



City of Yuba City
Planning Division Agenda Report
Planning Commission Meeting

August 12, 2009

DATE: August 7, 2009
TO: Yuba City Planning Commission
FROM: Community Development Department
SUBJECT: Agenda Report – Meeting of August 12, 2009

Commission Consideration:

- 1. DEVELOPMENT PLAN #DP 07-06 FOR A 35-UNIT SENIOR CONGREGATE CARE FACILITY LOCATED AT 1279 PLUMAS STREET; ASSESSOR'S PARCEL NUMBER: 51-540-039; APPLICANT: INPROSOL, INC.; PROPERTY OWNERS: RAN SINGH AND SURINDER KAUR.**

Background:

On July 11, 2007, the Planning Commission approved the Development Plan for the above-referenced project. Section 8-5.7105 of the Yuba City Municipal Code states that approved Development Plans shall expire if construction has not substantially commenced within two years of the date of the approval. Section 8-5.7106 of the Yuba City Municipal Code states that the body that originally considered the application may grant a two-year extension of time if the applicant has made a written request for an extension prior to the expiration date of the permit and if it is determined that conditions have not changed to the extent that would warrant denial of the extension. No public hearing is required to grant an extension of time.

Staff Analysis:

On July 9, 2009, Ran Singh, Inprosol, Inc., submitted a request for a two-year extension of Development Plan #DP 07-06 because of the current economic and market conditions. Conditions of Approval placed on the project have not changed.

Recommended Action:

Staff recommends that the Planning Commission extend its approval of Development Plan #DP 07-06 for two years, with an expiration date of July 11, 2011.

2. REQUEST FOR EXTENSION OF PREVIOUSLY-APPROVED DEVELOPMENT PLAN #DP 07-04 FOR A 66,000 SQUARE FOOT TOYOTA AND SCION AUTOMOTIVE DEALERSHIP LOCATED AT THE SOUTHEAST CORNER OF HARTER PARKWAY AND HIGHWAY 20; ASSESSOR'S PARCEL NUMBER: 63-010-099, 100; APPLICANT: STEVE DOWNING ET AL, LLC; PROPERTY OWNERS: ROY LANZA AND JASWANT BAINS.

Background:

On August 22, 2007, the Planning Commission approved the Development Plan for the above-referenced project. Section 8-5.7105 of the Yuba City Municipal Code states that approved Development Plans shall expire if construction has not substantially commenced within two years of the date of the approval. Section 8-5.7106 of the Yuba City Municipal Code states that the body that originally considered the application may grant a two-year extension of time if the applicant has made a written request for an extension prior to the expiration date of the permit and if it is determined that conditions have not changed to the extent that would warrant denial of the extension. No public hearing is required to grant an extension of time.

Staff Analysis:

On July 29, 2009, the applicant, Steve Downing, submitted a request for a two-year extension of #DP 07-04 because of the current economic uncertainties. Conditions placed on the project have not changed.

Recommended Action:

Staff recommends that the Planning Commission extend its approval of Development Plan #DP 07-04 for two years.

Public Hearing:

1. USE PERMIT UP #09-03 FOR CONTINUED USE OF MODULAR UNITS FOR CLASSROOMS AT 613 BOGUE ROAD; ASSESSOR'S PARCEL NUMBER: 54-040-065; APPLICANT: THIESSEN CONSTRUCTION; PROPERTY OWNER: NORTH VALLEY CALVARY CHURCH

Project Description:

The applicant is requesting a Use Permit to continue the use of eight mobile classrooms that have been used since 2005.

Property Description:

The project site contains North Valley Calvary Church, the existing charter school, and two ancillary buildings. A new parking lot is currently under construction. Street frontage improvements exist along the length of the parcel. (See Attachment 1, "Aerial Photo")

General Plan Designation:

Low Density Residential

Zoning Classification:

AH – Agricultural Holding District

Surrounding Land Use:

Single-family residences are located to the north and east, the Yuba-Sutter Mosquito and Vector Control facility is located to the west, and Bogue Road and Tower Market are located to the south.

