



City of Yuba City  
Planning Division Agenda Report  
Planning Commission Meeting

September 9, 2009

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DATE: September 3, 2009

TO: Yuba City Planning Commission

FROM: Community Development Department

SUBJECT: Agenda Report – Meeting of September 9, 2009

Commission Consideration:

- 1. REQUEST FOR AN 18-MONTH EXTENSION OF TIME FOR FILING THE FINAL MAP FOR TENTATIVE SUBDIVISION MAP #SM 06-04; APPLICANT/OWNER: HARTER PACKING COMPANY, LLC.**

Section 8-2.610 of the Yuba City Municipal Code states that tentative maps are approved for a period of two years; two extensions of time (not to exceed eighteen months each) may be granted. Phased filing of final maps may extend the life of tentative maps for a longer period of time.

**Project Description:**

On August 9, 2006, the Planning Commission approved Tentative Subdivision Map #SM 06-04 to subdivide 32.93 acres into 75 single-family lots, 11 commercial lots and 4 office lots. SB 1185, which took effect on July 15, 2008, provided an automatic extension to all unexpired maps that were originally approved between July 16, 2005 and December 31, 2007. The current expiration date for #SM 06-04 is November 21, 2009.

**Recommended Action:**

Staff recommends that the Planning Commission grant an 18-month extension of time, which will extend the final filing date for tentative subdivision map #SM 06-04 to May 21, 2011.

Public Hearing:

1. **GENERAL PLAN AMENDMENT GP 09-03 TO CHANGE THE GENERAL PLAN DESIGNATION FROM MANUFACTURING, PROCESSING & WAREHOUSING TO BUSINESS, TECHNOLOGY, AND LIGHT INDUSTRIAL AND, REZONE RZ 09-02 TO CHANGE THE ZONING FROM INDUSTRIAL (M-2) TO HEAVY COMMERCIAL/LIGHT INDUSTRIAL (C-M) DISTRICT; ADDRESS: 1100 GARDEN HIGHWAY; ASSESSOR’S PARCEL NUMBER: 54-081-002; APPLICANT: MILAN INVESTMENTS, LLC; PROPERTY OWNER: JOHN OCHIPINTI.**

**Project Description:**

The applicant, Milan Investments, LLC, has submitted the following applications for the aforementioned properties:

1. General Plan Amendment GP 09-03 to change the General Plan designation from Manufacturing, Processing, and Warehousing to Business, Technology, and Light Industrial District. (See Exhibit B)
2. Rezone RZ 09-02 to change the Zoning from “Industrial District – M-2” to “Heavy Commercial/Light Industrial District – C-M”. (See Exhibit C)

The purpose of the applications is to change the allowable uses on the fully-developed property.

**Property Description:**

The property is located at the northeast corner of Epley Drive and Garden Highway. The parcel is fully developed with three buildings designed to be used flexibly as warehouse space for non-flammable materials or general office space. Site improvements include 125 parking spaces and parking lot landscaping. (See Attachment 1, “Aerial Photo”)

**General Plan Designation:**

Existing: Manufacturing, Processing, Warehousing  
Proposed: Business, Technology, & Light Industrial

**Zoning Classification:**

Existing: Industrial District (M-2)  
Proposed: Heavy Commercial, Light Industrial District (C-M)

**Surrounding Land Use:**

Warehouses and other light industrial uses are located to the north, a wholesale business is located to the east, Epley Drive, an auto body shop, and a warehouse are located to the south, and

Garden Highway, single-family homes, and the Gum Tree Mobile Home Park are located to the west.

**Previous Actions and/or Policies:**

*Development Plan DP 07-02:* On April 11, 2007, the Yuba City Planning Commission approved Development Plan DP 07-02 for the 60,000 square foot development that currently exists on the project site.

**Environmental:**

A Negative Declaration (Exhibit “A”) was prepared for the project and is attached for Commission review and consideration. Since the property is fully improved, no environmental impacts are anticipated as a result of the General Plan amendment and Rezoning. Staff requests that the Planning Commission recommend that the City Council adopt the attached Negative Declaration.

