



# LIVE OAK PLANNING COMMISSION

## REGULAR MEETING AGENDA MAY 4, 2021 7:00 PM

MEETING LOCATION  
LIVE OAK COUNCIL CHAMBERS  
9955 LIVE OAK BOULEVARD  
LIVE OAK, CALIFORNIA 95953

### MEMBERS OF THE COMMISSION

JERRY STEWART, CHAIR  
GURVEER BUTTER, VICE CHAIR  
AARONDEEP PAMMA, COMMISSIONER  
AARON ELLER, COMMISSIONER  
KRIS SELVIDGE, COMMISSIONER  
JOAQUIN BERMUDEZ, COMMISSIONER

KEVIN VALENTE,  
PLANNING DIRECTOR

The Commission may take up any agenda item at any time, regardless of the order listed. Action may be taken on any item on this agenda. Materials related to an item on this Agenda submitted to the Commission after distribution of the agenda packet are available for public inspection at City Hall, 9955 Live Oak Boulevard, Live Oak, during normal business hours. Such documents are also available on the City of Live Oak's website at [www.liveoakcity.org](http://www.liveoakcity.org), subject to staff's availability to post the documents before the meeting.

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need disability-related modifications or accommodations to participate in this meeting, please contact the City Clerk's office at (530) 695-2112 x107. Requests must be made at least 24 hours in advance.

***Pursuant to Governor Newsom's Executive Orders N-25-20 and N-29-20, members of the Live Oak Planning Commission or staff may participate in this meeting via a teleconference. In the interest of the maintaining appropriate social distancing, members of the public are encouraged to participate in the meeting in the following ways:***

- **Remote Viewing:**

- Members of the public can view a livestream of the meeting online at [https://liveoakca.granicus.com/ViewPublisher.php?view\\_id=1](https://liveoakca.granicus.com/ViewPublisher.php?view_id=1).
- Members of the public can access the Zoom webinar as follows:
  - **Join by Electronic Device:**  
<https://us02web.zoom.us/j/86209212434?pwd=Wi9PYVRRWnRoOURvM3Y2am14QWhzQT09>  
**Passcode:** 384122
  - **Join by Phone:**  
1-669-900-6833 or 1-877-853-5247 (Toll Free)  
**Webinar ID:** 862 0921 2434  
**Passcode:** 384122

- **Public Comment:** Members of the public can submit general public comments, as well as comment on specific agenda items in the following ways:
    - **Live Remote Public Comment:** Members of the public can submit a live remote public comment by:
      - *Joining the virtual Commission meeting via the link below. When public comment is opened, raise your virtual hand and be called upon to speak for up to 3 minutes.*  
  
<https://us02web.zoom.us/j/86209212434?pwd=Wi9PYVRRWnRoOURvM3Y2am14QWhzQT09>  
**Passcode:** 384122
      - *Joining the virtual Commission meeting by calling the phone number below. When public comment is opened, dial \*9 to raise your hand and be called upon to speak for up to 3 minutes.*  
  
1-669-900-6833 or 1-877-853-5247 (Toll Free)  
**Webinar ID:** 862 0921 2434  
**Passcode:** 384122
    - **Email Public Comment:** Comments from the public on agenda items will be accepted until 1:00 pm on the date of the meeting, via email to the Planning Director at [kvalente@liveoakcity.org](mailto:kvalente@liveoakcity.org), and read into the record during public comment.
    - **eComment Feature:** Public Comment will be accepted online between Friday, April 30<sup>th</sup> through Tuesday, May 4<sup>th</sup> at 1:00 pm through the eComment feature at: [https://liveoakca.granicus.com/ViewPublisher.php?view\\_id=1](https://liveoakca.granicus.com/ViewPublisher.php?view_id=1).
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**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**CORRECTIONS AND/OR CHANGES TO THE AGENDA BY PLANNING DIRECTOR**

**PUBLIC COMMENT**

Any person wishing to address the Commission on general jurisdictional matters or consent calendar items may do so at this time. If you are commenting on an agenda item, your comments will be heard at the time that item is scheduled for discussion. Comments will be limited to three minutes per person unless the Chair specifically grants further time. The Brown Act does not allow for Commission discussion of items not on the agenda. Commissioners may only a) refer the matter to staff; b) ask for additional information; c) request a report back; or d) provide a limited factual response for items not listed on the agenda.

