

YUBA CITY PLANNING COMMISSION  
MINUTES

Regular Meeting  
February 27, 2008  
City Hall Council Chambers

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

PRESENT

Chairman Craig Starkey  
Commissioner John Sanbrook  
Commissioner Jana Shannon

Commissioner Preet Didbal  
Commissioner John Dukes

ABSENT

Commissioner Mike Tomlinson  
Commissioner Satwant Takhar

Also present were Aaron Busch, Community Development Director; Katie Ertmer, Associate Planner; and Roberta Kyle, Recording Secretary.

Chairman Starkey introduced and welcomed the new Sutter County representative Commissioner Jana Shannon.

The Pledge of Allegiance was led by Commissioner Shannon.

The meeting minutes of January 23, 2008, were approved with one correction.

Appearance of Interested Citizens: - None

Correspondence: - None

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.**

Katie Ertmer, Associate Planner, presented a staff report.

Commissioner Sanbrook asked if the existing operation would be discontinued.

Ms. Ertmer stated it would be discontinued, and that the move would not involve an expansion of any kind.

Chairman Starkey opened the public hearing.

Enita Elphick, 1200 Putman Avenue, Unity Forest Products, stated that her concern with the project is that in the summer, her facility has around 28 contract trucks coming and going along with 120 or so employees, and said they cannot close their gates until around 2 a.m. because of the trucks that are going in and out. Ms. Elphick said there will be difficulty in limiting access for people on foot, and wondered how to keep the public safe, especially people who end up hanging around there. Ms. Elphick asked how the new facility will control foot traffic and provide security for the other facilities in that area, and said she is concerned for people who wander around because her facility is very dangerous. Ms. Elphick stated she feels this is a good place for the recycling facility and said she and Mr. Kuhnen can work together on the safety issues.

Chairman Starkey asked if Ms. Elphick's facility is fenced.

Ms. Elphick stated that their facility is completely fenced, but cannot keep foot traffic out because the gates need to remain open for the trucks. Ms. Elphick said they have a watchman that is there at night, and video cameras throughout the facility, and said maybe that is something they can get together on to prevent things from happening.

Commissioner Sanbrook asked if the facility runs until 2 a.m.

Ms. Elphick stated that the trucks run until 2 a.m.

Commissioner Sanbrook said he assumes the hours of the recycling facility would be 8 a.m. to 5 p.m.

Ms. Elphick stated that is true, but said she is talking about the foot traffic from people that do not go home or are homeless. Ms. Elphick said they need to put up some security systems and again said that would be something they can work on together with cameras, etc.

David Kuhnen, General Manager of Recycling Industries, Inc., said the primary operation on Wilbur Avenue is on 13,000 sq. ft. of land, and when the move is made, they will be on 3 acres on land, and said the entire operation will center on the northwest corner of the property. Mr. Kuhnen said the access for the public will be on Epley Drive, and said the conditions of approval state there will be no access for the public on Putman Avenue. Mr. Kuhnen said they will be upgrading their surveillance at the new facility to maintain better security and safety. Mr. Kuhnen said there are plenty of sidewalks from the south side of Epley all the way to Garden Highway for foot traffic.

Commissioner Sanbrook asked if traffic would come off of Epley to the building.

Mr. Kuhnen said traffic will actually go to the parking lot, and showed on the map. Mr. Kuhnen said there are 20 plus parking spaces.

Chairman Starkey asked what the operation hours currently are.

Mr. Kuhnen stated the current hours of operation are Monday through Friday 8 a.m. to 5 p.m., and Saturday 7 a.m. to 2 p.m.

Chairman Starkey asked if there would be any changes with the move.

Mr. Kuhnen said the Saturday hours may change to 8 a.m. to 3 p.m.

Commissioner Sanbrook asked if the public can come in off of Putman Ave.

Mr. Kuhnen said there is no ingress off of Putman. Mr. Kuhnen said the 3 access points on Putman will not be used, there will only be one exit onto Putman, used only by Recycling Industries trucks.

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

Commissioner Sanbrook moved to: A. Adopt the Mitigated Negative Declaration; B. Adopt the 5 findings; and C. Approve Use Permit UP #07-12 with 15 conditions of approval and adding an additional condition #16 that states “trucks are not to remain in the public right-of-way while waiting to obtain access to the project site”.

Ms. Ertmer stated that condition #8 encompasses that issue.

