



City of Yuba City  
Planning Division Agenda Report  
Planning Commission Meeting

January 27, 2010

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DATE: January 21, 2010  
TO: Yuba City Planning Commission  
FROM: Community Development Department  
SUBJECT: Agenda Report – Meeting of January 27, 2010

Public Hearing:

- 1. USE PERMIT UP 09-05 FOR MONUMENT SIGN AT 3101 COLUSA HIGHWAY; ASSESSOR'S PARCEL NUMBERS: 62-020-061; APPLICANT: SIGN SOLUTIONS; PROPERTY OWNER: FIRST UNITED METHODIST CHURCH.**

Project Description:

The applicant is requesting a Use Permit to construct one monument sign that exceeds the maximum allowable square footage and height by approximately twenty square feet and four feet, respectively. The proposed sign is intended to provide legible signage for First United Methodist Church, which is set back approximately one hundred feet from the nearest travel lane on State Route 20. (See Attachment 1, "Aerial Photo") Section 8-5.6310A of the Yuba City Zoning Regulations would allow the site to contain one six-foot-tall, thirty-two square foot monument sign.

Property Description:

The project site consists of one 12.5-acre parcel, which has frontage on Colusa Frontage Road and Monroe Road. Only the southerly portion of the site contains structures. Ingress and egress to the site are provided via two driveways on Colusa Frontage Road.

General Plan Designation:

Low Density Residential

Zoning Classification:

R-1, One-Family Residence District

**Surrounding Land Use:**

Colusa Frontage Road and State Route 20 are located to the south, Faith Christian School is located to the west, Monroe Road and single-family homes are located to the north, and the location of the future extension of George Washington Boulevard and a variety of commercial uses are located to the east.

**Previous Commission Actions and/or Policies:**

None.

**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 R-1, One Family Residence District, which is consistent with the existing General Plan designation of Low Density Residential.

***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 sign. There is adequate space to install the sign 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 sign is not anticipated to generate traffic.

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

Staff analysis: The sign is designed to complement the design of the existing church.

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. Additionally, Caltrans is responsible for issuing permits for “outdoor advertising” that is visible from the State Highways. The applicant has agreed to Condition Number Three, which requires the applicant to obtain an outdoor advertising permit from Caltrans if any offsite advertising is to be placed on the changeable copy portion of the sign.

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

Staff analysis: The applicant’s building is located approximately 100 feet from the nearest travel lane of SR 20 and is separated from SR 20 by a four-foot chain link fence. Although the visibility from Colusa Frontage Road is good, the church has limited visibility to motorists traveling on SR 20. The taller height is necessary for the sign to be visible over the chain link fence, and the additional area is necessary for the sign to be legible to motorists on SR 20. Additionally, churches may be constructed in any “R” or “C” District, and the amount of signage permitted is based on the district in which a use is located. If, for example, the applicant’s church were located in the C-2 District, it would be permitted to have a larger sign than the one that is proposed in this Use Permit application. Moreover, the sign will not be out of character when viewed in the context of its surroundings: the businesses to the east of the church have multiple signs that are of similar size to the one that is proposed in this application. Additionally, conforming signs that run the length of SR 20 (such as those at Lowes, Home Depot, and Yuba City Marketplace) are of similar size and character as the one proposed by the applicant.

**Recommended Action:**

Staff recommends that the Planning Commission take the following actions:

- A. Adopt the following findings:
  1. Use Permit UP 09-05 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 3101 Colusa Highway, subject to the following four conditions of approval:

### **General**

1. Use Permit UP 09-05 is approved as described and conditioned herein and as shown in Exhibit A, with the exception that the changeable copy portion of the sign may not exceed 50% of the sign area, as required by the Zoning Code.
  2. The applicant shall obtain all necessary building permits prior to construction of the signs.
  3. Offsite advertising is prohibited, unless the applicant demonstrates that Caltrans has approved an outdoor advertising permit.
  4. Use Permit UP 09-05 shall be null and void two years from the date of approval, or on January 27, 2012, if the sign approved herein has not been constructed.
2. **ZONING CODE AMENDMENT ZC 09-01 TO AMEND THE ZONING CODE TO ESTABLISH PROCEDURES AND STANDARDS FOR APPROVING THE PERMANENT INSTALLATION OF COMMERCIAL COACHES FOR 1) K-12 SCHOOLS AND 2) OFFICES ANCILLARY TO INDUSTRIAL USES IN THE M-1 AND M-2 DISTRICTS; PROJECT LOCATION: CITY-WIDE; APPLICANT: CITY OF YUBA CITY**

