

CITY OF YUBA CITY
STAFF REPORT

Date: December 18, 2018
To: Honorable Mayor & Members of the City Council
From: Development Services Department
Presentation By: Darin Gale, Interim Development Services Director

Summary:

Subject: John L. Sullivan auto dealership expansion (950 Harter Parkway)

Recommendation: Adopt an ordinance rezoning 2 acres from the Office Commercial (C-O) Zone District to the General Commercial (C-3) Zone District, and waive the second reading.

Fiscal Impact: The costs for processing the land use entitlements is funded by the payment of the required entitlement fee, a flat rate fee that covers staff costs. Moreover, the development of the project will be subject to the payment of development impact fees as well as building permit fees that will cover future costs incurred by the City.

Purpose:

Facilitate the expansion of the John L. Sullivan auto dealership.

Background:

The applicant has filed numerous land use entitlements pertaining to two acres immediately to the west of their existing site. More specifically, the request included:

1. *General Plan Amendment 18-01:* Amended the land use designation from Office-Office Park (Office) to Regional Commercial (RC).
2. *Rezone 18-01:* To rezone said property from Office-Commercial (C-O) to General Commercial (C-3).
3. *Development Plan 18-01:* To expand the dealership by two acres, which would create parking for approximately 400 dealership owned vehicles. The vehicle parking will be arranged three rows of vehicles parked on either side of a 20-foot wide drive-aisle. The 20-foot drive aisle will also be utilized for a truck service/delivery exit onto Spirit Way.

Previous City Council Action and/or Policies:

At its November 20, 2018 City Council meeting, the City Council adopted a Mitigated Negative Declaration pursuant to the California Environmental Quality Act, and waived the first reading of the ordinance. Moreover, the Council elected to amend the General Plan Land Use designation of the subject site from Office and Office Park to Regional Commercial, and approved a Development Plan to expand the existing dealership.

Planning Commission Action on September 26, 2018:

On September 26, 2018, the Planning Commission (Commission) considered this project and by a vote of 6 to 0, with one Commission member absent, the Commission recommended that the City Council approve the project.

Previous Commission Actions and/or Policies:

The Planning Commission approved the Sullivan Dodge dealership in 2013. The dealership was expanded in 2017 by staff approval.

Worth noting is that the subject site is part of the previously approved Calvary Christian Center. The Calvary Christian Center, via Use Permit 07-13, permitted the development of a larger 23 acre site with an 80,000 square foot sanctuary building, a 16,380 square foot elementary school capable of accommodating over 300 students, a baseball diamond, soccer fields, and 612 parking spaces on a 23-acre site. The subject two acres are a part of the 23 overall acres. As part of this project, the applicant would purchase the two easternmost acres from Calvary Christian Center. Ultimately, the baseball diamond and the soccer fields would need to be eliminated and/or reconfigured as part of the sale of the property.

Recommended Action:

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the General Plan, its compatibility with surrounding uses, and its avoidance or mitigation of potentially significant adverse environmental impacts. Therefore, staff recommends that the Council take the following actions:

- A. Waive the second reading; and
- B. Adopt the attached ordinance rezoning the property from the Office Commercial (C-O) Zone District to the General Commercial (C-3) Zone District.

Alternatives:

The Council may deny the rezone request and retain the current zoning of Office and Office Park, delay, modify, or return the rezone request to staff for additional analysis.

Attachments:

- 1. Ordinance (Rezone)
- 2. 11.20.18 Council Staff Report
- 3. Site plan
- 4. Aerial photo/location map

Prepared by:

/s/ Darin E. Gale

Darin E. Gale
Interim Development Services Director

Submitted by:

/s/ Steven C. Kroeger

Steven C. Kroeger
City Manager

Reviewed By:

Finance
City Attorney

RB
SLC via email

ATTACHMENT 1

ORDINANCE NO. _____

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
AMENDING THE ZONING FROM THE OFFICE COMMERCIAL (C-O) ZONE DISTRICT TO
THE GENERAL COMMERCIAL (C-3) ZONE DISTRICT FOR APPROXIMATELY TWO ACRES**

