If you need assistance in order to attend the City Council meeting, or if you require auxiliary aids or services, e.g., hearing aids or signing services to make a presentation to the City Council, the City is happy to assist you. Please contact City offices at 530/822-4817 at least 72 hours in advance so such aids or services can be arranged. **City Hall TTY: 530-822-4732**

### AGENDA
**WEDNESDAY, SEPTEMBER 14, 2016**
**REGULAR MEETING**
**PLANNING COMMISSION**
**CITY OF YUBA CITY**

6:00 PM – REGULAR MEETING: COUNCIL CHAMBERS

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<tr>
<th>COMMISSIONER</th>
<th>(Chairperson)</th>
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<td>• Jana Shannon</td>
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<td><strong>COMMISSIONER</strong></td>
<td><strong>• Daria Ali</strong> (Vice Chairperson)</td>
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<td><strong>COMMISSIONER</strong></td>
<td><strong>• Michele Blake</strong></td>
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<td><strong>• Shon Harris</strong></td>
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<td><strong>• John Sanbrook</strong></td>
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<td><strong>COMMISSIONER</strong></td>
<td><strong>• Paul Basi</strong> (Sutter Co. Rep.)</td>
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<td><strong>COMMISSIONER</strong></td>
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1201 Civic Center Blvd  
Yuba City CA 95993

*Wheelchair Accessible*
Call to Order

Roll Call:  
_____ Jana Shannon (Chairperson)  
_____ Daria Ali (Vice Chairperson)  
_____ Michele Blake  
_____ Shon Harris  
_____ John Sanbrook  
_____ Paul Basi

Pledge of Allegiance to the Flag

Public Communication

You are welcome and encouraged to participate in this meeting. Public comment is taken on items listed on the agenda when they are called. Public comment on items not listed on the agenda will be heard at this time. Comments on controversial items may be limited and large groups are encouraged to select representatives to express the opinions of the group.

1. Written Requests

   Members of the public submitting written requests, at least 24 hours prior to the meeting, will be normally allotted five minutes to speak.

2. Appearance of Interested Citizens

   Members of the public may address the Planning Commission on items of interest that are within the City’s jurisdiction. Individuals addressing general comments are encouraged to limit their statements to three minutes.

Public Hearing

3. Consideration of Use Permit 16-04 Use Permit 16-04, Panera NorCal LLC. A request to construct a 4,400 square foot restaurant with a single aisle drive-through. The project is located on the corner of the Yuba Sutter Mall located at the northeast corner of Colusa Highway (State Route 20) and State Route 99. Assessor’s Parcel Number 51-010-034.

4. Request to initiate an amendment to the City’s General Plan, the Central City Specific & Revitalization Plan, and the Rezoning of approximately 7.54 acres located at the southeast corner of Bridge and Shasta Streets.

Development Service Director Reports

Report of Actions of the Planning Commission

Adjournment

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Persons dissatisfied with any decision of the Planning Commission may appeal such action to the City Council. Appeals, accompanied by a fee of $681, must be filed with the City Clerk, 1201 Civic Center Boulevard, Yuba City, CA 95993 within 10 days of such action. If no appeal is filed
within this time limit, the Planning Commission action becomes final. The exception to this is rezone requests. Please check with the Planning Division, 1201 Civic Center Boulevard, Yuba City, CA 95993 for the procedure. Mailed notices of the Council hearings will be accomplished in the same manner as the Planning Commission hearings unless additional notice is deemed necessary.
Meeting Date: September 14, 2016

To: Chair and Members of the Planning Commission

From: Development Services Department

Presentation By: Arnoldo Rodriguez, AICP, Director

Public Hearing: Use Permit 16-04, Panera NorCal LLC. A request to construct a 4,400 square foot restaurant with a single aisle drive-through.

Project Location: The project is located on the corner of the Yuba Sutter Mall located at the northeast corner of Colusa Highway (State Route 20) and State Route 99. Assessor’s Parcel Number 51-010-034.

Project Proposal:
The proposal includes the demolition of the existing restaurant (most recently utilized as a Chinese restaurant) and the construction of a new 4,400 square foot restaurant with an integrated drive-through aisle. The Use Permit is for the drive-through as the building itself is a permitted use. However, given that a Use Permit is required, the Planning Commission will also decide on the adequacy of the site plan and building design.

Project Information:
The 4,400 square building and its drive-through is proposed to be occupied by a Panera Bread Restaurant, although for purposes of this review it could be any restaurant.

