

CITY OF YUBA CITY
STAFF REPORT

Date: January 21, 2020
To: Honorable Mayor & Members of the City Council
From: Development Services Department
Presentation by: Ben Moody, Development Services Director

Summary

Subject: Adoption of Rezoning 19-02 for the Dollar General project.
Recommendation: Adopt an Ordinance approving Rezoning 19-02, and waive the second reading.
Fiscal Impact: None. All costs associated with application processing are borne by the project applicant.

Purpose Statement:

To consider request from applicant for a Rezone of 1.82 acres along the Garden Highway.

Background:

The 1.82 acre property is located on the east side of Garden Highway, north of River Oaks Drive, specifically Assessor's Parcel Numbers 54-010-037 and 54-010-039.

The project was considered by the Planning Commission at its meeting of November 13, 2019. At the meeting, the Commission approved PM 19-02, which would create two lots. Additionally, the Commission approved DP19-01, providing for construction of a new 9,100 sq ft Dollar General retail store on proposed Parcel A (1.0 acre site), contingent upon City Council approval of the proposed General Plan Amendment and Rezoning applications, along with adoption of EA 19-06 (project Mitigated Negative Declaration).

A copy of the Planning Commission staff report is attached, with a summary of the project details provided below.

The projects General Plan Amendment and Environmental Assessment were approved by City Council at the December 17, 2019 meeting, and the proposed Rezone ordinance was introduced.

Analysis:**Compatibility with Neighboring Uses**

The proposed commercial designations would be consistent with the range of mixed land uses in the area. Landscaping has been proposed consistent with City standards which will alleviate potential impacts with respect to this issue. The lighting from the project is not expected to be any greater than existing neighboring uses.

General Plan Amendment and Rezone:

The Planning Commission has concluded that the proposed GPA and Rezone will further the goals and policies of the City's General Plan with respect to infill projects and economic development.

Availability of City Services:

All City services, including water, sewer and storm-water drainage are available to serve this site.

Environmental Determination:

Pursuant to California Environmental Act (CEQA) Article 19, Section 15070 (b)(1), staff prepared an environmental assessment including an Initial Study, Mitigated Negative Declaration (MND) and Mitigation Monitoring Program (MMP) for the project (EA 19-06).

Fiscal Impact:

None. All costs associated with application processing are borne by the project applicant.

Alternatives:

Deny RZ 19-02, retaining the current Zoning designations.

Recommendation:

Adopt an ordinance approving Rezoning 19-02, and waive the second reading.

Attachments:

- A. Ordinance of the City Council of Yuba City to adopt Rezone 19-02
- B. Planning Commission Staff Report

Prepared by:

/s/ Brian Millar
Brian Millar
Planning Consultant

Submitted by:

/s/ Michael Rock
Michael Rock
City Manager

Reviewed by:

Department Head

BM

Finance

SM

City Attorney

SLC by email

ATTACHMENT A

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 COMMUNITY COMMERCIAL (C-2) ZONE
DISTRICT FOR APPROXIMATELY 1.82 ACRES**

WHEREAS, Rezone (RZ) 19-02 has been filed by Steve Powell, Woodcrest REV, to rezone approximately 1.82 acres located on the east side of Garden Highway, north of River Oaks Drive (Assessor's Parcel Numbers 54-010-037 and 54-010-039); from the Office Commercial (C-O) zone to Community Commercial (C-2) zone; 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 November 13, 2019, to consider RZ 19-02 and related Environmental Assessment (EA) 19-06), and after the conclusion of the public hearing, recommended approval of the application to the City Council; and

WHEREAS, at that same hearing the Planning Commission considered related General Plan Amendment (GPA) 19-02 to amend the subject site from the Office and Office Park (Office) to the Community Commercial designation; and

WHEREAS, RZ 19-02 will facilitate commercial opportunities in this vicinity; and

WHEREAS, EA 19-06, considering a Mitigated Negative Declaration (MND) prepared for the project, is due to be acted on by City Council at its December 17, 2019 meeting, which provides mitigation measures to reduce significant impacts to less than significant; and

WHEREAS, the City of Yuba City on December 6, 2019, published a legal notice in compliance with State law concerning City Council consideration of this project on December 17, 2019; and on December 5, 2019, a public hearing notice was mailed to each property owner within at least 300 feet of the project;

WHEREAS, on December 17, 2019, the City Council conducted a duly noticed public hearing on the project, at which time it received input from City Staff, the City Attorney's office, and the developer; public comment portion was opened, and public testimony and evidence, both written and oral, was considered by the City Council, after which public testimony was closed.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF YUBA CITY DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The Council finds that the proposed Community Commercial (C-2) zone district is consistent with the proposed General Plan Land Use designation of Community Commercial.

