

YUBA CITY PLANNING COMMISSION
MINUTES

Regular Meeting
February 25, 2009
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 Jose Flores
Commissioner Preet Didbal
Commissioner John Hager III

ABSENT

Commissioner Satwant Takhar
Commissioner Mike Tomlinson - Resigned

Also present were Katie Ertmer, Senior Planner and Roberta Kyle, Recording Secretary.

Chairman Starkey and Katie Ertmer, Senior Planner, informed the Commissioners of Commissioner Mike Tomlinson's resignation from the Planning Commission.

The Pledge of Allegiance was led by Commissioner Sanbrook.

Commissioner Sanbrook moved to approve the meeting minutes of January 28, 2009 as written, was seconded Commissioner Hager, and the motion passed by a vote of 5-0-1. Commissioner Takhar was absent.

Appearance of Interested Citizens: - None

Correspondence: - None

Commission Consideration:

- 1. REQUEST FOR EXTENSION OF PREVIOUSLY-APPROVED DEVELOPMENT PLAN #DP 07-01 FOR A 39-UNIT APARTMENT COMPLEX UTILIZING A 35% DENSITY BONUS LOCATED IN THE 1200 BLOCK OF PLUMAS STREET; ASSESSOR'S PARCEL NUMBER: 51-540-092; APPLICANT: GLOBAL PREMIER DEVELOPMENT; PROPERTY OWNER: PLUMAS FAMILY ASSOCIATES**

Ms. Ertmer presented a staff report.

Commissioner Sanbrook moved to approve the extension for DP 07-01, was seconded by Commissioner Didbal, and the motion passed by a vote of 5-0-1 (Commissioner Takhar absent).

Public Hearing:

1. TENTATIVE MAP SM 08-02 TO SUBDIVIDE ONE PARCEL INTO TWO PARCELS LOCATED AT 2125 EAST ONSTOTT FRONTAGE ROAD; ASSESSOR'S PARCEL NUMBER: 51-280-060; PROPERTY OWNER/APPLICANT: AMERICAN NATIONAL RED CROSS, THREE RIVERS CHAPTER

Ms. Ertmer presented a staff report.

Commissioner Sanbrook asked if the sewer easement is located at the south line of parcel #2.

Ms. Ertmer stated that was correct and spoke about the pre-existing sewer line and easement, and explained where it runs.

Commissioner Sanbrook asked if it will be impacted by conditions imposed and asked if it will impede the development of parcel #2.

Ms. Ertmer said no especially with respect to the parking easements, and stated this is a common requirement for a number of subdivisions that have been approved.

Commissioner Sanbrook asked if there were two separate driveways to connect to east Onstott.

Ms. Ertmer stated that there are actually three separate driveways.

Chairman Starkey opened the public hearing.

Bill Walker of Von Geldern Engineering, stated the applicant is in agreement with all of the conditions except #6, which would require a deferred improvement agreement providing for future undergrounding of all existing overhead utilities. Mr. Walker explained that in 2003 when the Onstott Estates subdivision was approved, the City Council waived the requirement for the undergrounding of the utilities along the Onstott frontage road, and asked if condition #6 could be waived.

Ms. Ertmer said that if the Planning Commission would like to entertain that request, she would recommend continuance of this item because this was previously negotiated between the applicant, City Manager and Public Works Director.

Mr. Walker stated there were also other people involved in those negotiations, and said there are overhead power lines along the Onstott frontage road both north and south of the project, and said in 2003 when the subdivision was approved, the City Council chose to waive the requirement for the undergrounding. Mr. Walker said that one of the issues now is that when then the City Council waived that requirement, it affects establishing the value of the property which has been sold and resold a few times since then and now to have that requirement imposed, would add a significant amount to the cost of the property for any future buyer.

Chairman Starkey said that if there was an agreement already in place, he would suggest that there be re-negotiations with the applicant, City Manager and City Council and let them remove the requirement of condition #6.

Commissioner Sanbrook asked Mr. Walker what the City Council's rationale was in 2003 in deciding that no undergrounding would be required.

Mr. Walker stated that was not a project that Von Geldern Engineering worked on, so he does not know the rationale.

Commissioner Sanbrook asked what staff's input was on this issue.

Ms. Ertmer stated that her understanding was that they were being asked to underground at that time and actually performed the construction and put the lines in underground then. Ms. Ertmer said the difference here is that the Deferred Improvement Agreement does have an impact on the value of the property but they are not being asked to actually do the construction, and said this is for a Deferred Improvement Agreement so that the City can secure that portion of the undergrounding in the event that the rest of the area is placed underground.

Commissioner Sanbrook asked if ultimately it is the objective is to secure undergrounding throughout the entire city.

Ms. Ertmer stated that is correct

Commissioner Sanbrook stated he does not see a reason to take out condition #6.

Chairman Starkey suggested the item be sent back to the City Manager to re-negotiate.

Mr. Walker stated that they are willing to continue this item to the next Planning Commission meeting.

Chairman Starkey continued the item to the next public hearing, and closed the public hearing.

2. USE PERMIT UP 08-08 FOR USE OF AN EXISTING BUILDING AS A BUSINESS OFFICE AT 326 B STREET; ASSESSOR'S PARCEL NUMBER: 52-520-030; PROPERTY OWNER: STEPHEN PEARSALL; APPLICANT: CANNERY WORKERS, PROCESSORS, WAREHOUSEMEN, AND HELPERS 601 (A.K.A. "TEAMSTERS LOCAL 601")

Ms. Ertmer presented a staff report.