Previous Commission Actions and/or Policies:

UP 05-02: On July 13, 2005, the Planning Commission approved the applicant’s request to construct the modular classrooms. The approval was renewed on August 8, 2007.

Environmental:

The proposed project is Categorical Exempt from the California Environmental Quality Act in accordance with Section 15061(3) of the CEQA Guidelines, as the continuation of the use has no potential to affect the environment.

Staff Comments:

The Yuba City Zoning Regulations allow manufactured units to be used on a temporary basis. Approvals of manufactured units are subject to a time limit of two years. The applicant has been actively seeking a new site for a permanent school and has encountered challenges in that process. Therefore, the applicant has applied for a new use permit to allow the continued use of the modular units at the current location. Staff considers this to be a reasonable request, especially for schools, which generally take longer to plan, approve, and construct than other types of development. Additionally, the Fire Department is satisfied that the applicant has installed a fully-automated fire alarm system to mitigate potential fire and life-safety concerns. An analysis of the required findings is provided below. The findings are in bold, italicized font.

- 1. The proposal is consistent with the General Plan.***

Staff analysis: The property is zoned AH, Agricultural Holding District which is consistent with all General Plan designations.

- 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 has accommodated the use since 2005. There is adequate space to

continue using the modular units as a school.

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

Staff analysis: Continued use of the modular units is not anticipated to generate additional traffic. The streets serving the site are adequate to carry the traffic currently generated by the school.

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

Staff analysis: There are no changes proposed to the design of the site.

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 City has received no complaints about the existing school. The continued use of the modular units for the school will not be detrimental to persons living or working in the vicinity of the school.

Recommended Action:

Staff recommends that the Planning Commission take the following actions:

- A. Adopt the following findings:
 1. Use Permit UP #09-03 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 proposed use.
 4. The site design and size and design of the buildings will complement neighboring facilities.
 5. The establishment or operation of the use 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 for continued use of modular units for a school at 613 Bogue Road, subject to the following five conditions of approval:

General

1. Use Permit UP #09-03 is approved as described and conditioned herein and as shown in Exhibit A.
 2. Use Permit UP #09-03 shall be limited to a term of two years.
2. **USE PERMIT UP #09-04 FOR MONUMENT SIGNS AT 996 KLAMATH WAY; ASSESSOR’S PARCEL NUMBERS: 58-050-085, -084, -083; APPLICANT: SIGN SOLUTIONS; PROPERTY OWNER: DAVE FINKELSTEIN**

Project Description:

The applicant is requesting a use permit to construct two monument signs, one of which exceeds the maximum allowable square footage and height by eight square feet and six feet, respectively. The proposed signs are intended to provide signage for businesses located on three parcels. (See Exhibit A, page 3.) Section 8-5.6310B of the Yuba City Zoning Regulations would permit each parcel to contain one six-foot-tall, forty-eight square foot monument sign. Two of the signs could be located on State Route 20, while the third could be located on Klamath Lane. The proposed use permit would limit the number of monument signs constructed along State Route 20 to a single monument sign while allowing the single monument sign to be larger than the limits contained in the Zoning Regulations, so as to provide adequate advertising space for Golden State Collision Center and two future businesses. Condition Number Four requires an agreement to be recorded against all three properties to ensure that future owners are informed of the limitation on the number of monument signs.

Property Description:

The project site consists of three parcels, two of which have frontage on State Route 20. Ingress and egress to all three parcels are provided via a shared driveway on Klamath Lane. Golden State Collision Center exists on the westernmost parcel; the other two parcels are vacant. (See Attachment 1, “Aerial Photo”)

General Plan Designation:

Business, Technology, & Light Industry

Zoning Classification:

C-M, Heavy Commercial/Light Industrial District

Surrounding Land Use:

State Route 20 is located to the north, a variety of light industrial, commercial, and office uses are located to the east and south, Klamath Lane is located to the east, and vacant land with entitlements for Yuba City Toyota is located to the west.

Previous Commission Actions and/or Policies:

TM 07-06: On November 17, 2007, the Planning Commission approved David Lanza's application to subdivide the project site into the three parcels that currently exist.

