

YUBA CITY PLANNING COMMISSION
MINUTES

Regular Meeting
September 23, 2009
City Hall Council Chambers

The meeting was called to order by Vice Chair Didbal at 7:00 p.m. Members present were as follows:

PRESENT

Commissioner Satwant Takhar
Commissioner George Parker
Commissioner Preet Didbal

Commissioner John Sanbrook
Commissioner John Hager III
Commissioner Jose Flores

ABSENT

Chairman Craig Starkey (*excused*)

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

The Pledge of Allegiance was led by Commissioner Sanbrook.

The meeting minutes of September 9, 2009, were approved as written. Commissioner Takhar abstained.

Appearance of Interested Citizens: - None

Correspondence: - None

Commission Consideration: - None

Public Hearing:

- 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 AND TO ALLOW RESIDENTIAL GARAGES TO HAVE A 0' SIDE AND REAR YARD SETBACK; APPLICANT: FALCON CENTER PROPERTIES, LLC; PROPERTY OWNER: REDEVELOPMENT AGENCY OF THE CITY OF YUBA CITY.**

Katie Ertmer, Senior Planner, presented a staff report.

Commissioner Sanbrook stated the City's General Plan contemplates this type of mixed use development and wanted confirmation that this request is consistent with the General Plan.

Ms. Ertmer stated that is correct and said that the City Council requires a finding that the request is consistent with the General Plan.

Commissioner Sanbrook wanted confirmation that if the property was located outside the Specific Plan area, then there would be no setback requirements.

Ms. Ertmer said that is accurate.

Commissioner Parker inquired about the property owner adjacent to the southern edge of that property, and wanted to know that by creating a zero lot line, what will happen to the property to the south.

Ms. Ertmer stated it doesn't change with respect to that property because the development will be strictly on this property, and will not encroach on their property at all.

Commissioner Parker asked if the specific plan amendment passes through the City Council, would that property owner have to come back to the Planning Commission and City Council to construct something with a zero lot line.

Ms. Ertmer said no, that it would apply to all properties in the workplace area.

Vice Chair Didbal opened the public hearing.

John Wright, 330 H Street, Marysville, representative for Falcon Center Properties, LLC, talked about the project and explained that it will be a professional medical office building with a deli to provide lunch, etc., and 4 to 5 residential apartments on the second floor, one being occupied by Dr. Bajwa.

There being no further testimony, Vice Chair Didbal closed the public hearing.

Commissioner Sanbrook moved to A. Adopt the Negative Declaration, B. to recommend that the City Council adopt the finding that #SP 09-01 is in the public interest, and C. to recommend that the City Council approve #SP 09-01. The motion was seconded by Commissioner Takhar, and passed by a vote of 6-0-1 (Chairman Starkey absent).

2. TENTATIVE MAP #TM 09-01 TO SUBDIVIDE ONE PARCEL INTO SIX PARCELS AND A REVISION TO THE PREVIOUSLY-APPROVED DEVELOPMENT PLAN #DP 07-08 FOR MODIFICATIONS TO THE SITE PLAN, SIGN PROGRAM, AND ELEVATIONS; LOCATED AT THE SOUTHEAST CORNER OF THARP ROAD AND BUTTE HOUSE ROAD; ASSESSOR'S PARCEL NUMBER: 59-010-118; PROPERTY OWNER/APPLICANT: DANE SILLER

Ms. Ertmer presented a staff report.

Commissioner Sanbrook asked if there were still going to be residential units above the commercial buildings.

Ms. Ertmer stated that buildings E and F are proposed to be single story only, building A is proposed to have up to 7 residential units, and building C is a three-story that is flexible with a maximum of 4 residential units. Ms. Ertmer said that total number of previously approved residential units is 17.

Commissioner Sanbrook asked for review of the sign program.

Ms. Ertmer said the original sign program had 7 signs that were similar to monument sign B which is proposed to be located at the corner, which strictly identifies the project, La Bella Vita. Ms. Ertmer said there were supposed to be 7 of those signs throughout the site at each entrance, and said the applicants proposal is to replace those with 3 monument signs that not only provide identification for the project, but also for the tenants that will be internal to the site. Ms. Ertmer stated that a fourth sign will be located at the corner of Butte House Road and Tharp Road and will identify the center as a whole. Ms. Ertmer also said this conforms to the zoning code and the original sign program will be superseded by the new sign program.

Commissioner Sanbrook asked if condition #13 from the original approval was still a condition.

Ms. Ertmer stated it is still a condition for this amendment.

Commissioner Parker asked about the existing bus stop on Butte House Road and if there were any provisions for access into the complex adjacent to the drop off.

Ms. Ertmer said accessible paths of travel will be provided at the time of building permit issuance, and said the applicant worked closely with Keith Martin of Yuba-Sutter Transit to make sure that the bus stop was both large enough and accessible.

Vice Chair Didbal opened the public hearing.