IT IS HEREBY ORDERED, RESOLVED AND DECREED, that the property as depicted in attached Exhibit A made a part hereof by this reference, be rezoned to the Community Commercial (C-2) zone district.

This ordinance shall be effective after it is adopted, shall be published as provided by law.

Introduced and read at a regular meeting of the City Council of the City of Yuba City on the December 17, 2019, and passed and adopted at a regular meeting held on the 21st day of January, 2020.

AYES:

NOES:

ABSENT:

Shon Harris, Mayor

ATTEST:

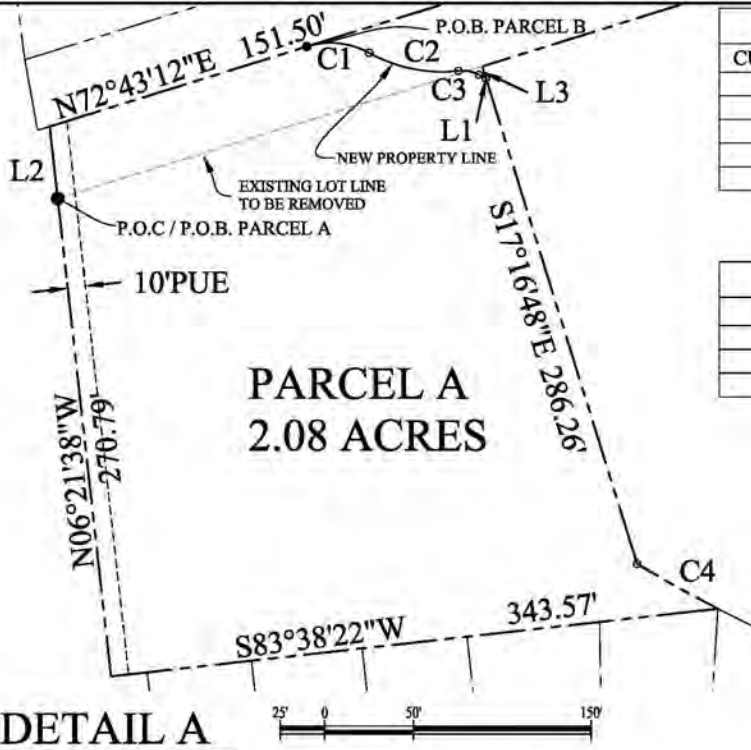
Patricia Buckland, City Clerk

Approved as to form
Counsel for Yuba City

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLC

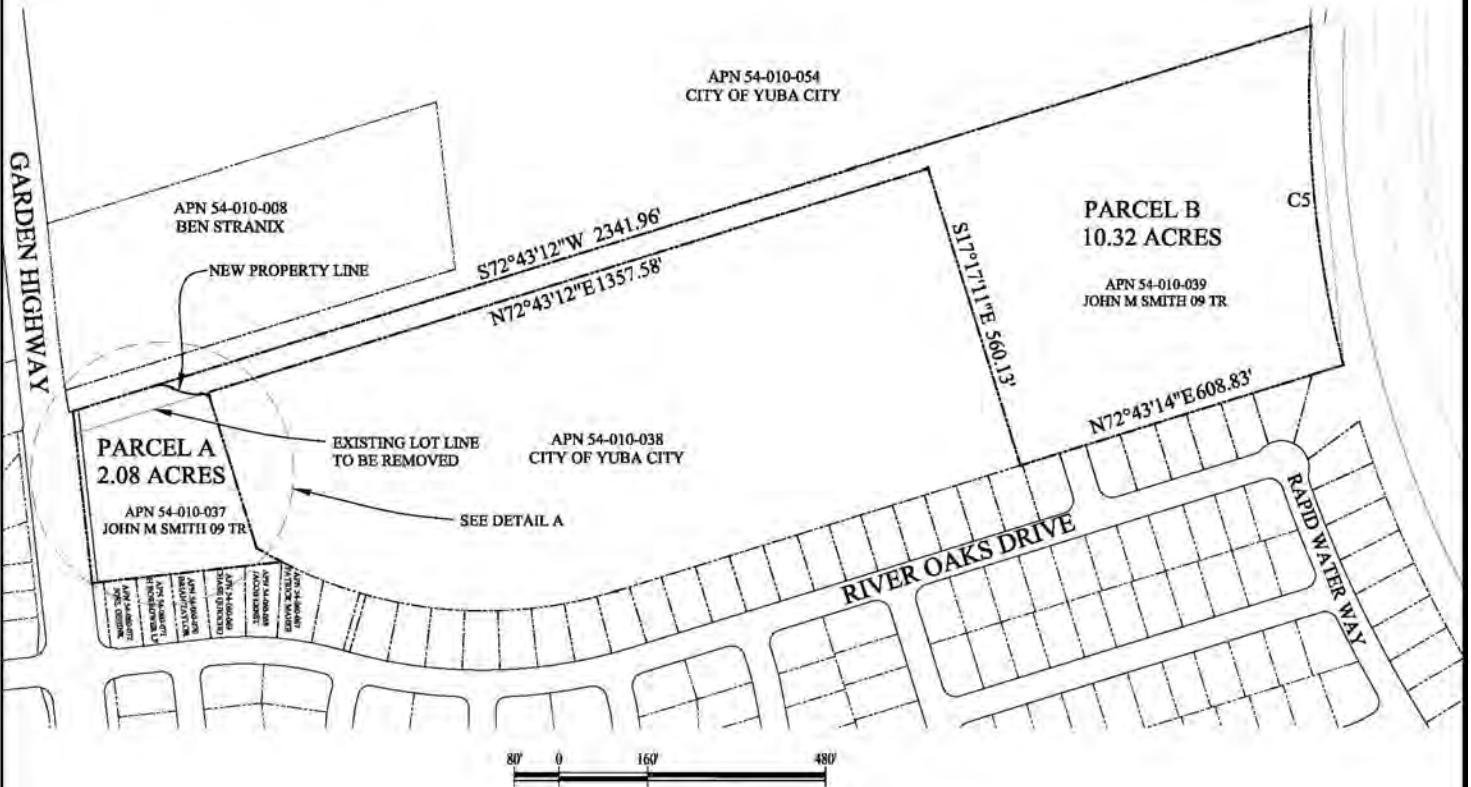
Attachment: Exhibit A

EXHIBIT A



CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	CHORD DIRECTION
C1	36.28	45.00	35.30	S84°11'08"E
C2	52.04	85.00	51.23	S78°37'54"E