Environmental:

The proposed project is Categorical Exempt from the California Environmental Quality Act in accordance with Section 15303 of the CEQA Guidelines, pertaining to new construction.

Staff Comments:

Section 8-5.6310B of the Yuba City Zoning Regulations requires a Use Permit approved by the Planning Commission prior to construction of a sign that exceeds the height or area limitations set by the Zoning Regulations. In addition to the findings required by Section 8-5.7003 of the Zoning Regulations, the Planning Commission is required to make the finding that the larger sign is needed to advertise a business(es) that has limited visibility from the adjacent public roadway. 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 C-M, Heavy Commercial/Light Industrial District, which is consistent with the existing General Plan designation of Community Commercial.

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 two signs. There is adequate space to install the signs and meet the required five-foot setback from all property lines.

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

Staff analysis: The proposed signs are not anticipated to generate traffic.

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

Staff analysis: The signs are designed to complement the design of Golden State Collision Center. Although the sign along State Route 20 is six feet taller and eight square feet larger than

a sign that would be permitted by the Zoning Regulations, the applicant and adjacent property owner are required to enter into an agreement with the City that limits the monument signage on the three parcels to those that are permitted under this Use Permit. Staff considers this arrangement to be beneficial because it will provide a future business on the southernmost parcel with highway signage while reducing the possible number of signs on the highway frontage by one sign.

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 proposed signage will not be detrimental to the health, safety, or welfare of persons residing or working in the vicinity of the project. The project has been conditioned to comply with all applicable Building Code requirements.

6. *A larger sign is necessary to advertise a business(es) that have limited visibility from the adjacent public roadway.*

Staff analysis: Although no businesses currently exist on two of the three parcels that are involved in the application, businesses will exist in the future, and the proposal anticipates the need for them to advertise with a monument sign. A business that locates on the southernmost parcel will have limited visibility from State Route 20 but will have the benefit of advertising on the proposed monument sign. Condition Number Four ensures that the City will have the benefit of limiting the number of signs on State Route 20 to a single sign.

Recommended Action:

Staff recommends that the Planning Commission take the following actions:

- A. Adopt the following findings:
 1. Use Permit UP #09-04 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 proposed use.
 4. The site design and size and design of the sign will complement neighboring facilities.
 5. The establishment or operation of the use 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.

6. A larger sign is necessary to advertise a business(es) that have limited visibility from the adjacent public roadway.

B. Approve the requested Use Permit for signage at 996 Klamath Way, subject to the following five conditions of approval:

General

1. Use Permit UP #09-04 is approved as described and conditioned herein and as shown in Exhibit A.
2. The applicant shall obtain all necessary building permits prior to construction of the signs.
3. The construction of additional monument signs on parcels 58-050-083, 58-050-084, or 58-050-085 shall be prohibited.
4. The applicant and the property owner(s) of Parcels 1 and 2, as shown in Exhibit A, shall enter into an agreement with the City to limit the number of monument signs constructed on any of the parcels to those signs approved herein. The agreement shall bind all future owners of the land to the conditions of approval. Said agreement shall be signed by all parties and recorded against the three properties prior to the issuance of a building permit for the signs.
5. Use Permit UP #09-04 shall be null and void two years from the date of approval, or on August 12, 2011, if the signs approved herein have not been constructed.

**3. USE PERMIT UP #09-02 FOR BUILDING SIGNS AT 855 HARTER PARKWAY;
ASSESSOR'S PARCEL NUMBER: 63-010-097; APPLICANT: RYAN DUSA;
PROPERTY OWNER: D & M DEVELOPMENT**

Project Description:

The applicant is requesting a Use Permit for building signage that exceeds the square footage requirements in the Zoning Regulations. The proposed signage would be installed at various locations on the recently completed, three-story "West Horizon" building located at 855 Harter Parkway. Section 8-5.6310B of the Yuba City Zoning Regulations allows one square foot of signage per linear foot of building frontage. The West Horizon building has 243 feet of frontage for a maximum allowance of 243 square feet of signage. The applicant's proposal is to allow two square feet of signage per linear foot of building frontage, for a total of 486 square feet of signage.