WHEREAS, Rezone (RZ) 18-01 has been filed by John L. Sullivan with the City of Yuba City (City) to rezone approximately two acres located between Colusa Highway and Spirit Drive, east of Harter Parkway from the Office and Office Park (C-O) Zone District to General Commercial (C-3) Zone District ; and

WHEREAS, pursuant to the provisions of Article 72, Section 8-5.7202, of the City of Yuba City Municipal Code, the Planning Commission (Commission) held a public hearing on September 26, 2018, to consider RZ 18-01 and related Environmental Assessment (EA) 18-05, during which the Commission considered the environmental assessment; and

WHEREAS, at that same hearing the Commission considered related General Plan Amendment (GPA) 18-01 to amend the subject site from the Office and Office Park (Office) to the Regional Commercial designation; and

WHEREAS, at that same hearing the Commission considered related Development Plan (DP) 18-01 to expand the existing auto dealership; and

WHEREAS, GPA 18-01, RZ 18-01, and DP 18-01 will facilitate the expansion of the auto dealership; and

WHEREAS, two neighbors spoke in opposition to the project noting noise impacts and excessive light and glare and staff read a letter at the request of a nearby neighbor expressing similar concerns; and

WHEREAS, the applicant spoke in support of the project; and

WHEREAS, the Commission found that the proposed Rezoning is in the public interest; and

WHEREAS, as part of its motion, the Commission recommended that the City Council not require mitigation for the removal of the valley oak tree as recommended by City staff; and

WHEREAS, the Commission took action to recommend approval of RZ 18-01, by a vote of 6 to 0, with one Commission member absent; and

WHEREAS, at that same hearing the Commission reviewed related EA 18-05 considering a Mitigated Negative Declaration (MND) prepared for the project, which provided mitigation to reduce significant impacts to less than significant; and

WHEREAS, this matter was presented to the Council for consideration at its regular meeting of November 20, 2018; and

WHEREAS, after consideration of public testimony and presentation by staff, the Council approved General Plan Amendment 18-01 by adopting a Resolution amending two acres of the General Plan land use designation from the Office and Office Park to Regional Commercial

designation; and

WHEREAS, at that same hearing the Council reviewed and adopted related EA 18-05 considering a Mitigated Negative Declaration (MND) prepared for the project; and

WHEREAS, the Council also received the recommendation of the Planning Commission regarding RZ 18-01, and after consideration of public testimony and all items presented at the hearing, waived the first reading and introduced the Ordinance for RZ 18-01 rezoning the site from the Office Commercial (C-O) to General Commercial (C-3) zone district; and

WHEREAS, the Council desires to waive the second reading and adopt this ordinance.

THE CITY COUNCIL OF THE CITY OF YUBA CITY DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Yuba City, having considered said recommendations of the City Planning Commission on the matter of the rezoning and related applications of said property, conducted a public hearing on the matter on November 20, 2018, and after review and consideration of EA 18-01 and the mitigation monitoring plan found that on the basis of the whole record before it that there is no substantial evidence that the project will have a significant effect on the environment and that the MND reflects the Council's independent judgment and analysis.

Section 2. The Council further found that the project will not cause substantial environmental damage to fish and/or wildlife and their habitats, nor have the potential for adverse effect(s) on wildlife resources or the habitat upon which wildlife depends. The MND prepared for the project is in conformance with State and local environmental guidelines and adopted said MND and a Notice of Determination will be recorded with the County Recorder. The Council previously adopted an MND for this project, and there have not been any substantial changes in the project or circumstances in the interim as contemplated by CEQA Guidelines Section 15162. As such, this project has already been environmentally assessed and no further action is required for CEQA.

Section 3. The Council finds that the proposed General Commercial (C-3) Zone District is consistent with the proposed General Plan Land Use designation of Regional Commercial.