**CONSENT ITEMS**

1. Draft Minutes – Regular Meeting of the Planning Commission – April 20, 2021  
Recommendation: Approve draft minutes.  
(Kevin Valente, Planning Director)

**PUBLIC HEARING**

2. Burger King Use Permit and Site Plan and Design Review  
Recommendation: Adopt resolution, as conditioned, approving a Use Permit, along with Site Plan and Design Review, for the construction of a freestanding 2,727 square-foot Burger King restaurant with an associated drive-through.  
(Kevin Valente, Planning Director)

**ITEMS REMOVED FROM THE CONSENT AGENDA FOR COMMISSIONER CONSIDERATION AND ACTION**

**UPDATES AND ANNOUNCEMENTS FROM THE PLANNING DIRECTOR**

**COMMISSIONER REPORTS/COMMENTS/REQUESTS**

**ADJOURNMENT**



**City of Live Oak  
Report to Planning Commission**

**Meeting Date:** May 4, 2021

**Title:** Draft Minutes - Regular Meeting of the Planning Commission - April 20, 2021

**Contact Information:** (Kevin Valente, AICP, Planning Director)

**Location:** N/A

**Analysis:** Draft Minutes - Regular Meeting of the Planning Commission - April 20, 2021

**Fiscal Impacts:** None.

**Recommendation:** Approve draft minutes.

**Attachments:**

[Minutes](#)



# LIVE OAK PLANNING COMMISSION

MINUTES  
APRIL 20, 2021  
7:00 PM

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The Live Oak City Council conducted this meeting in accordance with Governor Newsom’s Executive Orders N-25-20 and N-29-20.

## CALL TO ORDER

Meeting called to order by Commission Vice Chair Pamma at Live Oak City Council Chambers, 9955 Live Oak Boulevard, Live Oak, CA at 7:09 pm.

## ROLL CALL

Appeared via teleconference: Commissioner Stewart, Selvidge, Bermudez, Eller, Butter, and Vice Chair Pamma

## PLEDGE OF ALLEGIANCE

Commissioner Eller led the Pledge of Allegiance.

## CORRECTIONS AND/OR CHANGES TO THE AGENDA

There were no corrections and/or changes to the agenda.

## PRESENTATIONS

### A. Administration of Oath of Office for New Live Oak Planning Commissioner Appointments

Commissioner Bermudez and Selvidge recited the Oath of Office as the new members of the Live Oak Planning Commission.

## PUBLIC COMMENT

The following member of the public addressed the Commission: Marcia McGee asked about the development status of Kristen Court Phase II and Phase III.

CONSENT ITEMS

Consent Calendar is passed by one motion with exceptions and separate votes as noted.

MOTION: APPROVE THE CONSENT AGENDA.  
(MOTION: ELLER; SECOND: BUTTER)

VOTE: MOTION PASSED UNANIMOUSLY

1. Draft Minutes – Regular Meeting of the Planning Commission – July 7, 2020  
Kevin Valente, Planning Director  
Commission action: July 7, 2020 Planning Commission Regular Meeting minutes approved.
2. Draft Minutes – Regular Meeting of the Planning Commission – October 20, 2020  
Kevin Valente, Planning Director  
Commission action: October 20, 2020 Planning Commission Regular Meeting minutes approved.

BUSINESS ITEMS

3. Planning Commission Chair Appointment  
Kevin Valente, Planning Director

Public Comment was opened and closed without any speakers.

MOTION: APPOINT COMMISSIONER STEWART TO SERVE AS THE PLANNING COMMISSION CHAIR FOR A ONE-YEAR TERM.  
(MOTION: ELLER; SECOND: BERMUDEZ)

VOTE: MOTION PASSED UNANIMOUSLY

4. Planning Commission Vice Chair Appointment  
Kevin Valente, Planning Director

Public Comment was opened and closed without any speakers.

MOTION: APPOINT COMMISSIONER BUTTER TO SERVE AS THE PLANNING COMMISSION VICE CHAIR FOR A ONE-YEAR TERM.  
(MOTION: PAMMA; SECOND: ELLER)

VOTE: MOTION PASSED UNANIMOUSLY

5. Sutter County Planning Commission Appointment  
Kevin Valente, Planning Director

Public Comment was opened and closed without any speakers.