Property Description:

The 2.1-acre project site is located at the northeast corner of Harter Parkway and Lassen Boulevard. It contains the three-story West Horizon office building. (See Attachment 1, “Aerial Photo”)

General Plan Designation:

Office & Office Park

Zoning Classification:

C-O, X-19, Office Commercial, Special Standards Combining, District

Surrounding Land Use:

Vacant, commercially-zoned land and the future site of Yuba City Toyota are located to the north; Sutter County schools office building is located to the east; Lassen Boulevard and vacant, commercially-zoned land is located to the south, and Harter Parkway and River Valley High School are located to the west.

Previous Commission Actions and/or Policies:

DP 07-10: On December 19, 2007, the Planning Commission approved the construction of the three story West Horizon office building, which currently exists on the parcel.

Environmental:

The proposed project is Categorical Exempt from the California Environmental Quality Act in accordance with Section 15303 of the CEQA Guidelines, pertaining to new construction.

Staff Comments:

Section 8-5.6310B of the Yuba City Zoning Regulations requires a Use Permit approved by the Planning Commission prior to construction of a sign that exceeds the height or area limitations set by the Zoning Regulations. In addition to the findings required by Section 8-5.7003 of the Zoning Regulations, the Planning Commission is required to make the finding that the larger sign is needed to advertise a business(es) that has limited visibility from the adjacent public roadway. 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 C-O, Office Commercial District, which is consistent with the existing General Plan designation of Office & Office Park.

- 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 proposed signs will be installed on the existing building. Approval of the use permit will not impact site development or circulation.

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

Staff analysis: The proposed signs are not anticipated to generate traffic.

- 4. The site design and size and design of the signs will complement neighboring facilities.***

Staff analysis: The amount of signage permitted by the Zoning Regulations is dependent on the size of the development and the zone in which the development is located. As most construction in the area has historically been single-story, Yuba City's sign regulations do not address signage for buildings with three or more stories. The applicant requests the Planning Commission to consider that a three story building is more massive than a single story building, and as a result, may be able to accommodate signage beyond that which is permitted in the Yuba City Zoning Regulations.

Jurisdictions with many multi-story buildings have sign regulations that take into consideration the area of the façade of large buildings in addition to the frontage of such buildings. Additionally, two square feet of signage per linear foot of frontage (subject to certain signage maximums) is the standard allowance in jurisdictions such as Rocklin, Lincoln, and Chico.

The proposed signage appears to be scaled to the proportions of the building, and as such would complement the existing building and surrounding development.

- 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 proposed signage will not be detrimental to the health, safety, or welfare of persons residing or working in the vicinity of the project. The project has been conditioned to comply with all applicable Building Code requirements.

- 6. A larger sign is necessary to advertise a business(es) that have limited visibility from the adjacent public roadway.***

Staff analysis: Two monument signs exist on the site and provide businesses within the West Horizon building the opportunity to advertise. However, due to the relatively large number of suites within the building, there is a limited opportunity for businesses to advertise via building signage. While it would be unrealistic for every business within a three story building of office suites to expect to advertise on the building, the applicant's proposal provides a reasonable compromise that would provide three additional building signs to allow businesses within the

building (which have limited visibility from the adjacent public roadway) to advertise on the building.

Recommended Action:

Staff recommends that the Planning Commission take the following actions:

- A. Adopt the following findings:
 - 1. Use Permit UP #09-02 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 proposed use.
 - 4. The site design and size and design of the signs will complement neighboring facilities.
 - 5. The establishment or operation of the use 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.
 - 6. A larger sign is necessary to advertise a business(es) that have limited visibility from the adjacent public roadway.
- B. Approve the requested Use Permit for signage at 885 Harter Parkway, subject to the following three conditions of approval:

General

- 1. Use Permit UP #09-02 is approved as described and shown in Exhibit A and as conditioned herein.
- 2. The applicant shall obtain all necessary building permits prior to construction of the signs.
- 3. Use Permit UP #09-02 shall be null and void two years from the date of approval, or on August 12, 2011, if the signs approved herein have not been constructed.