C3	11.88	20.00	11.71	S79°09'13"E
C4	52.01	800.00	52.00	S60°57'21"E
C5	615.52	2000.41	613.09	S05°25'12"E

LINE TABLE		
LINE	LENGTH	BEARING
L1	4.49	S62°08'08"E
L2	40.74	S06°21'41"E
L3	7.11	N17°16'48"W



DATE: 06/12/19
 JOB NO: 19-148
 DRAWN: JSM
 19148mast
 CHECKED: SMM



TITLE: **EXHIBIT "A"**
 JOHN M SMITH 2009 TRUST - LOT LINE ADJUSTMENT 2019-
 BEING A PORTION OF SECTION 35, TOWNSHIP 15 NORTH, RANGE 3 EAST,
 M.D.M., AS PROJECTED INTO THE NEW HELVETIA RANCHO.
 PREPARED BY: MHM, INC 1204 E STREET MARYSVILLE, CA 95901



ATTACHMENT B



CITY OF YUBA CITY
PLANNING COMMISSION
STAFF REPORT

Date: November 13, 2019

To: Chair and Members of the Planning Commission

From: Development Services Department

Presentation By: Gary Pedroni, Contract Planner

Public Hearing:

General Plan Amendment (GPA) 19-02: A proposal amending the existing general plan land use designation of the subject property from Office and Office Park to Community Commercial.