IT IS HEREBY ORDERED, RESOLVED AND DECREED, that the zone district of the real property described herein below, located in the City of Yuba City and shown on the official district map of the City of Yuba City, is reclassified from the Office Commercial (C-O) Zone District to the Commercial (C-3) Zone District, as described in the attached Exhibit "A," which is incorporated herein.

This ordinance shall take effect and be in full force and effect from and after 30 days after its final passage and adoption.

Introduced and read at a regular meeting of the City Council of the City of Yuba City on the 20th day of November, 2018, and passed and adopted at a regular meeting held on the 18th day of December, 2018.

AYES:

NOES:

ABSENT:

ATTEST:

Shon Harris, Mayor

Patricia Buckland, City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

ATTACHMENT 2

CITY OF YUBA CITY
STAFF REPORT

Date: November 20, 2018
To: Honorable Mayor & Members of the City Council
From: Development Services Department
Presentation By: Arnaldo Rodriguez, AICP, Development Services Director

Summary:

Subject: John L. Sullivan auto dealership expansion (950 Harter Parkway)

Recommendation:

- A. Conduct a Public Hearing and after consideration:
- B. Adopt Environmental Assessment 18-05 that determines that with the proposed mitigation measures, expansion of the auto dealership Plan will not create any significant adverse environmental impacts.
- C. Adopt a Resolution amending two acres of the General Plan land use designation from the Office and Office Park to Regional Commercial designation.
- D. Introduce an Ordinance rezoning the site from the Office Commercial (C-O) to General Commercial (C-3) zone district, and waive the first reading.
- E. Adopt a Resolution approving Development Plan 18-01 to expand the dealership.

Fiscal Impact: The costs for processing the land use entitlements is funded by the payment of the required entitlement fee, a flat rate fee that covers staff costs. Moreover, the development of the project will be subject to the payment of development impact fees as well as building permit fees that will cover future costs incurred by the City.

Purpose:

Facilitate the expansion of the John L. Sullivan auto dealership.

Background:

The applicant has filed numerous land use entitlements pertaining to two acres immediately to the west of their existing site. More specifically, the request includes:

1. *General Plan Amendment 18-01:* To amend the land use designation from Office-Office Park (Office) to Regional Commercial (RC).

2. *Rezone 18-01*: To rezone said property from Office-Commercial (C-O) to General Commercial (C-3).
3. *Development Plan 18-01*: To expand the dealership by two acres, which would create parking for approximately 400 dealership owned vehicles. The vehicle parking will be arranged three rows of vehicles parked on either side of a 20-foot wide drive-aisle. The 20-foot drive aisle will also be utilized for a truck service/delivery exit onto Spirit Way.

Planning Commission Action on September 26, 2018:

On September 26, 2018, the Planning Commission (Commission) considered the proposed project. At the hearing, the Commission heard testimony from city staff, the applicant, and two nearby neighbors. Staff also read a letter submitted by a nearby neighbor that expressed concerns regarding the project. The Commission posed numerous questions regarding ingress and egress, lighting, and noise.

The nearby neighbors noted that the existing dealership generates obnoxious noise (e.g. radio and paging system) and excessive light and glare. The applicant noted that they would immediately address both issues.

During the hearing, staff noted that the property owner previously removed a heritage oak tree. There is extensive discussion of the oak tree under Staff Comments below. Regardless, the Planning Commission voted to remove mitigation for the replacement of the oak tree as recommended by staff. By a vote of 6 to 0, with one Commission member absent, the Commission recommended that the City Council approve the project.

Previous Commission Actions and/or Policies:

The Planning Commission approved the Sullivan Dodge dealership in 2013. The dealership was expanded in 2017 by staff approval.

Worth noting is that the subject site is part of the previously approved Calvary Christian Center. The Calvary Christian Center, via Use Permit 07-13, permitted the development of a larger 23 acre site with an 80,000 square foot sanctuary building, a 16,380 square foot elementary school capable of accommodating over 300 students, a baseball diamond, soccer fields, and 612 parking spaces on a 23-acre site. The subject two acres are a part of the 23 overall acres. As part of this project, the applicant would purchase the two easternmost acres from Calvary Christian Center. Ultimately, the baseball diamond and the soccer fields would need to be eliminated and/or reconfigured as part of the sale of the property.

