

October 30, 2002

To: Sutter County Planning Commission

Re: Agenda Item #10: Public hearing on Rezoning #02-06 to change the zoning classification of the subject property from M-1 (Light Industrial) District to C-M (Commercial-Industrial) District; located at 3026 Colusa Highway, Yuba City; A.P. #19-010-047; applicant/property owner - Marlene Brocker (Location: District 4 - Commissioner Bajwa)

### **Current Proposal**

#### A. Project Description:

The subject property contains three retail businesses with varying respective degrees of commercial and industrial use: a design studio, a canvas shop and a welding shop. Under current M-1 zoning, retail sales area is limited to 15 percent of the building square footage. The design studio, which is the anchor business on the property, is a two-person, family-owned-and-operated interior decorating business with an established client base. The owners of this business wish to diversify by offering a greater selection of retail items to their clients. The requested zone change from M-1 to C-M would remove the restriction on retail sales. For consistency of uses permitted on the property, the applicant/property owner requests rezoning of the entire parcel.

#### B. Environmental Consideration:

This project is exempt from CEQA under the general rule that CEQA applies only to projects that have the potential to result in significant environmental impacts (Guidelines Section 15061[b][3]). The requested rezoning will not result in any significant change or expansion of use; therefore, the project does not have the potential to result in any adverse environmental effects.

**Background**

A. Property Description:

Subject property A.P. #19-010-047 is a 2.15-acre parcel located on the southwest corner of the intersection of Colusa Highway and George Washington Blvd. The property has 196 feet of frontage on the Colusa Highway frontage road and averages approximately 444 feet deep.

B. Surrounding Land Use, Zoning District and General Plan Designation:

<b>Property</b>	<b>Use</b>	<b>Zoning</b>	<b>General Plan</b>
Subject Properties	Commercial-Industrial	M-1	IND
North	Church, Automobile Dealer (across Highway 20)	R-3, M-1	MDR, IND
East	Commercial	M-1	IND
South	Commercial-Industrial	M-1	IND
West	Commercial (farm supply)	M-1	IND

C. Previous Planning Commission Actions/Policies:

On October 3, 1972, the Commission approved Parcel Map #30, which in part created an approximately five-acre parcel that would become the parent parcel of the subject property.

On October 3, 1972, the Commission also approved Rezoning #119, which in part changed the zoning of the subject property’s parent parcel from A-1 (General Agriculture) District to M-1 (Light Industrial) District.

On February 14, 1974, the Commission approved Tentative Parcel Map No. 118, which created the approximately two-acre subject parcel.

**Staff Comments**

A. Environmental Health: (EH)

The Environmental Health Division responded with no comments or conditions.

B. Office of the Sheriff/Coroner: (SC)

The Office of the sheriff/Coroner responded with no anticipated impacts on their services.

C. Public Works: (PW)

See Conditions #3-#8.

D. Planning (P):

The subject parcel contains three retail businesses with a mixture of commercial and industrial uses: an interior design studio, a canvas shop and a welding shop. The current M-1 (Light Industrial) zoning “is intended to provide suitable areas for low intensity assembly, processing or manufacturing activities, product distribution, and related activities...” (Zoning Code §1500-4610). The design studio’s activities include low-intensity assembly, product distribution, and retail sales, which the M-1 zoning limits to 15 percent of the building’s square footage. Both the property owner and design studio owners believe it is appropriate for the studio to be able to diversify its product line (for additional products manufactured on-site) in order to better serve its client base. Although this diversification would require a retail sales area larger than 15 percent of the floor area, it is not anticipated to result in an overall expansion of use or an increase in retail traffic. In order to allow a larger retail sales area, it is appropriate to rezone to C-M, which does not restrict retail sales area.

The canvas shop manufactures custom tarps, awnings and other canvas goods, and also offers retail products, so that its base use is consistent with that of the design studio. The welding shop, however, is primarily industrial, and is specifically permitted in the M-1 District. The requested rezoning would cause this business to become a non-conforming use in the resulting C-M District. However, Division 86 of the Zoning Code would allow this business to continue to operate on the property and to expand up to 100%. Because this business rents its building on a month-to-month basis, the applicant/property owner believes that the long-term economic viability of the property will be enhanced by consistent zoning.

From the attached study sketch (Exhibit A), it is evident that M-1 zoning predominates on the south side of Colusa Highway in the vicinity of the subject parcel; however, C-M zoning is applied to nearby retail businesses on Colusa Highway. Zoning Code section 1500-4310 states that the purpose of the C-M District is,

*...to provide opportunities to combine commercial and industrial uses. The district provides for selected sales and services that are often considered inappropriate in primary retail areas due to size or operating characteristics or because products are manufactured on-site, as well as, various light industrial type uses. This district is not intended to provide typical retail sales normally found in the retail districts. This district is consistent with the Commercial and Industrial General Plan land use designations.*

Therefore, staff believes that the requested rezoning is consistent with uses on the subject property and on adjacent properties. Based on the preceding discussion and on the fact that the rezoning to C-M would maintain consistency with the General Plan, staff believes that that the proposed rezoning is consistent with the Zoning Code and the General Plan.

**Recommended Findings**

Based on the information contained in the staff report and/or testimony received at the public hearing, the Planning Commission finds:

- A. In accordance with the California Environmental Quality Act and the CEQA Guidelines, the requested rezoning is exempt under Section 15061(b)(3) of the Guidelines (general rule exemption).
- B. The requested rezoning is consistent with the General Plan and with adjacent properties and uses.

**Recommended Action**

- A. Make the recommended findings listed above.
- B. Recommend that the Board of Supervisors approve Rezoning #02-06 changing the classification of the subject parcel from M-1 (Light Industrial) to C-M (Commercial-Industrial), subject to the following Criteria of Development.
  - 1. Within five (5) days of final project approval, the applicant shall pay any outstanding balance in excess of the amount on deposit for processing the application. (P)
  - 2. The property shall be developed in substantial accord with the submitted site plan. (P)
  - 3. A deferred improvement agreement, secured by a bond or other security approved by the Director of Public Works shall be entered into with Sutter County. This agreement shall run with the land and shall be binding on all successors in interest. The agreement shall provide for the following improvements along the property frontage (George Washington Blvd & Colusa Frontage Road): street paving, curbs, gutters and sidewalks. (PW)
  - 4. If sufficient rights of way do not already exist, additional rights of way and/or public utility easements shall be deeded to Sutter County to provide the specified one-half widths of the following indicated roads:
 

Colusa Frontage Road	23.0' R/W + 10.0' P.U.E.
George Washington Blvd.	42.0' R/W + 10.0' P.U.E. (PW)
  - 5. No grading or alteration of the existing terrain that would direct additional waters to the County road shall be done without the approval of the Public Works Department. (PW)
  - 6. Encroachment permits are to be obtained from the Public Works Department for any new driveway or road connections to be made to existing County roads. Construct new driveway(s) to current County standards. (PW)
  - 7. The applicant shall agree to participate in future improvements to and realignment of the George Washington Boulevard/Colusa Frontage road intersection, on a fair

share basis, at such time as the County determines that realignment or other roadway improvements are necessary. (PW)

8. Traffic safety improvements may be required at the west side of the Colusa Frontage Road/George Washington Blvd intersection. When determined to be necessary by the Public Works Director, the safety improvements shall be made subject to the standards of the County Public Works Department. The property owner shall pay their fair share of the improvements. (PW)

Sincerely,

THOMAS A. LAST  
PLANNING DIVISION CHIEF

William J. Caplinger  
Assistant Planner

Attachments: Exhibit A - Study Sketch  
Exhibit B - Site Plan

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