Rezoning (RZ) 19-02: A proposal to rezone the subject property from Office Commercial (C-O) to Community Commercial District (C-2).

Parcel Map (PM) 19-02: A proposal to create 2 lots of 1.00 acres and 1.08 acres.

Development Plan (DP)19-01: Permit to allow for the development of a 9,100 square foot retail store (Dollar General) on northerly Parcel A of PM 19-02 (1 acre in size).

Environmental Assessment (EA) 19-06: Pursuant to California Environmental Act (CEQA) Article 19, Section 15070 (b)(1), staff prepared an environmental assessment including an Initial Study, Mitigated Negative Declaration (MND) and Mitigation Monitoring Program (MMP) for the project.

Project Location: The 1.82 acre property is located on the east side of Garden Highway, north of River Oaks Drive. (Assessor's Parcel Numbers 54-010-037 and 54-010-039)

Project Proposal: The General Plan Amendment, Rezoning, Parcel Map, and Development Plan, collectively known as the "Project", requires discretionary review by the City of Yuba City Planning Commission and City Council.

The Planning Commission is requested to take action on the Tentative Parcel Map 19-02, Development Plan 19-01, and Environmental Assessment 19-06, subject to the Conditions of Approval and Mitigation Measures, which includes a condition requiring the City Council's approval of the General Plan Amendment and Rezoning. Furthermore, the Planning Commission is requested to recommend to the City Council approval of General Plan Amendment 19-02 and Rezoning 19-02.

Background:

The subject property, which is currently vacant, is surround by a variety of land uses including industrial to the north, single family residential to the south, a stormwater basin to the east, and self-storage and single family residential to the west. This project is considered an infill project with the uses and intensities compatible with the existing surrounding adjacent uses.

Access and Public Improvements:

Primary access to the site will be provided by easement via the existing paved driveway on the adjacent property to the north, and secondary access from Garden Highway. The property is served by City services including water, sewer, and storm-water drainage.

Property Description:

The site is currently vacant, relatively flat, with no unique topographic features such as rock outcroppings or heritage-type trees. It has been plowed or mowed annually for fire safety reasons.

Bordering Uses:

Table 1: Bordering Information and Uses			
	<i>Existing General Plan Land Use Classification</i>	<i>Existing Zoning</i>	<i>Existing Land Use</i>
<i>Project Site</i>	Office and Office Park	Community Commercial	Vacant
<i>North</i>	Manufacturing, Processing and Warehousing	Industrial District (M-1) and (M-2)	Industrial
<i>East</i>	Parks Recreation and Open Space	Industrial District (M-2)	Storm water basin
<i>West</i>	Low Density Residential	Two Family Residential (R-2)	Self-storage and single family residential
<i>South</i>	Low Density Residential	Industrial District (M-2)	Single family residential

General Plan Land Use Designations:

Existing: Office and Office Park
 Proposed: Community Commercial

Zoning:

Existing: Office Commercial (C-O) and Light Industrial (M-1)
 Proposed: Community Commercial (C-2)

Previous Commission/Council Actions:

A lot line adjustment was recently approved resulting in the current parcel configuration. There have been no recent Planning Commission or City Council actions associated with this property.

Staff Comments/Analysis:

Compatibility with Neighboring Uses

A potential issue associated with the project is that nearby residences may have views of anticipated commercial development. Landscaping has been proposed consistent with City standards which will alleviate potential impacts with respect to this issue.

The planned commercial development will have lit parking lots. City ordinance limits the light standards to a maximum of 18 feet high as well as requiring that the light must be screened from direct view from the roadway. The lighting from the Project is not expected to be any greater than existing neighboring uses.

General Plan Amendment and Rezone:

The project is designed to provide a transition of uses that will be compatible with the existing neighboring uses. The project will not physically divide an established community. The site is surrounded by a variety of uses, including single-family residential and commercial uses. The proposed GPA and Rezone will further the goals and policies of the City's General Plan with respect to infill projects and economic development.

Parcel Map:

PM 19-02 proposes to subdivide the property into 2 parcels of 1.0 ac and 1.08 ac each. The proposed Dollar General store would be located on the northerly Parcel A (approximately 1 acre in size). It is anticipated that proposed Parcel B, 1.08 acres in size, would be developed in the future with a commercial endeavor such as an auto parts store. This type of facility was used when forecasting traffic impacts in the area.