Property Description:
Most recently the site was occupied by a Chinese restaurant in the front and largest portion of the building, while a physical therapist office occupied the rear portion of the building. The property is also complete with existing vehicle parking and landscaping. The existing building is detached from the Yuba Sutter Mall (Mall) but is located on the same grounds and is considered part of the Mall complex. The property has excellent visibility from both SR 99 and SR 20, the busiest intersection in the City. If approved, the property will be cleared and replaced with the new facility.
**General Plan Designation:**
Regional Commercial

**Specific Plan Designation:**
None

**Zoning Classification:**
General Commercial (C-3) Zone District, as is the entire Mall site.

**Bordering Uses:**
The project is surrounded by developed commercial properties. The Mall is located on the north and east sides of the property (for which this building and property is considered to be in the same complex). The west side is bordered by SR 99 with recreational vehicle sales located on the opposite side of the highway (property owned by Caltrans) while the south side is bordered by SR 20 with a retail center on the opposite side of the highway. The property kitty-corner from the SR 99/SR 20 intersection also houses a recreational vehicle sales business (property owned by Caltrans).

**Previous Commission Actions and/or Policies:**
None

**Environmental Determination:**
The project is categorically exempt from environmental review per Section 15302 of the CEQA Guidelines, which pertains to replacement of an existing structure. The new building will be smaller than the existing building, which again will be demolished. The previous building was primarily utilized as a restaurant although there was an office use in the rear portion of the building. The new building will house a single tenant, a restaurant, although a drive-through will be added.

**Staff Comments:**
The new 4,400 square foot building will be utilized as a Panera Bread Restaurant with a drive-through aisle.

There is not expected to be any traffic related issues. Access to the site is through the Mall parking lot, so there will be no direct access to a public street.

The building will be highly visible from both State Routes 20 and 99, the most traveled roadways in the City, thus high quality building design is imperative. The single story building will be 25 feet tall and will have a strong presence from the adjacent roadways. It will be constructed of varying materials including brick, stucco and glass, with fabric window awnings. Both the roofline and walls will be articulated. The roofline will be corniced, providing additional dimension to the building. It is staff’s opinion that the design of the building meets the design criteria of the Yuba
City Design Guidelines for commercial buildings.

Regarding the drive-through, it will be located along the east side of the building, making it less visible from a public road, in comparison to it being located along the south or west sides. A pony wall will also border the drive-through aisle, as well as landscaping that will further screen the line of autos from public view.

The site provides adequate parking, while additional parking is also available in the neighboring Mall parking lot. The parking lot will provide landscaping with adequate tree shading that meets City shading standards. The trash enclosure will be located near the rear of the building in a less visible area. It will be constructed of masonry material that matches the building.

Signage for the building was not included as part of the application, as it will be handled separately as part of the building permit. The signage indicated on the building elevations is likely representative of what will be requested.

**Recommended Action:**

The appropriateness of the proposed project has been examined with respect to its consistency with the General Plan and its compatibility with surrounding uses. These factors have been evaluated as described above. Therefore, staff recommends that the Planning Commission take the following actions:

A. Adopt the following findings:

1. **Environmental:** After reviewing and considering the proposal, recognize that the project is exempt from CEQA per Section 15302, replacement of buildings.

2. **Use Permit:** Based upon analysis of the Use Permit application and subject to the applicant’s compliance with the conditions of approval, the following required findings of Section 8-5.7001(C) of the Municipal Code can be made:

   a. *The proposal is consistent with the General Plan.*

      The property is designated by the General Plan for Regional Commercial Uses. The proposed restaurant is a commercial use and is listed in the corresponding zoning (C-3) as a permitted use. The restaurant will appeal to local as well as the traveling public.

   b. *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 (Zoning Regulations).*

      As indicated on the site plan the 0.63-acre (approximately 27,443 square feet) property is large enough to accommodate the 4,400 square foot building, a drive-through, as well as 42 parking spaces, and adequate landscaping.

   c. *The streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.*
Access to the property is through the Mall’s parking lot. The previous restaurant located at this same site was adequate for traffic and it is not expected to significantly change.

d. The site design, design of the building, and scale of the project will complement neighboring facilities.

The Mall was completed in the late 1980’s and remains in good condition today. The building to be replaced was built before that. As discussed in the staff report, the proposed new building will be an improvement over the existing building and will be a positive aesthetic improvement to the nearby Mall.

e. The project will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the vicinity

Based on the review of this project, which considered impacts on the site and neighboring properties, and assuming that all applicable laws and standards are followed, there are no known health or safety issues created by the completion of this project.

B. Approve Use Permit 16-04, subject to the conditions provided below.

Attachments:
1. Aerial photo, location map
2. Project site plan
3. Building elevations
USE PERMIT 16-04
CONDITIONS OF APPROVAL

Planning Division

1. Use Permit 16-04 is for a 4,400 square foot restaurant and drive-through, with approximately 42 parking spaces and appropriate landscaping.

2. Approval of UP 16-04 shall be null and void without further action if either the project has not been substantially commenced within 2 years of the approval date of the development plan or that a request for an extension of time has not been submitted to the City.

3. Prior to issuance of a building permit, the applicant shall submit a final landscaping plan, a sign plan and lighting plan that meets Yuba City’s standards.