**Staff Comments:**

Provided below is an evaluation of the findings required to approve both applications. The required findings are italicized in bold font.

*General Plan Amendment GP 09-03:*

GP 09-03 proposes to change the General Plan designation from Manufacturing, Processing and Warehousing to Business, Technology, and Light Industry. The purpose of the General Plan amendment is to provide consistency with the proposed zoning of C-M, Heavy Commercial, Light Industrial.

Section 8-8 of the Yuba City Municipal Code specifies that a member of the public may initiate a General Plan amendment. The Municipal Code requires the Planning Commission to forward its recommendation and findings to the City Council for action. The Municipal Code does not contain any required findings for a General Plan amendment. However, Section 65358 of the California Government Code states that a City may amend its General Plan if it deems the amendment to be in the public interest. In the case of General Plan amendment GP 09-03, staff reasons that the proposal is in the public interest because the land use change will allow a wider range of uses than what is currently allowed on the property. The proposed amendment to the land use element of the General Plan does not conflict with any other elements of the General Plan. Therefore, staff recommends that the Planning Commission make the following finding:

***General Plan Amendment GP 09-03 to change the General Plan designation from Manufacturing, Processing and Warehousing to Business, Technology, and Light Industry is in the public interest.***

Rezone RZ 09-02:

RZ 09-02 is to change the property's zoning classification from the Industrial (M-2) District to the Heavy Commercial/Light Industrial (C-M) District. The applicant is requesting the change to allow a higher proportion of office to industrial space than what is allowed by the M-2 District. The C-M District also allows the sale of products that are not produced on-site.

Section 8-5.7202 of the Yuba City Municipal Code states that amendments to the Zoning Code may be initiated by one or more owners of the property affected by the amendment and requires the Planning Commission to make a finding that the Zoning Code amendment is consistent with the General Plan prior to forwarding the proposal to the City Council for action. Rezone RZ 09-02 was initiated by the property owner, John Ochipinti. Listed below in bold, italicized font are the three required findings to change the Zoning classification followed by staff's analysis of each finding.

***1. Rezone RZ 09-02 is consistent with the Business, Technology & Light Industrial land use designation as described in the Yuba City General Plan.***

Staff analysis: The Yuba City Zoning Regulations states that the Heavy Commercial/Light Industrial zoning classification is consistent with the following General Plan designations: Community Commercial, Regional Commercial, and Light Industrial. Therefore, RZ 09-02 is consistent with the Business, Technology, and Light Industrial land use designation.

***2. Rezone RZ 09-02 is consistent with the planned surrounding land uses.***

Staff analysis: The proposed zoning is consistent with the existing surrounding land uses. The site is not anticipated to change, and the allowable land uses will generally be of a less objectionable nature than those that are currently permitted in the M-2 District.

***3. There are or will be adequate public facilities available to properly serve the development, including streets to adequately handle the anticipated traffic.***

Staff analysis: The streets in the immediate vicinity of the site are constructed to their full capacity. Although the change in the land use and zoning will accommodate a wider variety of uses, the project only has the parking capacity to accommodate 31,500 square feet of office space and 40,500 square feet of warehouse space. The site is fully developed, and the existing public facilities and infrastructure are adequate to serve the site. The proposed General Plan amendment and Rezoning will not add to the site's existing demand on public facilities.

**Recommended Actions:**

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

- A. Adopt the Negative Declaration.

- B. Recommend that the City Council adopt the finding that GP 09-03 to change the General Plan designation from Manufacturing, Processing, and Warehousing to Business, Technology, and Light Industrial District is in the public interest.
- C. Recommend that the City Council approve GP 09-03 to change the General Plan designation from Manufacturing, Processing, and Warehousing to Business, Technology, and Light Industrial District, as shown on Exhibit B.
- D. Recommend that the City Council adopt the following three findings for RZ 09-02
  - 1. RZ 09-02 is consistent with the Business, Technology, and Light Industrial land use designation as described in the Yuba City General Plan.
  - 2. RZ 09-02 is consistent with the planned surrounding land uses.
  - 3. There are or will be adequate public facilities available to properly serve the development, including streets to adequately handle the anticipated traffic.
- E. Recommend that the City Council approve Rezoning RZ 09-02 to change the Zoning from “Industrial District – M-2” to “Heavy Commercial/Light Industrial District – C-M”, as shown on Exhibit C.