Primary access to the site will be provided by easement via the existing paved driveway on the adjacent property to the north (frontage of 151 feet), and secondary access from Garden Highway (frontage of 270 feet). The property is served by City services including water, sewer, and storm-water drainage.

Development Plan:

The applicant intends to develop the property with the construction of a 9100 sq. ft. commercial retail structure (Dollar General), with a maximum height of 25 feet. The structure will be similar in design and finish as other Dollar General Stores in the region. Prominent features include metal roof, pre-finished awnings, stucco wall finish, faux shutters, and stone veneer. Percent of building coverage has been calculated at 17.3%.

The site will be designed for on-site delivery truck circulation and parking for 37 vehicles. In addition, there will be a dumpster enclosure, landscaping consistent with the City's Municipal Code, and on-site stormwater treatment. Primary access to the site will be provided by easement via the existing paved driveway on the adjacent property to the north, and secondary access from Garden Highway. Landscaping will be installed consistent with the City's Municipal Code and Design Guidelines applicable to new development.

Dollar General hours of operation are Monday through Sunday 8am to 10pm. Typically there will be 3 employees on-site during a normal shift and 4-5 customers at as time during peak hours.

Availability of City Services:

All City services, including water, sewer and storm-water drainage are available to serve this site.

Environmental Determination:

Pursuant to California Environmental Act (CEQA) Article 19, Section 15070 (b)(1), staff prepared an environmental assessment including an Initial Study, Mitigated Negative Declaration (MND) and Mitigation Monitoring Program (MMP) for the project.

Summary of Environmental Concerns:

Biological Resources - The site does not support sensitive habitats associated with special status plant or wildlife species. There are no wetlands or riparian habitats within the proposed footprint of the development.

Cultural Resources - No prehistoric or historic-era cultural resources were identified during the pedestrian survey or recorded inventory review.

Greenhouse Gas Emissions - Due to the small size of the project, it is not expected to create significant quantities greenhouse gas emissions.

Noise - A condition of approval has been recommended pursuant to Title 4, Chapter 17, and Section 4-17.10 (e) of the Yuba City Municipal Code which addresses potential construction-related noise impacts.

Traffic - K.D. Anderson & Associates, Inc. were retained by the applicant to prepare a traffic assessment (dated 5/17/19) associated with this project. The report concluded that it is not anticipated that the impacts of the project based on Yuba City's General Plan standards for traffic operations, truck circulation or safety would be significant, and no additional analysis or mitigation is required.

Based upon the attached environmental assessment (EA19-06), including the mitigation measures, all potential significant impacts are reduced to less than significant. The findings of the mitigated negative declaration are that, with the proposed mitigations for cultural resources, greenhouse gases, traffic and circulation, 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.

Recommended Actions:

1. **Project:** After reviewing and considering the Mitigated Negative Declaration prepared for this project, along with the proposed mitigation measures, the Planning Commission approves the following contingent upon City Council approval of GPA 19-02 and R 19-02:
 - PM 19-02 to create 2 lots of 1.00 acres and 1.08 acres;
 - DP 19-01 to allow for the development of a 9,100 square foot retail store (Dollar General) on northerly Parcel A of PM 19-02; and adopts,

- Environmental Assessment (EA) 19-06; including an Initial Study, Mitigated Negative Declaration (MND) and Mitigation Monitoring Program (MMP) for the project; and

Furthermore, the Planning Commission recommends approval of:

- GPA 19-02 amending the existing general plan land use designation of the subject property from Office and Office Park to Community Commercial; and
- RZ 19-02, rezoning the subject property from Office Commercial (C-O) to Community Commercial District (C-2).

