

YUBA CITY PLANNING COMMISSION
MINUTES

Regular Meeting
April 9, 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 Satwant Takhar

ABSENT

Commissioner Mike Tomlinson
Commissioner John Dukes

Also present were Brian Trudgeon, Principal Planner; Paulla Hyatt-McIntire, Counsel; and Roberta Kyle, Recording Secretary.

The Pledge of Allegiance was led by Commissioner Shannon.

The meeting minutes of March 26, 2008, were approved as written.

Appearance of Interested Citizens: - None

Correspondence: - None

Public Hearings:

- 1. CONTINUED 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.**

Brian Trudgeon, Principal Planner corrected a date in the staff report from February 26 to February 27, and gave a presentation.

Commissioner Sanbrook asked in regards to #2, who will incur the cost.

Mr. Trudgeon it will be the City's cost with a fee to the business owner.

Commissioner Sanbrook asked in regards to #3, if the City will be named as Additional Insured.

Mr. Trudgeon stated insurance will be required, and the City will be named as Additional Insured.

Commissioner Sanbrook asked in regards to #7, what “this feature” refers to.

Mr. Trudgeon stated it refers to the Flex Zone using parking spaces. Mr. Trudgeon said that only the use of the sidewalk will be implemented at this point and time.

Commissioner Didbal asked in regards to #3, if alcohol will be served outside.

Mr. Trudgeon stated the business would have to meet the requirements of Alcohol and Beverage Control.

Commissioner Didbal stated she still has concerns about taking the planters in and out

Mr. Trudgeon said he understands, but said during the Christmas season, business owners would want to use the parking, and doesn't see any one utilizing the outdoor dining because of the weather.

Commissioner Didbal understood, but stated there will be an extra cost to the business owners to remove and replace the planters.

Mr. Trudgeon stated that was correct, and that it is part of doing business.

Commissioner Didbal asked if this was only for dining and not extended to other business owners.

Mr. Trudgeon stated that was correct.

Commissioner Takhar thanked staff for working with the business owners to get this done, and said the planter issue can be looked at later.

Commissioner Shannon asked if wheelchair access would be required by each business.

Mr. Trudgeon stated that if you have outdoor dining as well as indoor dining, you must meet ADA accessibility requirements.

Commissioner Shannon asked if ADA compliance will be the responsibility of the business owner.

Mr. Trudgeon said yes it will, and that it always has been the responsibility of the business owner to be ADA compliant.

Chairman Starkey stated he is under the impression that no more than three spaces are allowed.

Mr. Trudgeon said it depends on the building size.

Chairman Starkey stated in regards to #7, that he thinks there might be some restaurants that would prefer not to have the sidewalk blocked and just have the seating area filled, and is concerned about making it mandatory that the sidewalk seating be filled first before going into the flex zone, and stated he feels that the planters do need to come in and out.

Mr. Trudgeon stated the idea was taken from the design the City of Livermore had, and that they will be able to see how it works during the first year. Mr. Trudgeon said the permit application process will run from December 1st through the 31st and the business owners will have to reapply every year.

Chairman Starkey stated it appears the Streetscape project is moving very quickly and may be done well before November 15th, and does not want to wait until 2009 in order to give business owners the opportunity to utilize the sidewalks before November 15th.

Mr. Trudgeon said that can be the Commission's recommendation to the City Council.

Chairman Starkey stated he would like to recommend that there would be enough flexibility to allow business owners to utilize the sidewalks if the Streetscape is complete and the street is open well before November 15th.

Commissioner Shannon asked if this could be amended if it came up.

Mr. Trudgeon stated it could be, but would have to come back before the Commission for a public hearing and then on to the City Council.

Commissioner Sanbrook suggested the recommendation be amended.

Deputy City Attorney, Paula Hyatt-McIntire stated the recommendation could be reworded.

Mr. Trudgeon reminded the Commission that the business owners would still have to go through the application process, and suggested the language read that no permit will be issued until the completion of the Streetscape project.

Chairman Starkey opened the public hearing.

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

Commissioner Takhar moved to A. Recommend that the City Council adopt the 2 findings, and 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 subject to the standards being held in abeyance for the Flexible Zone (on street area), and no permits shall be issued until completion of the Streetscape project. The motion was seconded by Commissioner Sanbrook, and passed by a vote of 4-1-2 (Commissioner Didbal voted no, and Commissioners Tomlinson and Dukes were absent).

Commission Consideration:

- 1. REQUEST FOR EXTENSION ON USE PERMIT #UP 06-01 FOR PLACEMENT OF TWO TEMPORARY STRUCTURES FOR COMPUTER MAINTENANCE, REPAIR AND STORAGE IN THE R-1 DISTRICT; LOCATED AT 3105 COLUSA AVENUE – APPLICANT/PROPERTY OWNER, FAITH CHRISTIAN SCHOOLS, INC.**

Mr. Trudgeon presented a staff report.

Commissioner Takhar asked what the reason was for this request.

Mr. Trudgeon said the request was to keep the temporary structures for computer maintenance and repair.

Commissioner Sanbrook asked how long the permit will be allowed to continue.

Mr. Trudgeon said the Commission can stipulate a termination date to expire in two years.

Chairman Starkey stated the preference would be for the applicant to build a permanent structure.

Mr. Trudgeon stated that the church went in the direction that was least expensive.

Commissioner Shannon stated that in the land use laws, there are specific exceptions for religious institutions, and stated if an exception were to be given to anyone, it would be more appropriate to give one to a religious institution than it would to a for-profit business.

Chairman Starkey said instead of give the applicant a final date, they might want to encourage them to come up with a permanent solution within the next two years.

Mr. Trudgeon stated that a termination date could be included as a condition of approval.

Commissioner Shannon moved to A. Adopt the 7 findings, and B. Approve the 2-year extension of time to expire on April 12, 2010, for the placement of two temporary modular structures in the R-1 District subject to one condition of approval, and to include a copy of the draft meeting minutes to the applicant when available. The motion was seconded by Commissioner Sanbrook, and passed by a vote of 4-1-2 (Commissioner Takhar voted no, and Commissioners Tomlinson and Dukes were absent).

Commission Discussion: - None

Other Business:

Commissioner Takhar talked about the League of California Cities conference held in March.

Report on Actions of the City Council:

Mr. Trudgeon stated that the Zoning Code Amendment and the Funding Agreement for the Siller Ranch project EIR, will be going to the April 15th City Council meeting.

Adjournment: There being no further business, the meeting was adjourned at 7:27 p.m.

Respectfully submitted,

Roberta Kyle, Secretary
YUBA CITY PLANNING COMMISSION