Commissioner Sanbrook amended his motion to eliminate the new condition #16, the motion was seconded by Commissioner Dukes, and passed by a vote of 5-0-2 (Commissioners Takhar and Tomlinson absent).

**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.**

Aaron Busch, Community Development Director, presented a staff report.

Chairman Starkey asked Mr. Busch if the total spaces allowed for use as “flex zone” was no more than 3 per business.

Mr. Busch stated that was correct.

Commissioner Dukes asked what the planters would look like and what kind of plants would be required.

Mr. Busch said the planters would be rectangular in nature and would be supplied by the City, and maintained by the business owners, and the plants will be consistent and uniform.

Commissioner Dukes asked if there was anything in the guidelines that requires business owners to maintain the planters.

Mr. Busch said that through the encroachment permit process, it would be required that the planters be maintained.

Commissioner Sanbrook asked if there would be adequate parking with the flex zones.

Mr. Busch stated that when the district is looked at as a whole, there will be enough parking, and that the intent is to encourage uses to come to the downtown area. Mr. Busch stated there will be a comprehensive parking analysis done.

Commissioner Sanbrook asked if there will be additional parking.

Mr. Busch stated that to the west in the existing City-owned lot, there will be additional parking and on Reeves there has been additional parking constructed.

Commissioner Shannon asked if the planters would be situated so they can be removed during the off season to open up the parking.

Mr. Busch said the planters would stay in place as long as there is outside dining, and said if the use changes, the planters can be removed.

Commissioner Dukes asked for clarification that during winter hours if there is no outside dining, will the planters be removed and stored, or will the planters remain there year-round.

Mr. Busch stated that has not been discussed, but if there is a desire to remove them because a restaurant has identified there is no need for them at that time, the City can explore that option to get parking back in those spaces.

Chairman Starkey stated it would make sense to remove them during the winter when there would probably be no outdoor dining.

Mr. Busch said the only thing would be the additional cost of having to move the planters back and forth.

Commissioner Didbal stated that cost is a consideration and said other cities keep their planters in place year round which keeps the ambiance of the downtown area. Commissioner Didbal said the types of plants should be considered if keeping them out year round.

Chairman Starkey opened the public hearing.

Chuck Brooks, President and CEO of Sutter Community Bank on Plumas Street, stated he is a member of the Downtown Business Association and is on the Board of Directors. Mr. Brooks stated there are approximately 150 parking spaces included in the streetscape between Bridge Street and Colusa Avenue, 86 store fronts or offices with 75-80% occupied and 20-23% vacant. Mr. Brooks said he understands that 11 businesses currently qualify for the flex zone, and asked about insurance issues in the flex zone, and if it supplied by the merchants or the property owners.

Commissioner Dukes said it depends on the terms of their lease.

Mr. Brooks stated that it is also based on the agreement between the City and the merchant. Mr. Brooks went on to ask about ADA requirements and said there are no ramps provided, and also mentioned the indemnification issue, and asked who is indemnifying who.

Commissioner Sanbrook said those issues would be addressed in the permit that is obtained from the City.

Mr. Brooks asked what the enforcement will be in the flex zone, and who will enforce the image requirements and what penalties will be placed on persons violating the requirements. Mr. Brooks said the DBA is requesting that the flex zone be suspended until Plumas Street is complete, and stated that some merchants can use the sidewalks for outdoor dining until then, and asked what the time frames will be for permits.

Commissioner Sanbrook said Mr. Brooks raised some good questions.

Commissioner Dukes asked Mr. Busch about handicapped parking on Plumas Street, and if there was any, and if not, how did that happen.

Mr. Busch stated that needs to be checked on with the Public Works Department.

Commissioner Dukes stated he is surprised there are no handicap parking spaces.

Mr. Busch showed on the slides where ADA requirements would be met for outdoor dining.

Commissioner Shannon stated she has concerns about ADA requirements, because there have been cities that have been sued, and said it could pose some serious issues for the City as well as the merchants. Commissioner Shannon stated she also has concerns about insurance issues, and said she feels there is some merit in suspending the flex zone until the streetscape project is complete.

Commissioner Sanbrook stated that there are issues that need input from the City Attorney such as insurance, and asked if the Planning Division issues the permit.

Mr. Busch stated that anyone wishing to utilize the flex zone would have to come in for an encroachment permit which would require proof of liability insurance.

Commissioner Sanbrook asked if the encroachment permits are issued by the Engineering Division.

