMENT AGREEMENT WITH THE CITY AND A DEVELOPER-PREPARED TOWNSHIP ROAD AREA TECHNICAL MASTER PLAN. THE MASTER PLAN RESPONDS TO A CITY-IDENTIFIED NEED TO PREPARE AN ALL-INCLUSIVE MASTER PLAN DOCUMENT FOR THE PROJECT SITE AND FOR ADJOINING LANDS. APPLICANT/OWNER, A&G MONTNA PROPERTIES, LP.**

Recommended Action:

Per the applicant's request, staff recommends that the Planning Commission continue this item to the June 11, 2008 Planning Commission meeting.

4. **GENERAL PLAN AMENDMENT #GP 08-02 AND SUBDIVISION MAP #08-01. GENERAL PLAN AMENDMENT AND TENTATIVE SUBDIVISION MAP TO ACCOMMODATE A 25-LOT SUBDIVISION; LOCATED ON 5.65 ACRES NORTH OF SMITH ROAD AND WEST OF GILSIZER SLOUGH; APN 56-030-065; APPLICANT, DARRELL BOLOGNESI; OWNER, BRADDOCK AND LOGAN.**

Recommended Action:

Staff recommends that the Planning Commission continue this item indefinitely, and will re-notice the item when it is ready to go forward.