General Plan Designation:

Existing: Office and Office Park. This General Plan designation is primarily intended to accommodate office uses.

Proposed: Regional Commercial. This designation is intended to serve the entire range of commercial uses, including auto sales.

Zoning Classification:

Existing: Office Commercial (C-O) Zone District

Proposed: General Commercial (C-3) Zone District. Auto sales are permitted in this zone district.

Bordering Information:

Table 1: Bordering Uses

North:	State Route 20 (Colusa Highway)
South:	River Valley High School
East:	Harter Parkway, with the Yuba City Toyota Auto Dealership across the street
West:	Vacant land that is designated in the City General Plan for office use. A religious facility is approved however it has yet to be constructed.

Environmental Determination:

Pursuant to California Environmental Quality Act (CEQA) Article 19, Section 15070 (b)(1) staff prepared an environmental assessment (EA-18-05) which included the Initial Study/Mitigated Negative Declaration (MND), and Mitigation Monitoring Program (MMP) for the project.

Based upon the attached EA 18-05, including the mitigation measures, all potential significant impacts will be reduced to less than significant. The findings of the MND are that, with the proposed mitigations, the project will not create any significant impacts on the environment. As a result, the filing of a MND is appropriate in accordance with the provisions of CEQA.

Staff Comments:

Compatibility with Surrounding Uses

The Sullivan Dodge dealership expansion is not expected to alter the character of the area. Of most concern would be compatibility with River Valley High School located directly across the street, along Spirit Way. Other than the offloading of trucks in the public street, which is addressed below, staff is not aware of any issues associated with the high school.

While there are no significant items, the following are worth highlighting.

Truck unloading in the public street: The unloading of vehicles currently occurs on the street, thus blocking a travel lane on Harter Parkway. While this in itself presents a safety issue, with the close proximity to the high school and the accompanying student drivers, the risk is exacerbated. To resolve this, the Development Plan includes an on-site truck loading/unloading area as well as a new truck exit onto Spirit Way.

Fencing: Today, there is a slatted chain link fence located along a portion of Spirit Way on the south side of the dealership. The fence does not meet typical City standards for fencing along public rights-of-way. The norm is to utilize decorative material such as wrought iron or masonry if solid materials are desired. The remainder of the Spirit Way fencing is wrought iron. To assure continuation of the expected quality of development, a condition is included that would require that the chain link fence be removed and should new fencing be proposed, that it be decorative.

Removal of the heritage oak tree: There was previously a large heritage oak tree along the western edge of the dealership property. It had a diameter of 48 inches at breast height. As part of this project, the applicant commissioned an arborist report that noted that the tree was not in good condition, likely intentionally damaged by a previous property owner that attempted to remove the tree. Per the applicant, a large branch had fallen damaging a fence and two vehicles. Based on that incident, the owner had the tree removed.

The City's General Plan contains a policy that requires the preservation of these heritage trees. More specifically:

Guiding Policy 8.4-G-3: Preserve and enhance heritage oak trees in the Planning Area.

Implementing Policy 8.4-I-2: Require preservation of oak trees and other native trees that are of a significant size, by requiring site designs to incorporate these trees to the maximum extent feasible.

As there are few remaining heritage oak trees in Yuba City, each is very important. While the tree may not be replaced, there is a proposed condition that the applicant mitigate the removal of the valley oak tree.

The following is a summary of options:

1. The applicant shall provide funding for valley oak tree plantings in either the new City park that is proposed just north of this site, across the street from Wal-Mart, or to plant oak trees that complement the existing oak tree plantings along the Sutter Trail. The proposed amount for the mitigation is \$17,276. The amount is based on research conducted by staff as to what other jurisdictions require for mitigation and on information provided by the arborist (copy of the staff valuation of the oak tree replacement cost is attached to this staff report).
2. The applicant may elect to plant trees oak trees on their property above and beyond the minimum number of trees required.
3. The applicant may plant some oak trees and may remit payment for the remaining.