Mr. Busch said that was correct, and that a site plan would be required and setback requirements and signage requirements would have to be met.

Commissioner Sanbrook asked if the permit would be ministerial or discretionary.

Mr. Busch stated the permit would be discretionary, and would not require Planning Commission or City Council approval, but would have to meet the standards before moving forward. Mr. Busch said that Code Enforcement would be enforcing any violations such as signage, etc., and said the hope would be that there would be assistance from the Downtown Business Association. Mr. Busch apologized for not having the specifics on ADA compliance, and stated it was determined by the architect who designed the streetscape project, that the parking met ADA requirements.

Commissioner Sanbrook asked Mr. Busch what his feeling was on the suspension of the flex zone.

Mr. Busch said it is a very valid point, and would be left up to the merchants, the Planning Commission and the City Council.

Commissioner Dukes stated he understands that businesses have been financially impacted by the construction of the streetscape, and said that maybe there could be temporary permits for sidewalk use only.

Mr. Busch agreed.

Commissioner Dukes mentioned the employee parking, and suggested giving permits to allow employees to park behind the businesses for more than a 2 hour time limit.

Mr. Busch stated that can be brought up to the Public Works Department for consideration. Chairman Starkey referred to the standards and guidelines under #2. Intent of the Flexible Zone: v). stating *“The City reserves the right to limit the number of parking spaces that may be converted to outdoor dining use based on the cumulative effect of the loss of parking spaces on a block by block basis”* and asked Mr. Busch if there was an idea on what the City is thinking.

Mr. Busch explained it is intended as a safety net, so that all of the parking in any given area is not taken up by restaurants utilizing the flex zone.

Chairman Starkey suggested getting input from the Downtown Business Association.

Mr. Busch stated this needs to be evaluated on a block by block basis, and could look at to see if there needs to be a minimum number of spaces reserved.

Commissioner Shannon asked if there is a percentage or number set aside for “not to exceed” for the flex zone.

Mr. Busch stated there is nothing in the ordinance or amendment that references that.

Chairman Starkey asked if the recommendations today would be forwarded on to the City Council, or will it come back to the Planning Commission.

Mr. Busch stated it would be whatever the Planning Commission recommends.

Don Covey, 669 Plumas Street, stated that the percentage of parking spaces would need to be addressed, and said that the planters need to be seasonal. Mr. Covey said he feels it would be a mistake to leave them in year round, and said the spaces need to be utilized. Mr. Covey said the flex zone has been part of the plan all along, but believes it should not be implemented until the completion of Plumas Street because of the parking issues. Mr. Covey said there is a problem with employee parking, and said employees and employers should not be parking in the public spaces in front of the businesses. Mr. Covey said that sidewalk dining should be an option that can be utilized now.

Commissioner Dukes asked Mr. Covey if businesses would share in the cost of the removal of the seasonal planters.

Mr. Covey stated it is an amenity for the business owners, and feels businesses utilizing the spaces should share in the cost of removal and replacement of the planters and maintenance of the plants. Mr. Covey said the same should go for insurance.

Commissioner Dukes stated it is not fair to impose fees on businesses that will not be utilizing the flex zone.

Mr. Covey said sidewalk sales will need to be policed also, because some businesses may be selling out on the sidewalk year round, so there has to be consistency.

Commissioner Dukes said in regards to off street parking, permitted employee parking should be designated farther away from businesses which will make it easier to enforce.

Mr. Covey said there needs to be instruction on timed parking, etc., and said employees and employers need to realize that the consumer needs the parking.

Don Nickel, 680 Plumas Street, talked about the weather as it pertains to outdoor dining and parking, and said there needs to be more parking and easy access for the public. Mr. Nickel said he has concerns about the loss of spaces.

Hal McNally, 673 Plumas Street, stated the problem is parking and outside dining. Mr. McNally said he feels that parking should not be taken away, and asked why the flex zone is being done in the first place. Mr. McNally said the issue is parking and said the City has not provided enough of it. Mr. McNally said that the flex zone would probably only be used during good weather time, and said 600 feet is too far to walk to a business. Mr. McNally stated that the simple way to handle this is to forget the flex zone idea and concentrate on the restaurants and have them place their outdoor dining on the sidewalks, instead of taking up parking spaces. Mr. McNally said in order to serve the public properly, there needs to be more parking, not less.