### **Project Description:**

The Yuba City Zoning Code currently allows commercial coaches to be installed on a temporary basis following the approval of a Use Permit by the Planning Commission. The Code states that the maximum term of the Use Permit shall be two years. The Code does not state whether an applicant may, upon expiration of the two-year time limit, apply for another Use Permit. This lack of specificity has led a number of applicants to file a new Use Permit application upon expiration of their old Use Permit. In recent years, the Planning Commission has, without exception, approved all such requests. However, the Planning Commission has expressed

discomfort with this arrangement, as it effectively approves indefinite extensions of Use Permits that the Zoning Code states should have a maximum term of two years. In response to the most recent Use Permit request, the Planning Commission has requested staff to develop a Zoning Code amendment to address the problem.

**Summary of Changes:**

Staff recommends that the Zoning Code be amended to shorten the length of time that temporary commercial coaches can be installed and to clarify that at the end of the time period, the commercial coach is required to be removed from the site. Staff recommends that Section 8-5.5101(G) be amended to read as follows:

- G. *The maximum term of the use permit is 1 year. Prior to the expiration of the use permit, the applicant may request one 1-year extension of time. Upon conclusion of either the initial 1-year period or, if granted by the Planning Commission, the 1-year extension of time, the commercial coach shall be removed, and the site shall be returned to its natural state.*

Staff further recommends that the Zoning Code amendment separately address permanent commercial coach installations for schools and permanent commercial coach installations for industrial office space. An analysis of each proposed change is provided below.

**Schools:** Public schools in California have increasingly been using commercial coaches (or modular units) as a cost-effective way to provide classroom space. Because school districts are a separate governmental entity, cities have little to no input into the design of public school facilities. The proposed addition of Section 8-5.5103 (shown below) would allow private schools to install commercial coaches and use them in the same way the public schools currently do.

**Sec. 8-5.5103. Commercial Coach as Classrooms for K-12 Schools.**

*A commercial coach may be used as classrooms for schools that provide kindergarten through twelfth-grade educational instruction, provided that the standards in Section 8-5.5101 of this article, above (except the time limits) are met, and all other site development standards required for the use are met. The commercial coach is required to comply with all applicable building, fire, and life safety codes, including, but not limited to Title 4, Chapter 5 of the Yuba City Municipal Code.*

**Industrial Office Space:** In November, 2007, the Planning Commission approved the fourth new Use Permit for Sunsweet Growers for the continued use of its modular office space, which was constructed in 2001. Sunsweet has made no progress toward replacing the modular office space with permanent construction. Under the current code, Sunsweet could continue this cycle indefinitely by applying for new Use Permits each time its old one expires. The Planning Commission requested staff to devise a solution to this and similar problems. Staff recommends adding the following section to the City's Zoning Code:

***Sec. 8-5.5104. Commercial Coach as an Ancillary Office for an Industrial Use.***

*A commercial coach may be used as an office in the M-1 or M-2 District, provided that the office is clearly ancillary to a principally-permitted use in the District in which the office is proposed to be located. The commercial coach must be located on the same site as the primary industrial use that it is intended to support. The issuance of either a Zoning Clearance or a Use Permit is required prior to the installation of a commercial coach to be used as an office in the M-1 or M-2 District.*

*A. A Zoning Clearance for the use of a commercial coach as an ancillary office for an industrial use may be issued, subject to the following requirements:*

- 1. The standards in Section 8-5.5101 of this article, above (except the time limits) are met, and all other site development standards required for the use are met.*
- 2. The commercial coach is required to comply with all applicable building, fire, and life safety codes, including, but not limited to Title 4, Chapter 5 of the Yuba City Municipal Code.*
- 3. The commercial coach shall be less than 10,000 square feet in area.*
- 4. The commercial coach shall be fully screened from view of the public right-of-way, either by landscaping or by other buildings.*

*B. Provided that all of the standards listed in Section 8-5.5103 A are met, with the exception of Items 3 and 4, a use permit may be requested for the use of a commercial coach as an ancillary office for an industrial use, in accordance with the requirements of Article 73 of this Chapter.*

There are three important components of the proposed change to allow commercial coaches to be used for permanent office space: 1) it shall be limited to M-1 and M-2 Zoning Districts, 2) it shall be limited to being used as an incidental office to support principally-permitted industrial uses that are already established, 3) there shall be two different levels of review, depending on the size of the installation and/or whether the commercial coach is visible from the public right-of-way. Each of these components is analyzed further below.

