



DATE: February 22, 2008
TO: Yuba City Planning Commission
FROM: Community Development Department
SUBJECT: Agenda Report – Meeting of February 27, 2008

PUBLIC HEARINGS

1. **PUBLIC HEARING: USE PERMIT UP 07-12 FOR OPERATION OF A RECYCLING FACILITY LOCATED AT 140 EPLEY DRIVE; ASSESSOR'S PARCEL NUMBERS: 54-083-014 AND 54-083-023; APPLICANT: RECYCLING INDUSTRIES, INC.; OWNER: ALLEN FAMILY TRUST**

Project Description:

The applicant is requesting a use permit to relocate an existing recycling facility from its current location at 389 Wilbur Avenue to the new location at 140 Epley Drive. The subject property is zoned M-2, Industrial District and is currently occupied by five metal buildings which will be used for the proposed use. There will be no expansion of the applicant's current operations. The applicant proposes no modifications to the existing buildings and only minor modifications to the site to bring it into compliance with the City's parking and landscape requirements. Section 8-5.2101 requires proponents of recycling facilities in the M-2 District to obtain a use permit from the Planning Commission.

Property Description:

The project site is located at the southwest corner of Epley Drive and Putman Avenue. Street improvements (curb, gutter and sidewalk) exist along the frontage of both parcels. There are five buildings and improved surface on the northerly parcel. The southerly parcel is vacant and unimproved. Public ingress and egress will be provided via a driveway on Epley Drive. Truck access will be provided via the same driveway on Epley Drive, and egress will be provided via a gated driveway on Putman Avenue. (See Attachment 1, "Aerial Photo")

General Plan Designation:

Manufacturing, Processing, and Warehousing

Zoning Classification:

Industrial (M-2) District

Surrounding Land Use:

Vacant industrial land is located south and west, Epley Drive and vacant industrial land are located north, and Putman Avenue and industrial uses are located east of the project site.

Previous Commission Actions and/or Policies:

None

Environmental:

A Mitigated Negative Declaration (Exhibit A) was prepared for the project and is attached for the Commission’s review and consideration. Since the applicant proposes to move the existing recycling operations from one location in the City to another location, there are minimal new environmental impacts associated with the proposed use permit. Mitigation measures to offset possible traffic impacts are contained in the conditions of approval. Staff recommends that the Planning Commission adopt the attached Mitigated Negative Declaration.

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 property is zoned M-2, Industrial District, which is consistent with the existing General Plan designation of Manufacturing, Processing, and Warehousing. The M-2 District allows recycling facilities subject to the issuance of a use permit by 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 site for the proposed use is adequate to accommodate the recycling facility. The applicant has proposed a number of modifications to the site to bring it into conformance with the Zoning Regulations. For example, the applicant will pave all areas that will be utilized by vehicles. The applicant will also install landscaping in the existing parking area as well as along Putman Avenue in an attempt to meet the landscape requirements. The table below shows the parking spaces required by the uses proposed for each building.

Building Number/Use	Building Size	Parking/sf	Required Parking
1: Warehouse	12,480 sf	1 space/2000 sf	6.3 spaces
2: Recycling	1,800 sf	1 space/500 sf	3.6 spaces
3: Recycling	3,600 sf	1 space/500 sf	7.2 spaces
4: Recycling	3,000 sf	1 space/500 sf	6 spaces
5: Warehouse	2,700 sf	1 space/2000 sf	1.4 spaces
Outdoor use	2 acres	1 space/0.5 acres	4 spaces
Total:			29 spaces

The applicant will provide 39 parking spaces, which includes 19 spaces on the street and 20 spaces on-site. Since recycling uses require more parking than warehouse uses, the applicant would be required to construct additional on-site parking in the event either of the warehouse buildings are converted to recycling facilities. Condition 15 ensures compliance with this requirement.

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

Staff analysis: Since the applicant is moving the existing facility from one location in the City to another, it was assumed that the same amount of traffic will be generated at the proposed location as is generated at the existing location. For this reason staff did not require a traffic impact study. The surrounding streets are designed to carry industrial-type traffic, such as the large trucks that will intermittently pick up crushed and baled recyclables. Therefore, the streets serving the site are adequate to carry the quantity of traffic generated by the proposed use. Staff considers the proposed location to be more suited to a recycling facility than the current location.