**2. SPECIFIC PLAN AMENDMENT SP 09-01 TO AMEND THE CENTRAL CITY SPECIFIC PLAN TO ALLOW RESIDENTIAL UNITS ON THE UPPER FLOORS OF BUILDINGS IN THE “WORKPLACE” AREA; APPLICANT: FALCON CENTER PROPERTIES, LLC; PROPERTY OWNER: REDEVELOPMENT AGENCY OF THE CITY OF YUBA CITY.**

**Project Description:**

The applicant, Falcon Center Properties, LLC, has submitted an application to amend the Central City Specific Plan (CCSP) to allow residential units on the upper floors of buildings located in the “Workplace” area of the CCSP. The amendment will accommodate the applicant’s proposed mixed-use medical building, which would be located at 520 C Street. The property is currently owned by the Redevelopment Agency of the City of Yuba City, (RDA) and development of the site will be governed by a Disposition and Development Agreement (DDA). The applicant and the RDA are currently negotiating the terms of the DDA; the City Council is expected to act on the DDA at its October 6, 2009, meeting. The site plan and building renderings have been provided to the Commission for its consideration during review of the proposed Specific Plan amendment.

**Property Description:**

The Workplace area, which is the subject of the Specific Plan amendment, is generally located south of B Street, in the southeastern portion of the Central City Specific Plan (See Attachment 2, “Central City Specific Plan”) The project site is located at the southwest corner of C Street

and Wilbur Avenue. The project site is vacant with full street improvements surrounding it on the north and east.

**General Plan Designation:**

Office & Office Park

**Specific Plan Designation:**

Workplace

**Zoning Classification:**

Commercial Office (C-O) District

**Surrounding Land Use:**

Town Center and a vacant lot are located to the north, Wilbur Avenue and Gauche Park are located to the east, a single-family residence is located to the south, and the Sutter Surgical Center is located to the west.

**Previous Actions and/or Policies:**

None.

**Environmental:**

A Negative Declaration (Exhibit “A”) was prepared for the project and is attached for Commission review and consideration. Although the Planning Commission’s review is limited to providing direction to the City Council on the Specific Plan amendment, the Negative Declaration takes into consideration impacts resulting from the RDA’s potential approval of the DDA. Staff requests that the Planning Commission recommend that the City Council adopt the attached Negative Declaration.

**Staff Comments:**

Sections 65450 through 65460 of the California Government Code govern the form, content, and adoption and amendment procedures of Specific Plans. Section 65453 states the Specific Plans may be amended in the same way in which they were adopted. The Central City Specific Plan was adopted by a resolution approved by the City Council; amendments would be approved in the same way. Only one finding is required. The finding is listed below in bold, italicized font, followed by staff’s analysis of the finding.

***Specific Plan Amendment SP 09-01, to allow residential units on the upper floors of buildings in the Workplace area, is in the public interest.***

**Staff analysis:** The Yuba City General Plan contains the following description for the Office & Office Park land use designation:

*Development containing professional and medical offices. This classification includes neighborhood, community, and downtown offices as well as office development in a low-intensity, campus-like setting. Neighborhood and community office sites could include a mix of uses, such as small-scale support services and residential uses that are secondary to the office development. An example is housing units or live/work units above office uses. (page 3-6, Yuba City General Plan)*

The paragraph above demonstrates that the proposal to allow residential units on the upper floors of buildings in the Workplace area is consistent with the General Plan.

**Recommended Actions:**

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

- A. Adopt the Negative Declaration.
- B. Recommend that the City Council adopt the finding that SP 09-01 to allow residential units on the upper floors of buildings located in the “Workplace” area of the Central City Specific Plan is in the public interest.
- C. Recommend that the City Council approve SP 09-01 to allow residential units on the upper floors of buildings located in the “Workplace” area of the Central City Specific Plan.