

YUBA CITY PLANNING COMMISSION
MINUTES

Regular Meeting
January 23, 2008
City Hall Council Chambers

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

PRESENT

Chairman Satwant Takhar	Commissioner Craig Starkey
Commissioner John Sanbrook	Commissioner Preet Didbal
Commissioner Jose Flores	Commissioner John Dukes

ABSENT

Commissioner Mike Tomlinson

Also present were Aaron Busch, Community Development Director; Katie Ertmer, Associate Planner; George Musallam, Public Works Director; Diana Langley, Principal Engineer; Paulla Hyatt-McIntire, Counsel; and Roberta Kyle, Recording Secretary.

The Pledge of Allegiance was led by Commissioner Dukes.

The meeting minutes of December 19, 2007, were approved as written.

Appearance of Interested Citizens: - None

Correspondence: - None

Election of Officers: - Commissioner Dukes nominated Commissioner Starkey as Chairman, Chairman Takhar seconded the nomination, Commissioner Starkey accepted, and the nomination passed by a unanimous voice vote.

Commissioner Sanbrook moved to nominate Commissioner Dukes as Vice Chairman, and Commissioner Dukes moved to nominate Commissioner Didbal as Vice Chairman. Commissioner Dukes declined the nomination, and Commissioner Sanbrook withdrew his motion. Commissioner Didbal accepted the nomination, and Commissioner Takhar seconded the motion which passed by a unanimous voice vote.

Commissioner Starkey assumed the role of Chairman for the remainder of the meeting.

Public Hearings:

- PUBLIC HEARING: DEVELOPMENT PLAN #DP 07-03 FOR CONSTRUCTION OF A 39,000 SQUARE FOOT, 12-SCREEN, 2113-SEAT MOVIE THEATER LOCATED AT 1410 WHYLER ROAD; ASSESSOR'S PARCEL NUMBERS: 58-070-050, 58-070-051, 58-120-12, 58-120-013, 58-130-033; APPLICANT: AZTEC DEVELOPERS; PROPERTY OWNER: LANZA FAMILY TRUST.**

Katie Ertmer, Associate Planner, presented a staff report.

Chairman Starkey asked if two rows of parking spaces will be lost with the dedication of land for Oji Way.

Ms. Ertmer stated that was correct, and asked to defer the question to George Musallam, Public Works Director.

Chairman Starkey also asked if Oji Way is not done now, what will trigger the need for it to be built out.

George Musallam, Public Works Director, stated the dedication of land will be filed with the City, and the acceptance will occur at a later date when staff feels that the traffic volume and necessity of the extension exists. Mr. Musallam said in regards to parking loss, the intent of staff is to present to the City Council the request of abandonment for the frontage road which is an easement dedication, which means once it is abandoned, that easement reverts back to the adjacent property owner and at that time, the right-of-way which is lost from the property as a result of the dedication of Oji Way, would be gained as a result of the abandonment of West Onstott.

Chairman Starkey asked if there will be a net loss of parking spaces, and asked if the number of parking spaces is sufficient for the 2,113 seats.

Mr. Musallam said he doesn't believe there will be any loss, and said the parking will be sufficient.

Chairman Starkey asked what would trigger construction of Oji Way.

Mr. Musallam stated that the Public Works Department intends to seek direction from the City Council on the circulation element of the General Plan to determine which roads are needed, and what will trigger construction of improvements. Mr. Musallam said he feels that can be accomplished by seeking the help of traffic consultants who can look at the traffic circulation in the area then advise the City of what needs to happen.

Chairman Starkey asked Mr. Musallam if staff were confident the project does not warrant the construction of Oji Way.

Mr. Musallam stated that was correct.

Commissioner Sanbrook asked Mr. Musallam if there was a 60 foot dedication for the future Oji Way right-of-way.

Mr. Musallam confirmed.

Commissioner Sanbrook asked Mr. Musallam whether the parking constructed on West Onstott when Oji Way is built, would be sufficient so as not to create a non-conforming situation with respect to parking.

Mr. Musallam stated they are confident that the on-site and off-site parking will meet the future needs of this site even with the dedication of Oji Way.

Commissioner Sanbrook stated that Oji Way would run along the west side of the property which is close to a subdivision on the west side, and asked how many parking spaces would be lost to the 60 foot right-of-way.

Aaron Busch, Community Development Director stated there would be the same amount of land gained through abandonment of West Onstott, as lost on Oji Way. Mr. Busch said the same amount of parking could be created on West Onstott as would be lost with the construction of Oji Way.

Commissioner Sanbrook asked who owns the underlying fee.

Mr. Musallam stated that the initial indication is that it is an easement dedication which means the adjacent property owner owns it.

Commissioner Sanbrook wanted confirmation that CalTrans has no ownership in the frontage road.

Mr. Musallam stated that records do not indicate that they do.

Commissioner Takhar asked if Oji Way is part of AB1600.

Mr. Musallam stated it is not.

Commissioner Takhar asked if there was a nexus to provide for a proportionate share for them to put up as a deposit or bond for the construction of Oji Way.

Mr. Musallam stated that according to the traffic study, the extension of Oji Way is not needed as a traffic mitigation, and that the right-of-way needs to be reserved for future need. Mr. Musallam feels they have met the nexus test, and does not believe they have the nexus to ask for improving Oji Way and paying the fees.