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

Staff analysis: The design of the site meets the requirements of the Zoning Regulations relative to the provision of adequate parking, shading and buffer landscaping. The applicant proposes no changes to the existing buildings, and there are no design guidelines that apply to industrial properties.

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 project site is highly suited for a recycling facility. The surrounding uses are industrial in nature, so the operation of the recycling facility will not be detrimental or injurious to property or improvements in the neighborhood. Because the property is located within the sphere of influence of the Sutter County Airport, there are requirements limiting the concentration of people on the site at any given time. Condition 14 has been included to ensure the project conforms to the Sutter County Airport Comprehensive Land Use Plan.

Recommended Action:

Staff recommends that the Planning Commission take the following actions:

- A. Adopt the Mitigated Negative Declaration.
- B. Adopt the following findings:
 - 1. Use Permit UP 07-12 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 use of a recycling facility.
 - 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.
- C. Approve the requested use permit for establishment of a recycling facility subject to the following 15 conditions of approval:

General

- 1. Approval of Use Permit UP 07-12 shall be null and void without further action if utilization of Use Permit UP 07-12 has not been substantially commenced within 2 years of the date of its approval, or on February 27, 2009.
- 2. The Conditions of Approval shall be attached to, and be made an integral part of, the improvement plans.
- 3. Use Permit UP 07-12 is approved as shown in Exhibit B and as conditioned herein.
- 4. Pursuant to Section 8-5.6007 of the Yuba City Zoning Regulations, all landscaping shall be maintained in good growing condition.
- 5. Traffic control construction signs shall be installed/erected per City of Yuba City Standards and Details, CalTrans Standards and Details, and the Manual of Uniform Traffic Control Devices. The signs shall be maintained throughout the project duration.

6. Any utilized cracked/damaged driveways shall be removed and replaced with a heavy-duty driveway that is in conformance with the City of Yuba City Standard Details.
7. Sidewalks adjacent to the site shall be kept clean and remain accessible for American Disability Act compliance.
8. Storage of vehicles/containers will not be allowed in the public right-of-way.
9. 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 gutters and are a nuisance to drivers and may cause damage to vehicles.
 - c. 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.
 - d. 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.
 - e. 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.
 - f. Protect drain inlets from receiving polluted storm water through the use of filters such as fabrics, gravel bags or straw wattles.
 - g. Be prepared for rain and have the necessary materials onsite before the rainy season.
 - h. 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.
10. The contractor shall obtain an Encroachment Permit from the City prior to performing any work within public rights-of-way.
11. All domestic, landscape, and fire service lines shall have reduced pressure backflow preventers.
12. If new backflow preventers are installed, they shall be tested, and a backflow preventer certification performed by an AWWA licensed tester shall be submitted to the Public Works Department.
13. All travel ways interior to the site shall be paved.

14. The average concentration of people per hour shall be less than 25 people, and there shall never be more than 50 people per acre on the site.

15. Buildings 1 and 5 shall be limited to warehouse uses. In the event buildings 1 or 5 are converted to any use other than warehouse, the applicant shall be required to install parking in accordance with the requirements of Article 61 of the Yuba City Zoning Code.

2. PUBLIC HEARING: SPECIFIC PLAN AMENDMENT SP 08-01, TO INCLUDE FLEXIBLE ZONE AND SIDEWALK OUTDOOR DINING STANDARDS FOR THE CONCRETE-PAVED AREAS ON PLUMAS STREET FROM COLUSA AVENUE TO BRIDGE STREET IN THE CENTRAL CITY SPECIFIC PLAN; APPLICANT/PROPERTY OWNER: CITY OF YUBA CITY.

Background:

The Central City Specific Plan was recommended for approval by the Planning Commission on February 12, 1992, and was approved by the City Council on April 7, 1992. The last amendment to the specific plan occurred in 1997. With the completion of the first phase of the Plumas Street Improvements, between Bridge Street and Center Street, the adjoining restaurant operators have expressed an interest in developing a flexible zone in the areas adjacent to their storefronts. For that reason, staff is bringing the Plumas Street – Flexible Zone and Sidewalk Outdoor Dining Standards before the Planning Commission for your consideration.

