



City of Yuba City
Planning Division Agenda Report
Planning Commission Meeting

March 10, 2010

DATE: March 4, 2010
TO: Yuba City Planning Commission
FROM: Community Development Department
SUBJECT: Agenda Report – Meeting of March 10, 2010

Public Hearing:

- 1. USE PERMIT UP 10-01 TO ALLOW AN INDOOR SPORTS ARENA IN AN EXISTING WAREHOUSE; ADDRESS: 301 BURNS DRIVE; ASSESSOR'S PARCEL NUMBER: 54-083-024; APPLICANT: MIGUEL RECENDEZ; OWNER: LARRY SOHRANKOFF**

Project Description:

The applicant is requesting a Use Permit to re-establish a former use as an indoor sports arena in an existing warehouse located at 301 Burns Drive. The subject property is zoned M-2, Industrial District and is part of a two-parcel development that contains five warehouse buildings. The sports arena would be re-established in the warehouse on the southwestern corner of the site. The applicant proposes only minor modifications to the interior of the warehouse, such as the removal of partition walls that an interim tenant constructed. Section 8-5.2101 requires proponents of indoor recreation facilities in the M-2 District to obtain a Use Permit from the Planning Commission.

Property Description:

The project site is located on the north side of Burns Drive, midway between Putnam Avenue and Garden Highway. Street improvements (curb, gutter and sidewalk) exist along the frontage of the property. There are five buildings and shared parking on the two parcels. Public ingress and egress will be provided via the existing driveways on Burns Drive. (See Attachment 1, "Aerial Photo")

General Plan Designation:

Manufacturing, Processing, and Warehousing

Zoning Classification:

Industrial (M-2) District

Surrounding Land Use:

A variety of industrial uses surround the property on the north, east and west. Burns Drive and the City's Water Reclamation Plant are located to the south of the project site.

Previous Commission Actions and/or Policies:

None

Environmental:

Categorically exempt per Section 15301(a) pertaining to interior alterations to existing structures.

Staff Comments:

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 M-2, Industrial District, which is consistent with the existing General Plan designation of Manufacturing, Processing, and Warehousing. The M-2 District allows indoor recreation facilities subject to the issuance of a Use Permit by the Planning Commission.

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 sports arena. As the site already conforms to the requirements of the Zoning Code, the applicant proposes no modifications to the site. Despite the fact that all five warehouses share the parking that crosses two parcels, there is currently no reciprocal parking agreement. Condition 5 requires the owner of the property to record a reciprocal parking agreement to ensure that the shared parking remains accessible to all occupants of the property, regardless of potential changes in ownership.

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

Staff analysis: Since the applicant is reestablishing a pre-existing use, it was assumed that the same amount of traffic will be generated by the new facility as was generated by the former facility, which was less than significant. As noted in Attachment 2, a letter from the applicant, the peak usage times will be the opposite of the peak hours for the other onsite warehouse uses.

For this reason, staff did not require a traffic impact study. The surrounding streets are designed to carry traffic loads that are beyond that which will be generated by the indoor sports arena. Therefore, the streets serving the site are adequate to carry the quantity of traffic generated by the proposed use. Staff considers the proposed location to be suitable for the indoor sports arena.

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

Staff analysis: There are no changes proposed for the site or the building, both of which are complementary to their surroundings.

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: Staff could find no evidence that the former use of the building as an indoor sports arena was detrimental to the health, safety, peace, comfort or general welfare of persons residing or working in the vicinity of the arena. Since the proposed arena will be nearly identical to the former use, it is logical to conclude that the re-establishment of the indoor sports arena will not be detrimental to those in the vicinity of the project in any way. Additionally, the new use will be required to comply with all applicable building, fire, and life safety codes. A preliminary evaluation by the Fire Department and the Building Division revealed that the proposed use would be acceptable with minor alterations to the interior of the structure.

Recommended Action:

Staff recommends that the Planning Commission take the following actions:

- A. Find that the project is exempt from the California Environmental Quality Act.
- B. Adopt the following findings:
 - 1. Use Permit UP 10-01 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 use of a recycling facility.
 - 4. The site design and size and design of the building will complement neighboring facilities.
 - 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.