Public Works Department

4. All improvements shall be in accordance with Yuba City standards.

5. All existing water services, and any proposed water services, on the property are required to be equipped with an approved reduced pressure backflow prevention device. The device shall be tested and a backflow preventer certification performed by an AWWA licensed tester shall be submitted to the Public Works Department. This shall be done prior to the issuance of a certificate of occupancy.

Central Valley Regional Water Quality Control Board.

Central Valley Regional Water Quality Control Board

20 July 2016

Arnoldo Rodriguez  
Yuba City Community Development  
1201 Civic Center Boulevard  
Yuba City, CA 95993

CERTIFIED MAIL
91 7199 9991 7035 8422 2775

COMMERS TO REQUEST FOR REVIEW FOR THE UP16-04/EA16-07 PROJECT, SUTTER COUNTY

Pursuant to the Yuba City Community Development’s 6 July 2016 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the Request for Review for the UP16-04/EA16-07 Project, located in Sutter County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

**Basin Plan**
The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State’s water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the
USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the Water Quality Control Plan for the Sacramento and San Joaquin River Basins, please visit our website: http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/.

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at: http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).
For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

**Phase I and II Municipal Separate Storm Sewer System (MS4) Permits**
The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

**Industrial Storm Water General Permit**
Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

**Clean Water Act Section 404 Permit**
If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

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1 Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized Municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.
If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

**Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

**Waste Discharge Requirements – Discharges to Waters of the State**

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at: http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

**Dewatering Permit**

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:


For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board’s website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_appoval/index.shtml; or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.

2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently $1,084 + $6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

Low or Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at: http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf
For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

NPDES Permit

If the proposed project discharges waste that could affect the quality of the waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:

If you have questions regarding these comments, please contact me at (916) 464-4644 or Stephanie.Tadlock@waterboards.ca.gov.

Stephanie Tadlock
Environmental Scientist
Existing building to be demolished & replaced with a new 4,400 sf Panera Bread Restaurant with a drive-thru
GENERAL NOTES:

A. ALL GLAZING TO BE G1 UNLESS NOTED OTHERWISE. FOR STOREFRONT / WINDOW GLAZING, REFER TO SHEET A601 AND A611 FOR ADDITIONAL INFORMATION.

B. GC TO PROVIDE WOOD BLOCKING FOR ALL BUILDING MOUNTED SIGNAGE. REFER TO SHEET A611 FOR ADDITIONAL INFORMATION.

C. ALL SIGNAGE UNDER SEPARATE PERMIT.

D. GC TO COORDINATE LOCATION OF ADDRESS AND FIRE DEPARTMENT ACCESS BOX WITH LOCAL FIRE DEPARTMENT.

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FABRIC AWNING:

1.0 XBM1 PRE-MANUFACTURED FABRIC AWNING PROVIDED AND INSTALLED BY SIGN VENDOR. REFER TO SHOP DRAWINGS FOR ADDITIONAL INFORMATION.

1.1 TB2 THIN BRICK VENEER, ROWLOCK PIECE | MRF: ENDICOTT, VELOUR | COLOR: SIENNA IRONSPOT

3.0 TB1 THIN BRICK VENEER, MODULAR | MRF: ENDICOTT, VELOUR | COLOR: SIENNA IRONSPOT

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C. ALL SIGNAGE UNDER SEPARATE PERMIT.

D. GC TO COORDINATE LOCATION OF ADDRESS AND FIRE DEPARTMENT ACCESS BOX WITH LOCAL FIRE DEPARTMENT.
Meeting Date: September 14, 2016

To: Chair and Members of the Planning Commission

From: Development Services Department

Presentation By: Arnoldo Rodriguez, AICP, Director

Public Hearing: Initiation of a General Plan Amendment, a Specific Plan Amendment, and a Rezone for approximately 7.54 acres. The site is publicly owned.

Project Location: Southeast corner of Bridge and Shasta Streets.

Project Proposal:
Pursuant to Section 8-5.7201 of the City of Yuba City Municipal Code, Land Use Designation and Text Amendments to either the Zoning Ordinance or a City Planning document, or the Rezoning of property may be initiated by:

a) an owner of the property affected,
b) action by the City Council, or
c) action by the Planning Commission.

Staff is recommending that the Planning Commission initiate a General Plan Amendment, a Specific Plan Amendment, and a Rezone for approximately 7.54 acres of vacant property generally located on the southeast corner of Bridge and Shasta Streets. The initiation would also include the preparation of an environmental assessment pursuant to the California Environmental Quality Act guidelines. More specifically, staff is recommending that the site be reclassified from the light industrial plan land use designation to commercial. The rezone is expected to apply to only 0.98 acre of the overall 7.54 acres of the site given that the vast majority is currently zoned C-2 (Community Commercial). It is anticipated that the site would be redeveloped with more traditional commercial uses rather than light industrial.

Attachments:
1. Aerial photo, location map
2. Plan Land Use and Zoning Map