Findings:

1. The Commission finds 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 Mitigated Negative Declaration (MND) reflects the Council's independent judgment and analysis.
2. The Commission further finds 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 a Notice of Determination will be recorded for EA 19-06 with the County Recorder.
3. The Commission finds the adoption of the proposed General Plan Amendment (GPA 19-02) and Rezone (R 19-02) are in the best interest of the City as such and recommends approval to the City Council.
4. **General Plan Amendment and Consistency:** The proposed Commercial land use designation allows for development of a diversity of commercial use types consistent with the City's General Plan. The conditions of approval of the Parcel Map ensure that the improvements will meet all City standards, which are based on General Plan policies.
5. **Rezoning:** The proposed rezone will be consistent with the General Plan designations being applied to the property.
6. **Parcel Map:** Yuba City Municipal Code Article 7 and the California Subdivision Map Act Section 66463 require that City deny the parcel map if it makes any of the following findings (the required findings are in italics).
 - a. *The proposed parcel map is not consistent with the applicable General Plan and/or specific plan:*

The General Plan is proposed to be amended. The lots proposed for those new designations are designed for the uses provide for in each of those designations. There is no specific plan applicable to this property.
 - b. *The design and improvement of the parcel map is not consistent with applicable general and specific plans or adopted City standards:*

The proposed parcel sizes, as shown on the submitted parcel map, are of adequate size to accommodate the uses that will be permitted on them. The

property will be improved with a circulation system to serve the new lots and the property location is suited for such uses as to be compatible with neighboring uses. Any new use that locates onto one of the new lots is required to meet all zoning, building and public works development standards and be consistent with the General Plan.

c. That the site is not physically suited for the density of development:

With the conditions of approval applied to this division of the property into two lots, all City public improvement standards are required to be met. All lot coverage, lot size, parking and landscaping standards will be met once the properties are developed.

d. That the site is not physically suited for the type of development.

Each new lot will meet the minimum lot sizes required by the relevant zone district. Those minimum lot sizes are well established and known to be large enough to accommodate the uses proposed for them.

e. That the design of the parcel map or likely improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat:

As provided earlier in this staff report and in the accompanying environmental document, there is not a potential for the project to cause significant environmental damage or impact to any fish or wildlife habitat.

f. That the design of the parcel map or the type of improvements is likely to cause serious public health problems:

Every new parcel will be connected to City water, sewer and storm drainage systems in order to avoid public health problems.

g. That the design of the parcel map or the type of improvements will conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision:

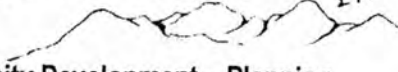
The property is served by improved public access ways, which are maintained by the City.

As provided above, none of the required findings that would require denial of the parcel map can be made. Therefore, the tentative parcel map may be approved.

Attachments:

1. Conditions of Approval and Mitigation Measures
2. Initial Study and Mitigation Monitoring Program
3. Site Plan, Architectural Elevations, and Landscape Plans

CITY OF YUBA CITY



PROJECT APPLICATION

Community Development – Planning
(530) 822-4700

PLEASE PRINT OR TYPE:

Applicant Name: Steve Powell, Woodcrest REV Phone: (760) 271-9400

Address: 1410 Main Street, Suite C, Ramona, CA 92065

(If more than one applicant, attach separate sheet with additional applicants' information.)

Property Owner's Name: Marilee Smith Decendent's Trust Phone: (415) 255-7024

Address: _____

Contact Person/Representative: Steve Powell Phone: (760) 271-9400

Address: 1410 Main Street, Suite C, Ramona, CA 92065

Assessor's Parcel No(s): 54-010-037 & portion of 54-010-039

Property Location/Description: Approximately 1.82 Acres on the east side of Garden Highway, north of River Oaks Dr.

Project area listed as an Identified Hazardous Waste Site? yes no

Proposal Description (use additional sheets if necessary): Proposed Boundary Adjustment (portion of 54-010-039); Proposed Subdivision, Proposed General Plan Amendment (Change of Zone from C-O to C-2), and Proposed 9,100 square foot Retail Store.