Kevin Cotter, 1799 Capri Drive, general partner for New Earth Market, talked about what the store offers and explained that it is owned by 9 Yuba City families.

Commissioner Parker asked if building D was going to be a fast food restaurant.

Ms. Ertmer stated that the drive-thru was part of the original approved site plan to provide maximum flexibility, and that there is no tenant dedicated to that site as of yet.

Ravi Tumber, speaking on behalf of the applicant, Dane Siller, stated that because of the way things are economically, he had to modify the plan accordingly to go with the times, and said they wanted to have everything linked, for example, a coffee shop, bank, fitness center, restaurant, etc., with it all being high end, high scale to be a destination place for all needs in one place.

There being no further testimony, Vice Chair Didbal closed the public hearing.

Commissioner Takhar moved to A. Adopt the 4 findings for #TM 09-01, B. Adopt the 3 findings for the revision to #DP 07-08, and C. Approve Tentative Map #TM 09-01 with 6 conditions of approval. The motion was seconded by Commissioner Sanbrook, and passed by a vote of 6-0-1 (Chairman Starkey absent).

3. TENTATIVE MAP #TM 09-02 FOR A COMMERCIAL CONDOMINIUM PROJECT LOCATED AT 855 HARTER PARKWAY; ASSESSOR'S PARCEL NUMBER: 63-010-112; PROPERTY OWNER: D & M DEVELOPMENT; APPLICANT: RYAN DUSA

Ms. Ertmer presented a staff report.

Commissioner Sanbrook asked if staff feels there needs to be an ordinance to regulate this type of a condo project.

Ms. Ertmer stated this is the first building in a long time that has a potential to do this type of project, and that it would require considerable effort to re-write an entire ordinance for so few of these types of projects, despite the fact that it would be much easier for applicants to deal with on the staff level.

Commissioner Sanbrook wanted confirmation about this project previously requesting additional signage.

Ms. Ertmer stated that was a use permit request for an exception to the sign ordinance, which is allowed by the code, and said the Planning Commission approved the use permit to allow 2 square feet per linear foot of building signage under the argument that this is a three-story building and therefore more massive than what the sign ordinance anticipates.

Commissioner Sanbrook asked if a condition was imposed at that time that no additional signage would be allowed.

Ms. Ertmer said there was a condition imposed and the plans approved by the Planning Commission are used to check as the sign permits come in. Ms. Ertmer said there is an actual hold on this parcel through the tracking system that prompts staff to check on the sign program before approving the permit.

Commissioner Sanbrook asked if now that the project is turned into condos, will the City be inundated by sign requests.

Ms. Ertmer said she hopes not, because they would not be allowed.

Vice Chair Didbal opened the public hearing.

Ryan Dusa, 1817 Rolling Rock Court, talked about the building and the signage, and how condos would provide a good opportunity for business owners to own their own space. Mr. Dusa said the sign situation has been taken care of.

Commissioner Sanbrook asked where signage would be situated for a new tenant.

Mr. Dusa said that almost all the monument signage space is gone, and that future tenants would have to negotiate with the current tenants on signage space. Mr. Dusa stated there will be directory signage inside the building for tenants.

Commissioner Sanbrook asked what would happen if a tenant wanted to put signage on the window.

Ms. Ertmer said the tenant would most likely get a visit from the Code Enforcement Officer if the sign can be seen.

There being no further testimony, Vice Chair Didbal closed the public hearing.

Commissioner Sanbrook moved to A. Adopt the 4 findings, and B. Approve Tentative Map #TM 09-01 with 2 conditions of approval. The motion was seconded by Commissioner Hager, and the motion passed by a vote of 5-0-2 (Chairman Starkey absent, Commissioner Takhar abstained).

Commission Discussion: - None

Other Business:

Ms. Ertmer asked the Planning Commissioners if they would consider having a special meeting on November 18th since November 11th is a holiday and November 25th is the day before Thanksgiving. The Planning Commissioners agreed to hold the one meeting in November on the 18th.

Ms. Ertmer said the General Plan Amendment and Rezone request for John Ochipinti will be going before the City Council on October 6th.

Ms. Ertmer mentioned that Aaron Busch, Community Development Director, will be having a meeting on Thursday, September 24th, with mobile vendors to continue discussions.

Report on Actions of the City Council:

Ms. Ertmer said that Mr. Busch gave a presentation on the Flood Control Strategy at the last City Council meeting on September 15, 2009, and said it was the same presentation that the Chief Building Official, Paul Klein, gave at the Planning Commission meeting of September 9, 2009.

Commissioner Parker asked about the Feather River Mills Review Committee, and if the committee was going to meet.

Ms. Ertmer said it appears that there was no need to meet at this time based on RFP's that were submitted.

Adjournment: There being no further business, the meeting was adjourned at 7:52 p.m.

Respectfully submitted,

Roberta Kyle, Secretary
YUBA CITY PLANNING COMMISSION