This concept was originally proposed as part of the forthcoming comprehensive update to the Central City Specific Plan prepared by Freedman, Tung and Bottomley (FTB) and presented to the City Council and Planning Commission at a joint study session on June 27, 2007. Staff is preparing to move forward with the comprehensive update within the next several months. The flexible zone concept is being presented at this time in response to the merchants on Plumas Street.

Project Description:

To amend the Central City Specific Plan within the Storefront Commercial designation for the concrete-paved areas on Plumas Street from Colusa Avenue to Bridge Street to provide for the Flexible Zone and Outdoor Dining Standards. (See Exhibit A).

Property Description:

The project site is located on the concrete-paved areas within the public right-of-way on Plumas Street between Colusa Avenue and Bridge Street. (See Attachment 1, “Aerial Photo”)

General Plan Designation:

Community Commercial

Specific Plan Designation:

Storefront Commercial

Zoning Classification:

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

Surrounding Land Use:

To the west of Plumas Street and along Walnut Street, Fremont Way and Scott Street from Reeves Avenue to Colusa Avenue are predominately single-family residences with some office uses at Forbes Avenue, and to the east along Shasta Street is a mixture of single-family homes, office and commercial uses.

Previous Actions and/or Policies:

SP 97-01: A comprehensive update of the Central City Specific Plan was approved by the Planning Commission on October 22, 1997, and by the City Council on November 18, 1997.

Environmental:

This specific plan amendment is exempt from environmental review as required by CEQA through the use of the “General Rule”, Section 15061 (b) (3).

Staff Comments:

The proposed flexible zones standards were given to the Yuba City Downtown Business Association (DBA) for their review and comment. On February 7th staff received comments from an Ad Hoc committee of the DBA addressing the proposed Flexible Zone and Sidewalk Outdoor Dining Standards (See Attachment 2). Below, are the individual sections from the standards, followed by the DBA comments and staff’s analysis for each item.

Standard:

5 ii)

Outdoor dining uses within the flexible zone shall use the entire area between the face of the bottom riser of the two step curb (or alternatively, the edge of the flush brick paver band between Teegarden Avenue and Center Street) and the back edge of the valley gutter.

DBA comment:

Is this standard applicable based on current construction specs?

Staff analysis:

This section is applicable because the area for the flexible zone is defined as the parking spaces directly in front of the business that are located between the bottom riser of the two step curb and

the valley gutter which is located on the interior street portion of the parking space. (This is illustrated in Attachment 3)

Standard:

7 vi)

To minimize litter and debris, where table wait service is provided, or food is served to the customer on a tray to be taken and eaten on site in the outdoor dining area, plates, glasses, cups, and silverware made of permanent (non-disposable) materials such as glass, ceramic, and metal, and cloth napkins shall be required. The use of disposable food containers, utensils, and napkins is permitted only where food is served to the customer “to go”.

DBA comment:

Eliminate Cloth napkins

Staff analysis:

Staff agrees with the intent of the standard as drafted which is to minimize litter and debris with the use of cloth napkins. More importantly we feel that the use of the flexible zones for outdoor dining given the investment of the City to renovate and improve the downtown area should be held to a high standard through the usage on non-disposable materials. The same standards for indoor dining needs to be maintained and applied for the outdoor dining experience of the Plumas Street patrons.

Standard:

8 i)

- Table Top: Solid tops of slate, marble, granite, faux stone, wrought iron, embossed aluminum, teak, tempered glass, and mesh tops of wrought iron and aluminum are permitted. Plastic, resin, and plain metal table tops are not permitted.

DBA comment:

Materials: Formica and based tabletops are to be allowed for sidewalk dining only.

Staff analysis:

As stated above the City is making a large investment in the betterment of the Plumas streetscape and as such the materials used in the outdoor dining arrangements should be of the same high standards provided for those that are enjoying their indoor dining experience. Therefore, staff supports the standard as drafted.

Standard:

8 i)

- Table Height: Standard café’ height (up to 30”) tables are permitted. Bar height tables (over

30") are not permitted.

DBA comment:

Sizes: Bar tables over 30 inches should be allowed.