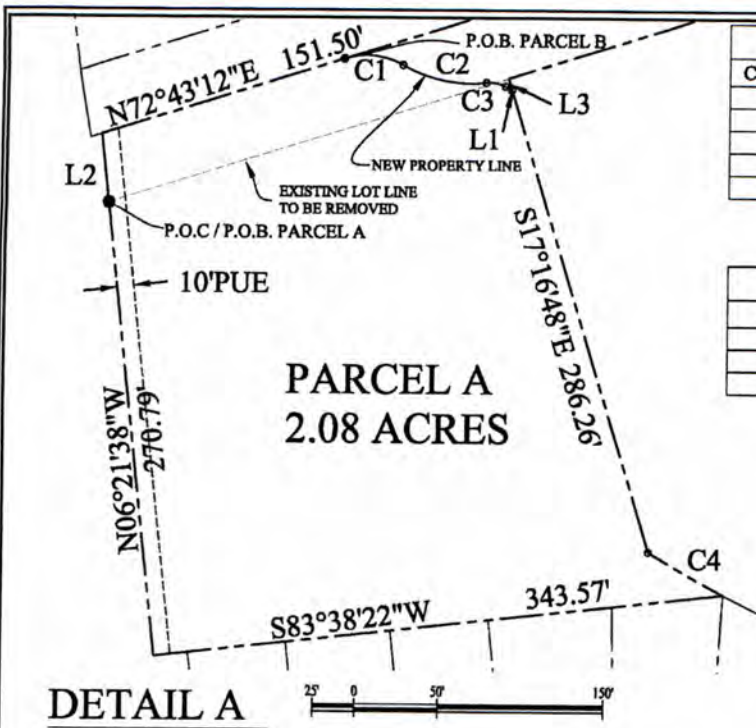
I/We acknowledge that the information provided above is correct. I/We agree to comply with all City and State laws regulating property development.

Applicant Signature*: *Steve Powell* Date: 5/30/2019

Co-applicant Signature: _____

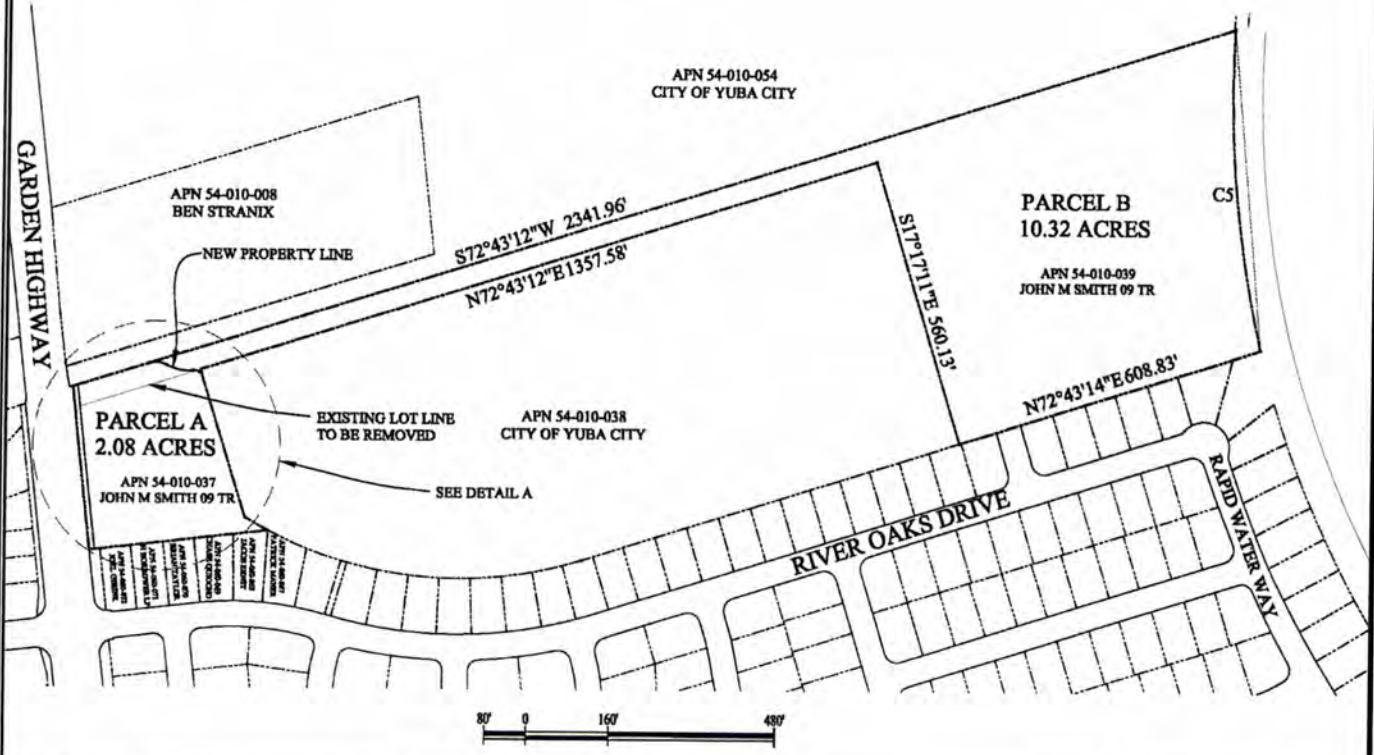
* If the applicant is not the property owner, a letter of authorization from the property owner is required.