Commissioner Sanbrook agreed that a sufficient nexus was found between this project and the requirement of the irrevocable offer of dedication, but doesn't see the necessary nexus to require construction at this point and time of Oji Way or the posting of any kind of security deposit.

Mr. Musallam stated that the traffic study prepared for this project did not find the need to physically construct Oji Way.

Mr. Busch stated that if Oji Way were to be improved, the road would terminate at the south end of the project site because the City does not have the necessary right-of-way to construct Oji Way all the way to Franklin Road. Mr. Busch said the City felt it was important to obtain the right-of-way now, so when the time came for the extension, the land would already be there.

Mr. Musallam stated in regards to Condition #58, the applicant requested that in lieu of undergrounding along Whyler Road, could they pay cash to the City or deposit a bond in the amount of \$300/lineal foot. Mr. Musallam stated the condition would need to be modified.

Chairman Starkey asked that counsel help with the wording modification to Condition #58.

Commissioner Takhar asked if the actual cost for undergrounding at \$300 a lineal foot is sufficient.

Mr. Musallam stated that is their estimate used for similar situations.

Chairman Starkey opened the public hearing.

Russ Clark, 631 Daniel Drive, stated the traffic study says there is no significant impact, but feels the applicant knows there will be more business or they would not expand. Mr. Clark talked about how this use impacts the traffic in the area all at one time and said Oji Way should be constructed now in order to be ahead of the game before there is a larger traffic problem.

Clay Maynard, 3111 Brandywine Way, said youth of the community have very little to do, and feels the theater is a step in the right direction and will be an asset to the community. Mr. Maynard stated that with Toyota moving out, there will probably be less traffic.

Bette Newton, 1410 Delone Drive, stated she is against the project in this location, and asked what is happening with the Roxy Theater. Ms. Newton said a new theater location downtown will bring life back to it and said the Roxy Theater is a much better location. Ms. Newton stated she feels that first class movies will not come to this area and said the traffic is terrible now and this will only make it worse.

Russ Degischer, 1580 Messina Drive, said he understands traffic problems but feels this will not be a constant problem. Mr. Degischer stated that there are other roads for access, and explained that traffic is bad everywhere in Yuba City and said he doesn't see a significant impact.

Jeff Helm, 1419 Troy Lane, speaking on behalf of Aztec Developers, said they have reviewed and approved the Conditions of Approval with the change to Condition #58.

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

Commissioner Dukes stated in response to Mr. Clark's request to construct Oji Way, that the Onstott Frontage will be lost if Oji Way is constructed now.

Commissioner Flores had no comment.

Commissioner Sanbrook stated he feels this project is sorely needed and will be an asset to Yuba City. Commissioner Sanbrook talked about a previous General Plan Amendment, and stated it is not fair to place all the problems created over the years on to one project.

Commissioner Didbal said she is in complete support of the project, and said traffic is not a constant problem, which is there regardless of whether a larger theater is constructed.

Commissioner Takhar stated he is in full support of the project, and asked Mr. Musallam to speed up the process of the construction of Oji Way.

Commissioner Flores stated he is in agreement.

Chairman Starkey stated he still has concerns about traffic issues.

Commissioner Takhar moved to A. Adopt the Mitigated Negative Declaration; B. Adopt the three findings for Development Plan #DP 07-03; and C. Approve Development Plan #DP 07-03 with 59 Conditions of Approval with a modification to Condition #58 to read: “*Prior to issuance of any certificate of occupancy, all existing overhead utilities (of 26,000 volts or less) and proposed utilities within the project boundary and along the Whyler Road project frontage (approximately 158’ – south side of Whyler Road only), and along the West Onstott Frontage Road project frontage (approximately 466’ – west side of West Onstott Frontage Road only) shall be placed underground. In lieu of undergrounding along Whyler Road, Developer may pay cash to the City or deposit a bond to the City through a Deferred Improvement Agreement in the amount of \$300/lineal foot which equates to \$47,400.*” The motion was seconded by Commissioner Dukes, and passed by a vote of 5-1-1 (Chairman Starkey voted no, and Commissioner Tomlinson was absent).

Commission Discussion:

Mr. Busch stated that the Commission needs to nominate a representative for the Sutter County Planning Commission.

Commissioner Takhar moved to nominate Commissioner Sanbrook as the representative to sit on the Sutter County Planning Commission, and Commissioner Flores seconded the motion. Commissioner Sanbrook accepted the nomination, and the motion passed by a unanimous vote.

Other Business:

Mr. Busch mentioned the League of California Cities Planner’s Institute March 26-28, 2008, and said to let Ms. Kyle know if they wish to attend.

Chairman Starkey encouraged the Commissioners to attend.

Report on Actions of the City Council:

Mr. Busch stated that the Rezone request for La Bella Vita went to the January 15th City Council meeting, and was approved.

Mr. Busch reminded the Commission about the goal setting workshop on February 27th and encouraged them to attend.

Adjournment: There being no further business, the meeting was adjourned at 7:51 p.m.

Respectfully submitted,

Roberta Kyle, Secretary
YUBA CITY PLANNING COMMISSION