Staff Analysis – Limited to M-1 and M-2 Zoning Districts: Industrial uses are unique in that they typically require large capital investments in equipment, high operating costs, and sometimes skilled labor. Yuba City’s Design Guidelines recognize this, and therefore, M-1 and

M-2 Zoning Districts are not subject to the City's Design Guidelines. Although the permanent installation of a commercial coach would be inconsistent with its surroundings in a commercial district with a high level of architectural integrity, commercial coaches would not appear out of place in the M-1 or M-2 District.

Staff Analysis – Office for principally-permitted industrial use: As noted above, industrial uses typically have higher operating costs than other uses. The proposed change is intended to provide industrial businesses an additional way of affordably providing incidental office space to support the primary business operations.

Staff Analysis – Two levels of review: To streamline the review process, staff recommends that commercial coach installations that are less than 10,000 square feet and hidden from view of the public right-of-way be reviewed ministerially, in conjunction with the issuance of a building permit. Staff would issue a zoning clearance if all of the standards contained in the proposed Section 8-5.5104(A) are demonstrated to be met. To ensure compatibility with the surrounding uses, and because installations exceeding 10,000 square feet are not Categorically Exempt from the California Environmental Quality Act, staff recommends that installations that either exceed 10,000 square feet or that are not hidden from public view be issued a Use Permit by the Planning Commission prior to being approved for construction.

**Environmental:**

A Negative Declaration (Exhibit A) was prepared for the Zoning Code amendment and is attached for Commission review and consideration. Staff identified no significant or potentially significant impacts associated with the proposed Zoning Code amendment, as each installation of a commercial coach will be subject to the standard construction and operational phase mitigation measures that apply to all projects in Yuba City. Staff requests that the Planning Commission adopt, and recommend that the City Council adopt, the attached Negative Declaration.

**Recommended Action:**

Staff recommends that the Planning Commission recommend that the City Council take the following actions:

- A. Adopt the finding that, following review of the Initial Study/Negative Declaration, the proposed Zoning Code amendment to establish procedures and standards for approving the permanent installation of commercial coaches for schools and offices ancillary to industrial uses has no significant impacts on the environment.
- B. Adopt the Negative Declaration.
- C. Introduce and adopt the ordinance contained in Exhibit B.

**3. ZONING CODE AMENDMENT ZC 09-02: AMEND SECTION 4-9.816 UNLAWFUL PARKING PEDDLERS AND VENDORS; ADD SECTION 8-5.53 SPECIAL PROVISIONS FOR MOBILE AND OPEN AIR VENDING OPERATIONS TO THE YUBA CITY MUNICIPAL CODE; APPLICANT: CITY OF YUBA CITY.**

**Project Description:**

The proposed Zoning Code Amendment represents an amendment to the City's Municipal Code and Zoning Ordinance relating to standards for operating mobile and open air vending businesses within the City limits. Specifically, the amendment proposes to modify Section 4-9.816 of the Municipal Code so that any proposed vending operator must comply with the proposed standards being prescribed by the new Section 8-5.53 in the City's Zoning Ordinance.

**Background:**

Last year, the City's limited guidelines for vending operations were the subject of much discussion in front of the City Council. As a result of those discussions, the Council directed staff to revisit the provisions of the City's existing ordinances related to vending with a group of interested stakeholders in an attempt to develop more comprehensive standards. Since that direction, staff contacted other jurisdictions to collect more information on this subject, as well as conducted three stakeholder's meetings with multiple interested parties.

On October 20, 2009 staff presented the Council with some recommended standards for vendors based on research from other jurisdictions and from input gained at the stakeholders meetings. A copy of that staff report to the Council is included as Attachment 1 which includes a summary of the practices used by some other jurisdictions. The Council generally supported the proposed standards but recommended that all types of vending operations be subject to some level of City permit requirement, and that additional clarification be provided on where vending trailer carts at fixed locations can be allowed.