- C. Approve the requested Use Permit for the re-establishment of an indoor sports arena subject to the following 5 conditions of approval:

General

1. Approval of Use Permit UP 10-01 shall be null and void without further action if utilization of Use Permit UP 10-01 has not been substantially commenced within 2 years of the date of its approval, or on March 10, 2012.
 2. Use Permit UP 10-01 is approved as shown in Exhibit A and as conditioned herein.
 3. All domestic, landscape, and fire service lines shall have reduced pressure backflow preventers.
 4. If new backflow preventers are installed, they shall be tested, and a backflow preventer certification performed by an AWWA licensed tester shall be submitted to the Public Works Department.
 5. A cross-access parking agreement shall be recorded against both properties to ensure continued rights of access to the shared parking.
- 2. USE PERMIT UP 10-02 TO EXPAND AN EXISTING MORTUARY FOR THE PURPOSE OF ADDING A CREMATORY UNIT; ADDRESS: 817 ALMOND STREET; ASSESSOR'S PARCEL NUMBER: 52-163-007; APPLICANT: DAMON AND BURWELL ULLREY; OWNER: ULLREY FAMILY TRUST**

Project Description:

The applicant is requesting a Use Permit to expand an existing mortuary by constructing a new 576 square foot building for the purpose of installing a new crematory unit. The subject property is zoned C-O, Commercial Office District. Section 8-5.1101 requires mortuaries in the C-O District to obtain a Use Permit from the Planning Commission.

Property Description:

The project site is located on the east side of Almond Street, north of Church Street. Street improvements (curb, gutter and sidewalk) exist along the frontage of the property. The property backs up to Walnut Street, a twenty-foot wide alley with no improved frontage. Several buildings, including a residence, a funeral parlor, a garage, and other accessory structures exist on the project site. The only change proposed as part of this application is the addition of a 576 square foot structure. (See Attachment 1, "Aerial Photo")

General Plan Designation:

Office & Office Park

Zoning Classification:

Commercial Office (C-O) District

Surrounding Land Use:

Single-family residences are located to the north and west. Walnut Street and businesses that front on Plumas Street are located to the east. Church Street and a mixture of uses, including single-family residences and a two-story office building, are located to the south.

Previous Commission Actions and/or Policies:

None. The existing mortuary predates the City's current Zoning Regulations, which were adopted in 1994.

Environmental:

Categorically exempt per Section 15303 pertaining to minor new construction.

Staff Comments:

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, Commercial Office District, which is consistent with the existing General Plan designation of Office & Office Park. The C-O District allows mortuaries subject to the issuance of a Use Permit by the Planning Commission.

- 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 additional structure. The additional structure will result in the loss of two parking spaces. However, this does not create a nonconforming situation because the site contains 63 parking spaces when only 51 are required by the Zoning Regulations. The project site conforms to the Zoning Regulations in all other respects.

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

Staff analysis: The purpose of the additional structure is to provide a second crematory unit, which will not result in the expansion in the number of services carried on by the mortuary. As such, additional traffic generated by the second crematory unit is anticipated to be negligible. The existing streets serving the site are currently adequate to carry the quantity of traffic generated by the mortuary.

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

Staff analysis: The proposed structure has minimal design character. However, because it is located at the back of the property, it will not be visible from the street. Additionally, the proposed structure will be similar in appearance to the existing garage on the project 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: Staff could find no evidence that the current use of the building is detrimental to the health, safety, peace, comfort or general welfare of persons residing or working in the vicinity of the arena. Additionally, crematory units are regulated by the Feather River Air Quality Management District, which will ensure that the proposal is not detrimental to the area.

Recommended Action:

Staff recommends that the Planning Commission take the following actions:

- A. Find that the project is exempt from the California Environmental Quality Act.
- B. Adopt the following findings:
 - 1. Use Permit UP 10-02 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 use of a recycling facility.
 - 4. The site design and size and design of the building will complement neighboring facilities.

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.

C. Approve the requested Use Permit for the expansion of an existing mortuary subject to the following 3 conditions of approval:

General

1. Approval of Use Permit UP 10-02 shall be null and void without further action if utilization of Use Permit UP 10-02 has not been substantially commenced within 2 years of the date of its approval, or on March 10, 2012.
2. Use Permit UP 10-02 is approved as shown in Exhibit A and as conditioned herein.
3. All domestic, landscape, and fire service lines shall have reduced pressure backflow preventers. The new backflow preventers shall be tested, and a backflow preventer certification performed by an AWWA licensed tester shall be submitted to the Public Works Department.