Staff analysis:

The intent of this standard is to provide outdoor dining in a sit down fashion and not where outdoor dining patrons are standing and gathered around higher tables. Staff recommends no changes to the standard.

Standard:

8 i)

• Materials - Permitted:

Umbrellas: Canvas only. Vinyl or plastic umbrellas are prohibited.

Stands: Cast aluminum, wrought iron, fabricated steel, or wood.

All umbrella panels shall be of the same solid color. A complementary solid color may be used for trim (such as piping). Patterns (floral, stripes, etc.) and fluorescent colors are prohibited.

DBA comment:

Umbrellas & Umbrella Stands: allow striped umbrellas.

Staff analysis:

As shown in the pictures in Attachment 3, the intent of allowing umbrellas in the flexible zone is to provide shade for the outdoor dining patrons. The City sees the use of umbrellas for that purpose only and that they should blend in with the streetscape and not stand out for each individual business. This is why the standards above prohibit floral, stripes and fluorescent colors and signage is limited to two signs on opposite sides of each umbrella being the name or logo of the business and no generic advertising. Staff believes that it is important to provide aesthetic consistency along the streetscape.

Standard:

6 i)

All outdoor dining uses shall meet ADA requirements.

DBA comment:

All outdoor dining uses shall meet ADA requirements. Since this is the case, who will provide a ramp to the dining area to ensure that there is a uniform design?

Staff analysis:

As shown on the picture in Attachment 3, the ADA dining area should be provided on the sidewalk with ample space between this seating arrangement and the business (48 inches) for access along the sidewalk. It is not the intention of this section or the City to meet ADA requirements in the flexible zone itself with the installation of ramps since there are two steps down from the sidewalk to the parking spaces except for the area between Center Street and Teegarden Avenue.

Standard:

6 iii)

Within the flexible zone, planters constructed of sturdy, durable, and attractive materials consistent with this Program shall be placed within the flexible zone adjacent to the valley gutter and along the sides of the use area to define the use area and protect users from vehicular traffic. Planters shall be provided, put in place and removed by the City. Proposed plantings shall be approved by the City and maintained in a healthy condition by the business operator.

DBA comment:

Will the City maintain the planters?

Staff analysis:

The section has been modified to read as follows:

Within the flexible zone, planters constructed of sturdy, durable, and attractive materials consistent with this Program shall be placed within the flexible zone adjacent to the valley gutter and along the sides of the use area to define the use area and protect users from vehicular traffic. Planters shall be provided, put in place and removed by the City. Proposed plantings shall be approved by the City and maintained in a healthy condition by the business operator.

These planters are intended to be provided by the City for the businesses use on an as needed basis. Unlike the large urn planters and tree areas, they are not intended to be permanent, therefore, they do not have irrigation provided. In discussions with the Public Works Department it is envisioned that the planters will be planted by the business operator, with plants approved by the City, and watered and maintained weed free by the business operator.

Standard:

- Planters
 - Planters are required as a buffer between outdoor dining uses within the flexible zone area. Planters are to be provided and placed by the City of Livermore, however must be shown on the submitted site plan based on the following dimensions:

Rectangular planters are 24” wide x 36” long.

Round planters are 24” in diameter (to be used at corners and in-between rectangular planters).

DBA comment:

Planters; change out Livermore to Yuba City

Staff analysis:

The section as been amended to read as follows:

- Planters
 - Planters are required as a buffer between outdoor dining uses within the flexible zone area. Planters are to be provided and placed by the City, however must be shown on the submitted site plan based on the following dimensions:
 - Rectangular planters are 24” wide x 36” long.
 - Round planters are 24” in diameter (to be used at corners and in-between rectangular planters).

Recommended Actions:

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

- A. Recommend that the City Council adopt the following findings:
 - i. The inclusion of the Flexible Zone and Sidewalk Outdoor Dining Standards is an improvement to and consistent with the Central City Specific Plan.
 - 2. The proposed Flexible Zone and Sidewalk Outdoor Dining Standards are consistent with the Central City Specific Plan which in turn is consistent with the General Plan.
- B. Recommend that the City Council approve the amendment to the Central City Specific Plan to include the Flexible Zone and Sidewalk Outdoor Dining Standards.