**Analysis:**

The City's current regulations relating to vending operations are rather minimal and vague as shown in Attachment 2. There are no clear definitions regarding the different types of vending operations, or any specific standards with the exception of a challenging time limit for vendors. Currently the City's standards require that vendors move every 10 minutes from their set-up location, but the current standards do not specify how far the vendor must move to be in compliance. The purpose for this Zoning Code Amendment is to develop new comprehensive standards that provide clarity for vending operators and ensure that vending operations within the City provide added value to the community. Much like the City's Sign Ordinance and Design Guidelines are intended to enhance the quality of the community as well as promote fairness among all businesses, so should the standards for vending operations. If no such standards are developed, then all the City is doing is allowing a commercial selling opportunity that does not provide any community investment.

A critical step in preparing standards for proposed vending operations is to identify the different types of vending operations that should be allowed to operate within the community. Once those different types have been identified, then standards relating to permit requirements, allowable locations, time limits, and level of improvements can be created. The stakeholder’s group identified the different types of vending operations that should be defined. These are highlighted below with additional details provided in the October 20, 2009 Council report (Attachment 1),

The three different vending types identified by the group included:

1. Mobile push cart operations: this type includes vendors pushing carts (e.g. pre-packaged ice cream) from location to location on their own power. Vendors will operate on both public and private property and typically do not stay at any given location for long periods of time or return to prior locations in the same day.
2. Mobile vending carts and lunch wagons: this type includes larger carts (e.g. fruit carts) that can be pushed by human power, or require some towing, and mobile self-contained food trucks that drive from location to location. Vendors typically operate on both public and private property and will relocate as needed to other locations.
3. Trailer pulled carts in fixed locations: although this type of vending can be considered mobile, typically these larger carts are set up in a fixed location for longer periods of time due to the time involved for set up and take down. Vendors can operate on both public and private property but generally require greater spaces needs due to the size of the cart. Additional standards and improvements may be needed to ensure proper public safety is provided (e.g. accessibility on sidewalks).

For purposes of discussion for the new standards being proposed, the first two types identified are considered mobile vending operations, while the third type is considered an open air vending operation as it located at a fixed location. With these three vending types identified, the group was able to elaborate more on where these operations should be allowed and under what types of conditions. The conceptual standards presented to the Council at their October 20<sup>th</sup> meeting for these vending types are summarized in the table below.

<b>Vending Type</b>	<b>Allowed on Public Property</b>	<b>Allowed on Private Property</b>	<b>Permit Required</b>	<b>Movement Requirements</b>	<b>Time Limits Required</b>
1 Push Cart	Yes	Yes	No	400-1,000 feet	Every 30 mins
2 Lunch Wagon	Yes	Yes	No	400-1,000 feet	Every 30 mins
3 Trailer Carts	No	Yes, With Limitations	Yes	No	No

For the first two types of mobile vending operations, it was recommended that these types of vendors should only be allowed for a short time frame at a single location before they are

required to move a prescribed distance. The group agreed that 10 minutes was too short as it takes that long to set up and take down before a vendor is required to move again. Consensus was reached at 30 minutes. The group also agreed that these types of vendors should be required to move a specified distance (e.g. 400-1,000 feet) and should only be allowed to return to the same site no more than two times per day (to provide their product at businesses with more than one work shift). These vending operations could be located on both public (e.g. sidewalks) and private property, as long as they complied with the time limits and movement requirements. Such standards would ensure that a mobile lunch wagon does not set up permanently at a prominent street corner on private property which does not add value by detracting from the aesthetic appearance of the community.

For the third type of vending operation, staff recommended additional specific standards for trailer carts at fixed locations (open air vendors) which included the following:

- Trailer carts at fixed locations can locate on private property at medical complexes, office complexes, industrial centers, or large-box retail centers where there is an unmet need, as long as they are located 400 feet away from a business selling like goods and products.
- If located within 400 feet of a business selling similar goods and products, then the vendor shall obtain written approval from said business.
- Vendor shall obtain written approval from the property owner of record to locate on subject property.
- Vending operation cannot interfere with or impede pedestrian or vehicular access or parking on the site.
- The site has proper vehicular access (e.g. curb cuts).
- The site is paved – no natural surfaces allowed.
- There is adequate space for customer parking and business vehicle parking.
- No tables and chairs are allowed.
- No more than one vending operation shall be located on an individual property

