

YUBA CITY PLANNING COMMISSION  
MINUTES

Regular Meeting  
July 14, 2010  
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 Satwant Takhar  
Commissioner John Hager III  
Commissioner John Sanbrook  
Commissioner George Parker

ABSENT

Commissioner Preet Didbal (excused)

Also present were Aaron Busch, Community Development Director, Katie Ertmer, Senior Planner, and Roberta Kyle, Recording Secretary.

The Pledge of Allegiance was led by Commissioner Sanbrook.

The minutes for the June 9, 2010 meetings were approved as written, with Commissioners Takhar and Hager abstaining, and Commissioner Didbal absent.

Appearance of Interested Citizens: - None

Correspondence: - None

Public Hearing:

- 1. ZONING CODE AMENDMENT ZC 10-03 TO ESTABLISH “EMERGENCY SHELTERS” AS A PERMITTED USE IN THE M-2, INDUSTRIAL ZONING DISTRICT AND TO ESTABLISH DESIGN AND MANAGEMENT STANDARDS FOR EMERGENCY SHELTERS AS ALLOWED BY SENATE BILL 2.**

Katie Ertmer, Senior Planner, presented a staff report.

Commissioner Sanbrook asked if the City is precluded by law from requiring a land use permit.

Ms. Ertmer stated that Senate Bill 2 states you must have at least one zoning district with enough available sites to accommodate your unmet unsheltered homeless needs, and that it cannot be subjected to any discretionary review. Ms. Ertmer said the management and development standards are taken right from SB2 which are the only types of standards that can be imposed, and said they must be objective and not subjective in any way. Ms. Ertmer said the idea is to make it easier to obtain permits for these kinds of facilities.

Commissioner Sanbrook said it is still being recognized as a use in the M2 district and there should be an opportunity to review and impose these reasonable standards and conditions.

Ms. Ertmer stated it is specifically precluded by Senate Bill 2, but it would be a discretionary approval, which is another advantage that SB2 provides for the homeless shelters.

Aaron Busch, Community Development Director said it is very similar to granny flats and said the government code requires provisions for granny flats and establishes that there are certain standards that have to be accommodated but that you cannot preclude them and do not have to go through the permit process. Mr. Busch stated it was an important part of legislation and that is why it was included in the Housing Element.

Chairman Starkey opened the public hearing.

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

Commissioner Sanbrook moved to recommend that the City Council 1) Find that ZC 10-03 is exempt from further CEQA review, and 2) Adopt an ordinance approving ZC 10-03. The motion was seconded by Commissioner Hager and passed by a voice vote of 5-0-1 (Commissioner Didbal absent).

**2. CONSIDERATION OF A SPECIFIC PLAN AMENDMENT AND ZONING CODE AMENDMENT (FILE NUMBERS SP 09-02 AND ZC 10-02) THAT ESTABLISH NEW DEFINITIONS AND RESTRICTIONS FOR “BARS” AND “NIGHTCLUBS” WITHIN THE CENTRAL CITY SPECIFIC PLAN AND CITYWIDE. SPECIFICALLY, THE AMENDMENTS PROVIDE ADDITIONAL DEFINITIONS TO FURTHER DISTINGUISH THE DIFFERENCES AMONG “EATING AND DRINKING ESTABLISHMENTS”, “BARS AND DRINKING PLACES”, AND, “NIGHTCLUBS”. ADDITIONALLY, THE AMENDMENTS REQUIRE USE PERMITS FOR BARS AND NIGHTCLUBS WITHIN THE CENTRAL CITY SPECIFIC PLAN AND WITHIN THE C-2 ZONING DISTRICT.**

Mr. Busch, presented a staff report.

Chairman Starkey asked if the urgency ordinance has been in force for a couple of years.

Mr. Busch said yes.

Chairman Starkey asked what kinds of challenges have been faced.

Mr. Busch said there were none to date.

Commissioner Sanbrook asked if the language of the proposed permanent ordinance is the same language as the urgency ordinance that has been in effect for the last two years.

Mr. Busch said yes it is pretty much verbatim with a few minor changes to take out the urgency.

Commissioner Sanbrook asked if the City Council had any input from the downtown groups within the Central City Specific Plan.

Mr. Busch said when they did the urgency ordinance, the discussion was continued in front of the City Council and met with several groups, property owners and business owners in that area to discuss the particulars, and was a very involved discussion about the criteria of what is one use vs. another use and what is the deciding factor. Mr. Busch said there was input not only from people in the Central City Specific Plan area, but from other businesses owners outside those boundaries as well.

Commissioner Sanbrook stated that the main purpose of this ordinance is to make a distinction between restaurants vs. bars and nightclubs, and asked if that was correct.

Mr. Busch said that was correct.

Commissioner Sanbrook asked how the 60% rule would be monitored.

Mr. Busch said enforcement and monitoring would be on a reactive basis on complaints that are received, and said that there is also some criteria that is tied in with licensing requirements through ABC which will be helpful in regards to monitoring.

Commissioner Sanbrook asked if the Happy Viking is considered a full service restaurant which primarily serves alcohol, but also serves food.

Mr. Busch stated the Happy Viking does qualify as a full service restaurant, and said the way the provisions are set up is that there are time frames when the food service operates during the week, then on the weekends there is more of a mature crowd and said there a time restrictions so it does not turn into a nightclub. Mr. Busch said bars are fine in the area, then spoke about nightclubs and how they need to be analyzed to see what the potential impacts would be as far as entertainment, parking, noise, conflicts, etc.

Commissioner Sanbrook asked if this not only applies in the C2 district but also in the C3 district.

Mr. Busch said that was correct, and that this language gives the City the opportunity to review an existing business if later down the line, they decide to expand into something different, or want to add services.

Commissioner Sanbrook asked when the Central City Specific Plan is changed, is it proposed to be done by a resolution as opposed to an ordinance.

Mr. Busch stated that a specific plan can be approved by either resolution or ordinance depending on the legislative power you want to give it, and said it was originally approved in 1992 by resolution.

Chairman Starkey opened the public hearing.

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

Commissioner Takhar moved to recommend that the City Council A. Adopt the finding that the proposed Zoning Code Amendment is consistent with the General Plan, B. Adopt the Resolution to amend the Central City Specific Plan, and C. Introduce and adopt the Ordinance. The motion was seconded by Commissioner Sanbrook, and passed by a voice vote of 5-0-1 (Commissioner Didbal absent).

Commission Consideration: - None

Commission Discussion:

The Planning Commissioners thanked Ms. Ertmer for her help.

Other Business: - None

Report on Actions of the City Council:

Mr. Busch stated that the City Council approved the Lincoln East Specific Plan and said it would go back before the City Council for the second reading on August 3<sup>rd</sup>.

Mr. Busch said the review committee for the Feather River Mills project met and will be putting notes together for the July 28, 2010 Planning Commission meeting, and said their findings will be forwarded to the City Council for their recommendation. Mr. Busch said also on the 28<sup>th</sup>, there will possibly be a request for a use permit for the continued use of a non-conforming pole sign, and there will be a request for reconsideration of an extension for the temporary banners for economic downturn.

Mr. Busch said there will be a couple of development projects coming before the Planning Commission, and an amendment to the Central City Specific Plan regarding ground floor retail.

Ms. Ertmer thanked the Planning Commission for the opportunity to work with them.

Adjournment: There being no further business, the meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Roberta Kyle, Secretary  
YUBA CITY PLANNING COMMISSION