Recommended Action:

The suitability of the proposed project has been examined with respect to its consistency with goals and policies of the General Plan, its compatibility with surrounding uses, and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. Therefore, staff recommends that the Council conduct a public hearing and after consideration:

- A. Environmental: Adopt Mitigated Negative Declaration 18-05 that determined that the proposed project would not create any significant environmental impacts.

Based on the whole record there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects City staff's independent judgment and analysis.

- B. General Plan Amendment: Adopt a resolution amending two acres of the General Plan land use designation from the Office and Office Park (Office) to Regional Commercial designation.
- C. Rezoning: Introduce an Ordinance rezoning the site from the Office Commercial (C-O) to General Commercial (C-3) zone district, and waive the first reading.
- D. Development Plan: Adopt a resolution approving a Development Plan to expand the dealership. Moreover, based upon analysis of the site plan, and subject to the applicant's compliance with the conditions of approval, staff concludes that the following required findings of Section 8-5.7001(c) of the Zoning Regulations can be made (the required findings are *italicized*).

I. 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.

The proposed use is an expansion of an existing auto dealership by two acres that will be utilized for dealership owned vehicle parking. The expansion will provide parking for approximately 400 vehicles. The expansion will also include all required landscaping, as well as an opportunity to improve an existing safety issue at the dealership. Presently trucks are unloading vehicles in the public street, causing safety concerns. As part of the expansion a new internal truck access and vehicle unloading area will be added within the dealership.

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

The expansion of the auto dealership for additional dealership owned auto parking would generate very few additional vehicle trips. Further, both Harter Parkway and Spirit Way have adequate capacity to accommodate additional traffic.

III. The site design and the size and design of the building will complement neighboring facilities.

The proposed project does not include any new or expanded buildings. The additional two acres of outdoor vehicle parking will be compatible with the existing auto dealership to the east, vacant commercial property to the north across SR 20, and with office type uses for which the property to the west is designated. The high school to the south has not in the past experienced compatibility issues with the dealership and it is not expected that the additional vehicle parking area will generate any new compatibility issues with the high school.

Alternatives:

1. Deny the proposal. Should the project be denied the plan land use and zoning would remain Office.
2. Amend the Conditions of Project Approval.
3. Amend the mitigation measures.
4. Provide staff with further direction.

Attachments:

1. Resolution (General Plan Amendment)
2. Ordinance (Rezone)
3. Resolution (Development Plan)
4. Aerial photo/location map
5. Mitigation Measures and Conditions of approval
6. Site plan
7. Arborist report and oak tree valuation
8. Initial Study/Mitigated Negative Declaration
9. Two letters from nearby neighbors identifying concerns

Prepared by:

/s/ Arnoldo Rodriguez

Arnoldo Rodriguez
Development Services Director

Submitted by:

/s/ Steven C. Kroeger

Steven C. Kroeger
City Manager

Reviewed By:

Finance

RB

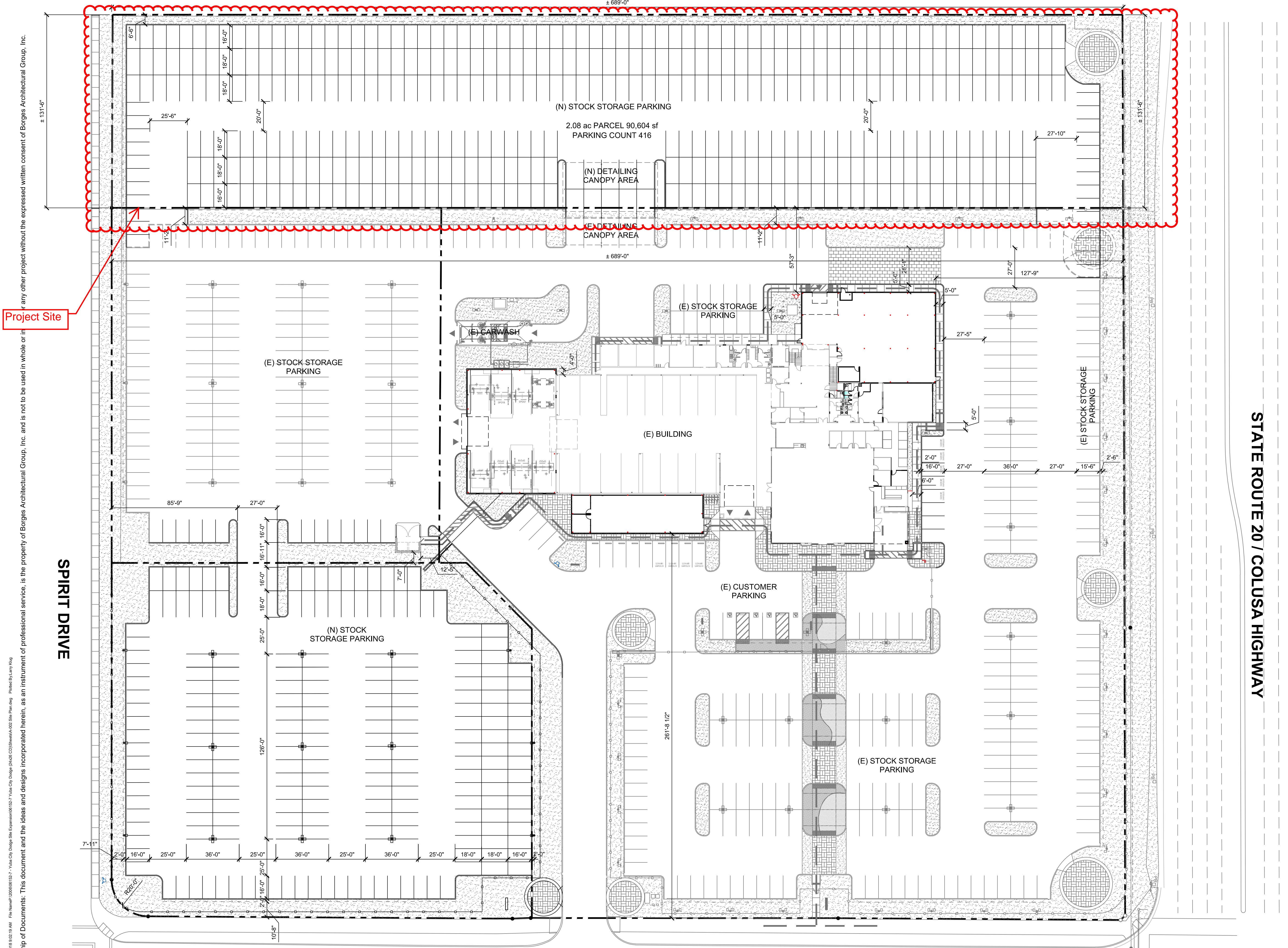
City Attorney

TH via email

ATTACHMENT 3

Attachment 6: Site Plan

± 689'-0"



Ownership of Documents: This document and the ideas and designs incorporated herein, as an instrument of professional service, is the property of Borges Architectural Group, Inc. and is not to be used in whole or in part for any other project without the expressed written consent of Borges Architectural Group, Inc.

Project Site

SPIRIT DRIVE

STATE ROUTE 20 / COLUSA HIGHWAY

HARTER PARKWAY

ARCHITECTURAL GROUP
Borges

borgesarch.com

1478 STONE POINT DRIVE, SUITE 350
ROSEVILLE CA 95661
916 782 7200 TEL
916 773 3037 FAX

REV	DATE	DESCRIPTION
A	xx/xx/xx	REVISION DESCRIPTION

**YUBA CITY
DODGE
PARKING
EXPANSION**

950 HARTER PARKWAY
YUBA CITY, CA 95993

STAMP

DRAWN BY: L GK PROJECT NO.: 06152-7
CHECK BY: L GK
SHEET TITLE

SITE PLAN

SHEET NO.



A-002

ATTACHMENT 4

Attachment 4: Map