The original intent of the above standards was to allow open air vendors at fixed locations where there was no supply for an unmet need which could be fulfilled by vendors and their products. An area with an unmet need is where there is a large demand, with limited supply. A good example of this for this type of vending operation is a large industrial area or an office complex with many workers that are not located in an area with food service providers. In these examples, food vendors can provide a service where others cannot, thereby benefitting the community and the business. The other intention of the above standards was to minimize any unfair competition between vendor businesses and existing brick and mortar businesses which explains the inclusion of the 400 foot separation requirement noted above.

Both the Council and representatives of the stakeholder's group requested clarification of what exactly is an area of "unmet need". Additionally, there were questions raised about the need for restricting open air vendors at fixed locations to areas with an unmet need, and 400 feet away from similar businesses. To address the issue regarding a clearer definition of an "unmet need", staff is proposing to incorporate square footage figures that typically generate significant amounts of employees for each use type as part of the definition. These are listed below:

- Industrial building/complex greater than 65,000 square feet.
- Office building/complex greater than 50,000 square feet.
- Retail building/complex greater than 100,000 square feet.

As for the issue of requiring open air vendors to be located in areas with an unmet need and 400 feet away from a similar business, this is in response to the concern for ensuring an equal playing field among like business types.

Another noteworthy change made to the draft standards in the attached Ordinance, compared to those recommended in the conceptual standards contained in the October 20<sup>th</sup> report is associated with the permitting requirements. Previously staff had noted that while all vending operations would be required to obtain a City Business License, only open air vending operations would be required to apply for a City permit in the form of a Zoning Clearance from the Planning Division. In response to the concerns expressed by the Council and the Stakeholder’s group for more stringent permitting requirements, staff is now recommending that all mobile vending operations be required to apply for a Zoning Clearance form before they can operate within the city. Additionally, open air vending operations would be required to apply for a Use Permit to ensure compliance with the more detailed regulations. As part of the permitting process for either type of vending operation, the Planning Division would ensure that every vendor would secure a City Business License as well as the necessary permits and approvals from Sutter County Health Department prior to issuing a permit to operate. Once a permit is issued, a permit sticker to operate will be given to the vendor with instructions to place the sticker on the vending cart/truck for purposes of demonstrating compliance with City and County regulations. This sticker system will greatly assist with future code enforcement efforts by either the City or the County.

All of the proposed changes noted above have been incorporated into the attached draft Ordinance (Exhibit B) which includes all of the specific details relating to operating a vending business within the City. This also includes a specific reference to vendors operating at a City approved Special Event are exempt from the requirements of the proposed Ordinance as requested by the Council.

Provided below is a brief summary of the highlights for each of the three vending types identified above. As previously noted, all of the vending types identified below are required to comply with all State and County Vehicle and Health Codes and Permits. Additionally, every vending operator will need to secure a City Business License in order to operate.

Vending Type	Allowed on Public Property	Allowed on Private Property	Permit Required	Movement Requirements	Time Limits Required
1 Push Cart	Yes	Yes	Yes	1,000 feet	Every 30 mins
2 Lunch Wagon	Yes	Yes	Yes	1,000 feet	Every 30 mins
3 Trailer Carts	No	Yes, With Limitations	Yes	None	No

**Environmental:**

A Negative Declaration (Exhibit A) was prepared for the Zoning Code amendment and is attached for Commission review and consideration. Staff identified no significant or potentially significant impacts associated with the proposed Zoning Code amendment, as the operation of either a mobile vending or open air operation will be subject to the standard construction and operational phase mitigation measures that apply to all projects in Yuba City. Staff requests that the Planning Commission adopt, and recommend that the City Council adopt the attached Negative Declaration.

**Recommended Actions:**

Staff recommends that the Planning Commission take the following actions:

- A. Recommend that the City Council take the following actions:
  - a. Adopt the finding that, that following review of the Initial Study/Negative Declaration, the proposed Zoning Code amendment to establish procedures and standards for allowing mobile and open air vendors to operate within the City has no significant impacts on the environment.
  - b. Adopt the Negative Declaration.
  - c. Introduce and adopt the Ordinance contained in Exhibit B.