Jeff Boutilier, City Café Restaurant, 667 Plumas Street, stated he does not want to loose parking, and said he does like the wide sidewalks. Mr. Boutilier said he is concerned about employee parking, and agrees that the flex zone should be suspended until construction of the streetscape project is complete. Mr. Boutilier said the planter removal and placement should be the responsibility of the business owner, and stated he wants the downtown area to be beautiful.

John Toscano, 725 Plumas Street, stated he is all for the flex zone, but feels it should be suspended, and said that his own outdoor dining was not that successful. Mr. Toscano said there have been 4 years of meetings regarding the flex zone, and said the planters should be seasonal and able to be removed easily.

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

Commissioner Shannon spoke about traffic driving by while there is outdoor dining, and talked about how the weather will affect outdoor dining, and wondered if there would be shade, misters, etc. Commissioner Shannon said parking will be the key to getting people to come back to the downtown area, and feels the flex zone should be tabled.

Commissioner Sanbrook stated he likes the concept, but thinks it should be tabled until Plumas Street is complete, and said that parking is a real issue. Commissioner Sanbrook stated that staff should review all the comments that have been made, so when it comes back to the Commission and ultimately on to the City Council, there will be agreement on what the street will look like when it is complete.

Commissioner Didbal stated she likes the ideal of outdoor dining, and said she feels people will want to walk to everything and parking can be elsewhere. Commissioner Didbal talked about the Sacramento and Davis downtown areas, and how functional and beautiful they are. Commissioner Didbal feels the planters should remain year round, and that the City needs to stay with the vision of a “downtown” area.

Commissioner Dukes stated he is in favor of the flex zone, but feels Plumas Street should be completed first, and should continue to look at sidewalk dining in the interim. Commissioner Dukes said there is a need for parking, but this should be a “walking” downtown, and said studies have been done that show

there is parking, but people just don't know where the parking is. Commissioner Dukes said he feels the insurance issues are something that staff can work with as far as how the use will be permitted.

Chairman Starkey stated that the Downtown Business Association has made some good points, and feels parking spaces need to be freed up during the non-outdoor dining times, and would not like to see the planters there year round. Commissioner Starkey said regarding code enforcement, there was a sign committee that Commissioner Dukes chaired that created new sign ordinance language, but doesn't think it has ever been enforced, so there may be some problems there. Commissioner Starkey said that street dining can be very nice, but should be suspended until Plumas Street is complete, and said he would like to see sidewalk dining in the interim.

Commissioner Dukes wanted direction from staff on how to implement.

Mr. Busch said one option is for the Planning Commission to continue the item so staff can come back with more information regarding parking, planters, ADA, insurance, etc. so as to solidify these issues before making a recommendation to the City Council, and the other option is if the Commission is satisfied with everything they have before them tonight, they can include in the motion to delay the flex zone parking areas until such time that the streetscape is complete and forward that recommendation on the City Council tonight.

Chairman Starkey said the item should be sent back to staff to solidify, then brought back to the Commission.

Mr. Busch stated staff will try to come up with recommendations of the phasing plan so it can be incorporated in the recommendation to the City Council.

Commissioner Dukes moved to continue Specific Plan #SP 08-01 until the first meeting in April which is April 9, 2008, was seconded by Commissioner Sanbrook, and passed by a vote of 5-0-2 (Commissioners Takhar and Tomlinson absent).

Chairman Starkey mentioned the letter that came in earlier in the day from Roberta Hill.

Ms. Ertmer said staff would be calling her about her concerns.

Commission Discussion: - None

Other Business: - None

Report on Actions of the City Council:

Mr. Busch reported that at the February 19<sup>th</sup> City Council meeting, staff was given direction to repeal the City's Ordinance on the restriction of allowing movie theaters only in the downtown area, which will come before the Commission in March, then will go on the City Council.

Mr. Busch thanked the Commissioners for attending the goal setting workshop on February 26<sup>th</sup>, and said he appreciated their participation. Mr. Busch also mentioned a public safety workshop on March 17<sup>th</sup>, and reminded the Commission about the March 25<sup>th</sup> Community Development workshop.

Commissioner Dukes asked if there would be a report on the February 26<sup>th</sup> workshop.

Mr. Busch said there would be a report for that workshop.

Chairman Starkey again welcomed Commissioner Shannon to the Planning Commission.

Adjournment: There being no further business, the meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Roberta Kyle, Secretary  
YUBA CITY PLANNING COMMISSION