Commissioner Sanbrook asked Ms. Ertmer if the building was previously occupied by the second-hand thrift store The Depot.

Ms. Ertmer stated that was correct.

Commissioner Sanbrook asked when they ceased to operate at that location.

Ms. Ertmer said it was late 2006.

Commissioner Sanbrook asked if there will be any structural modifications involved in the request.

Ms. Ertmer stated there will be no structural modifications, but there were a number of issues that the Building Department needed to have corrected before the applicant could occupy the building, and stated that nearly all of the items have been corrected, and all will be done before the applicant takes occupancy.

Commissioner Sanbrook asked if it was a non-conforming structure.

Ms. Ertmer stated it is a non-conforming structure in terms of coverage, parking and depending on the use.

Commissioner Sanbrook asked if that according to the parking standards under the Central City Specific Plan, a building of this size would require least 12 parking spaces.

Ms. Ertmer stated that is correct.

Commissioner Sanbrook asked if this structure loses its non-conforming status under Article 73 of the zoning ordinance.

Ms. Ertmer stated that the structure did not, but the use did.

Commissioner Sanbrook stated his concerns according to the zoning code.

Ms. Ertmer said that with respect to the parking, the applicant is here requesting a use permit and usually two use permits are not required.

Commissioner Sanbrook stated that there is more than just the parking issue, and asked if setbacks were included also.

Ms. Ertmer said that is correct.

Chairman Starkey opened the public hearing.

Lucio Reyes, CEO for Teamsters 601, explained why they are looking at this building and said they would like to have their services in Yuba City. Mr. Reyes explained what the hours of operation will be, and that there would probably only one person in the office to take care of scheduled appointments, and that meetings would most likely be held off-site at another facility. Mr. Reyes asked the Planning Commission for approval of their request.

Commissioner Sanbrook asked Mr. Reyes about workshops, raffles and fund raisers being held on-site.

Mr. Reyes stated that the workshops will be held onsite with no more than the 49 persons allowed and will probably only happen a couple of times a year.

Commissioner Sanbrook asked Ms. Ertmer if that was her understanding.

Ms. Ertmer said that is staff's understanding and stated that staff has conferred with the Fire Department regarding the number of 49 people.

Commissioner Sanbrook asked if there should be a condition restricting the amount of people for other activities.

Ms. Ertmer stated that Condition #3 covers that concern.

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

Commissioner Sanbrook moved to A. Adopt the 5 findings, and B. Approve Use Permit UP 08-08 with the 20 conditions of approval, was seconded by Commissioner Hager, and the motion passed by a vote of 5-0-1 (Commissioner Takhar absent).

3. USE PERMIT UP 08-05 FOR A NEW RESTAURANT WITH A DRIVE-THRU FACILITY; 866 WEST ONSTOTT FRONTAGE ROAD; ASSESSOR'S PARCEL NUMBERS 58-060-004 AND 58-060-019 (PARTIAL); APPLICANT: MILESTONE ASSOCIATES, INC.; OWNER: GHAI MANAGEMENT SERVICES

Ms. Ertmer presented a staff report.

Commissioner Sanbrook stated his concern about the canopy and asked what staff's objection to it is.

Ms. Ertmer said staff did not receive adequate plans for the canopy to make a good judgment call, and feels it can deteriorate faster than the building will and will become an eyesore.

Commissioner Sanbrook asked what the canopy is made out of.

Ms. Ertmer said it is a metal seamed roof.

Commissioner Sanbrook asked if the canopy blends in with the building and asked what color it is.

Ms. Ertmer stated she does not know.

Chairman Starkey opened the public hearing.

Julio Tinehero, Milestone & Associates, explained that Popeye's has a standard canopy design that they use that is incorporated in the design of the awning and will use the same colors, which will be over the free-standing menu board for weather protection, and said that the canopy would compliment the building and provide good customer service.

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

Commissioner Didbal stated she feels the canopy is fine and is good for customer service and that it should be allowed.

Commissioner Sanbrook said he has no problem with the canopy.

Commissioner Hager stated he has not objections to the awning, and asked if there will be a local contractor doing the construction.

Sunny Gahi explained about the contractors that will be doing the construction.

Ms. Ertmer said condition #6 could be eliminated.

Commissioner Sanbrook moved to A. Adopt the 6 findings, and B. Approve UP 08-05 with 45 conditions of approval (condition #6 eliminated), was seconded by Commissioner Didbal, and the motion passed by a vote of 5-0-1 (Commissioner Takhar absent).

Commission Discussion: - None

Other Business:

Commissioner Sanbrook asked what the status is for the Lincoln East Specific Plan.

Ms. Ertmer stated that staff anticipates a schedule from the consultant in the next few days, and said all the staff comments have been sent back on both the Specific Plan and the administrative draft EIR with the exception of water, and said once they get their comments back, they will be able to get a schedule and anticipate a date for discussion. Ms. Ertmer said staff will likely have a public meeting with the Planning Commission at that time and that it will be during the 45 day comment period.

Report on Actions of the City Council: - None

Adjournment: There being no further business, the meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Roberta Kyle, Secretary
YUBA CITY PLANNING COMMISSION