For Internal (City) Use Only:				
UP _____	VR _____	PM _____	SM _____	Date Received: _____
DP _____	Other _____			Receipt No.: _____
RZ _____	from _____	to _____		Fees: \$ _____
GP _____	from _____	to _____		
Application: EA# _____	or Exempt _____			GP Designation: _____
				Zoning: _____
Planning Commission: Approved <input type="checkbox"/>	Denied <input type="checkbox"/>	Date: _____		
City Council: Approved <input type="checkbox"/>	Denied <input type="checkbox"/>	Date: _____		
Resolution/Ordinance Number: _____				



CURVE TABLE				
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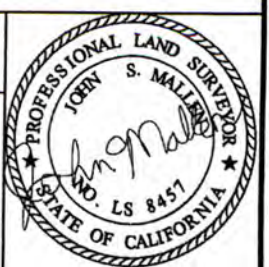
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DATE: 06/12/19
 JOB NO: 19-148
 DRAWN: JSM
 19148mast
 CHECKED: SMM



TITLE: **EXHIBIT "A"**
 JOHN M SMITH 2009 TRUST - LOT LINE ADJUSTMENT 2019-
 BEING A PORTION OF SECTION 35, TOWNSHIP 15 NORTH, RANGE 3 EAST,
 M.D.M., AS PROJECTED INTO THE NEW HELVETIA RANCHO.
 PREPARED BY: MHM, INC 1204 E STREET MARYSVILLE, CA 95901



YUBA CITY - GENERAL RETAIL
INFILL DEVELOPMENT

Property Address: _____ Garden Highway, Yuba City, CA 95991

APNs: 54-010-037 & portion of 54-010-039

PROJECT DESCRIPTION

The Project site fronts on the East side of Garden Highway, North of River Oaks Dr. approximately 300 feet., and South of Burns Dr. approximately 1,200 feet., in the City of Yuba City, Sutter County, California. The Project involves parcel APN 54-010-037 and a portion of APN 54-010-039. The subject parcels do not yet have an assigned address. The subject properties are designated *Office & Office Park* in the General Plan and zoned Office Commercial (C-O) and Light Industrial (M-1). The project will process a Lot Line Adjustment to incorporate a portion of 54-010-039 into 54-010-037 per EXHIBIT A, a "General Plan Amendment" to change the designation to *Community Commercial* and "Change of Zone" application to change the zoning to Community Commercial (C-2) per EXHIBIT B, and a two parcel subdivision (approximately 1 acre each) of the newly adjusted lot per EXHIBIT C.

PROPOSED DEVELOPMENT

Parcel A:

The Project proposes to construct a 9,100 sq. ft. commercial retail building (Dollar General), with a maximum height of 25 feet on Parcel A. The site will be designed for on-site delivery truck circulation and parking for 37 vehicles. In addition, there will be a dumpster enclosure, landscaping and on-site stormwater treatment. Primary access to the site will be provided by easement via the existing paved driveway on the adjacent property to the north, and secondary access from Garden Highway through Parcel B.

Dollar General hours of operation are Monday thru Sunday 8am to 10pm. Typically, there will be 3 employees during a normal shift and 4-5 customers at a time during peak hours.

Water and Sewer service will be provided by Yuba City Utilities.

Parcel B:

The Project does not propose any development of Parcel B at this time. For project planning purposes, Parcel B will be evaluated based on a 6,500 sq. ft. Auto Parts Store for impacts related to the Project.