**4. ZONING CODE AMENDMENT ZC 10-01: ADDING SECTION 8-5.6312  
“TEMPORARY BANNER SIGNS FOR ECONOMIC STIMULUS TO THE YUBA  
CITY MUNICIPAL CODE; APPLICANT: CITY OF YUBA CITY.**

**Project Description:**

The proposed Zoning Text Amendment represents an amendment to the City’s Zoning Ordinance relating to its Sign Code provisions. Specifically, the amendment proposes to allow an additional banner sign to be temporarily installed by businesses during the current economic downturn for an initial period of six months.

**Background:**

The proposed Zoning Text Amendment is being proposed in response to direction provided by the City Council at their December 15, 2009 meeting. At this meeting, the Council was requested to provide staff with direction regarding the continued strict enforcement of the City’s Sign Code as part of the on-going “Corridor Enhancement Strategy” given the current economic downturn. The Council directed staff to continue forward with the clean-up efforts of the prohibited signs, but also directed staff to incorporate provisions for a new “temporary” banner sign that could be installed for businesses during the poor economic climate for a limited duration.

Staff initiated the “Corridor Enhancement Strategy” in June 2009 as a means of improving the aesthetic and physical appearance of the City’s major commercial and industrial roadway corridors. The first phase of the strategy is the enforcement of the City’s Sign Code to remove illegal banners and other prohibited signs posted by businesses along major roadways. Staff began the clean-up efforts along Highway 20, followed by Highway 99, and then other major streets such as Bridge Street and Franklin Road. Later phases of the strategy along both highways include landscape median islands.

**Analysis:**

The clean-up efforts along the major corridors have been quite successful to date as evidenced by the reduced visual sign clutter along the corridors. Given the current economic climate however, the Council desires a temporary form of assistance to aide local businesses, similar to the temporary “freeze” of building permit fees.

The proposed amendment will provide businesses the opportunity to install a temporary banner upon the wall of their business to advertise services or specials being offered by that business. This temporary provision will be in addition to the signage that is currently allowed under the City’s Sign Code. Local businesses have commented that such a temporary banner will help their business manage during the troubled economy. While the proposed temporary banner sign allocates additional signage for businesses, staff believes that the proposed approach will result in a “win-win” for businesses and supporters of the clean-up efforts along the corridors. Businesses will be allowed additional signage, while staff will continue to actively enforce the other existing provisions of the Sign Code to ensure proper compliance for better looking roadway corridors.

As proposed in the attached Ordinance, each applicable business will be allowed to install a maximum of one temporary banner sign on the building wall of their business, not to exceed 33 percent of the linear wall frontage of their business facing a public street. Such restrictions will allow appropriate sized signage on individual businesses that do not adversely affect the appearance of the business or create visual clutter on the subject property. Content for the signs will be limited to services or products provided by the subject business or for purposes of identifying that a building (or tenant space) is available for rent or lease. The intent of this provision is to promote new economic development activity.

Other features of the proposed Ordinance address issues such application process, permit fees, and duration of the temporary banner sign. Processing for the temporary banner permit would be similar to that used for Special Event signs which consist of a simple Zoning Clearance form that is approved administratively over the counter. The fee for the permit would also be the same as used for a Special Event sign which is \$41 for administrative costs, plus a fully refundable \$150 when the sign is removed. Relating to the time limits for this new type of sign, the prior discussion varied anywhere from 60 days, to whenever the economy recovers. Since there is no universal definition of when the economy has recovered, staff is proposing a preliminary time limit of six months (from the effective date of the Ordinance), with the provision for an extension of time if desired by the Council. Prior to the expiration of the six month time limit, staff would present the matter before the Council for their reconsideration of the matter.

**Environmental:**

It has been determined that the project is exempt from review under the California Environmental Quality Act (CEQA) under Section 15061 (b) (3), which states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. A Notice of Exemption has therefore been prepared for the project.

**Recommended Actions:**

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

- A. Recommend that the City Council adopt the finding of fact that Zoning Text Amendment ZC 10-01 for the amendment of the City's Sign Code is in the public interest.
- B. Recommend that the City Council adopt the attached Ordinance amending the City's Sign Code to add Section 8-5.6312 "Temporary Banner Signs for Economic Stimulus" to the Yuba City Municipal Code as shown in Exhibit A.