MOTION: APPOINT COMMISSIONER PAMMA TO SERVE AS THE CITY OF LIVE OAK REPRESENTATIVE ON THE SUTTER COUNTY PLANNING COMMISSION FOR A ONE-YEAR TERM.  
(MOTION: BUTTER; SECOND: ELLER)

VOTE: MOTION PASSED UNANIMOUSLY

PUBLIC HEARING ITEMS

6. Bishop Avenue Truck Parking Project  
Kevin Valente, Planning Director

Kevin Valente, Planning Director, provided a report for the Commission.

Jaskaran Deol, applicant, addressed the Commission.

The following members of the public submitted public comments: Rick Cole, Andy Clubfoot Miller, Brant Aderman, Carlos Curiel, Courtney Sanders, Derrick Threatt, Edward and Diana Davis, Harnek Singh, Jaime Singh, Jeff Spence, John and Pat Leon, Lynda Greer, Mark Breeding, Mary Saldana, Nicole Gates, and Sukhraj Pamma.

The following members of the public addressed the Commission: Sarah Bole, Rick Cole, Laurie Schuster, Shane Murphy, Stephanie Allan, Tej Mann, Lakvit Singh, Herman Singh, Nicole Gates, Brant Aderman, Julie Nissen, Raj Dhillon, Brian Bole, Jaime, Sukhraj Pamma, Steve, and Pat Leon.

MOTION: CONTINUE THE BISHOP AVENUE TRUCK PARKING PROJECT TO A LATER DATE, UNTIL AFTER THE TRAFFIC ANALYSIS REPORT (TAR) REQUESTED BY CALTRANS IS COMPLETED.  
(MOTION: SELVIDGE; SECOND: BERMUDEZ)

VOTE: MOTION PASSED UNANIMOUSLY

ITEMS REMOVED FROM THE CONSENT AGENDA FOR COMMISSION CONSIDERATION AND ACTION

There were no items removed from the Consent Agenda for Commission consideration and action.

UPDATES AND ANNOUNCEMENTS FROM THE PLANNING DIRECTOR

There were no updates and announcements from the Planning Director.

COMMISSIONER REPORTS/COMMENTS/REQUESTS

There were no Commissioner comments.

ADJOURNMENT

Adjourned the meeting at 10:04 pm.



## City of Live Oak Report to Planning Commission

- Meeting Date:** May 4, 2021
- Title:** Burger King Use Permit and Site Plan and Design Review
- Contact Information:** (Kevin Valente, AICP, Planning Director)
- Location:** The project site is located at 10045/10055 Live Oak Boulevard in the City of Live Oak, California. The approximately 0.7-acre project site is identified by Assessor's Parcel Numbers (APNs) 06-152-007 and 06-152-017.
- Background:** On March 4, 2021 the City of Live Oak received an application for a Use Permit and Site Plan and Design Review for a freestanding 2,727 square-foot Burger King Restaurant with an associated drive-through located at the corner of Live Oak Boulevard and Ivy Street (proposed project). Development of the project site would also include a new parking area, landscaping, and sidewalk improvements.
- The Live Oak 2030 General Plan designates the project site as Downtown Mixed Use. The Downtown Mixed Use Land Use Designation allows retail uses, commercial service, office, residential, civic, and other compatible uses. While mixed-use projects which would combine one or more of the allowed uses are encouraged in this land use designation, single use projects are also allowed. The proposed development of the Burger King Project consists of a freestanding Burger King restaurant with an associated drive-through and is consistent with the Downtown Mixed Use General Plan land use designation.
- The project site is located on a vacant lot in the Commercial-Mixed Use (C-MU) Zoning district with a Downtown Combining (D) District. The C-MU Zoning District provides a full range of retail and service commercial uses, along with higher density residential uses. The Live Oak Municipal Code (LOMC) establishes that the D Zone District is intended to be combined with the C-MU Zone District in the areas described in the General Plan as Downtown Mixed Use to enhance the downtown area and encourage a broad mix of uses.
- Analysis:** The proposed project's requested planning entitlements are discussed below.
- Use Permit
- Per Section 17.03.020 of the LOMC, drive-through facilities located in the C-



MU Zone District require Planning Commission approval of a Use Permit. In addition, per Section 17.10.030 of the LOMC, any use permitted in the C-MU Zone District is permitted in D Zone District. However, if the C-MU Zone District requires a Use Permit for a use then that proposed use shall also be required to obtain a Use Permit in the D Zone District. Therefore, in order to approve the Burger King Project Use Permit application, or approve it with modifications and/or conditions, the Planning Commission must make the following findings, based on information in the record:

1. The proposal is consistent with the General Plan and any relevant specific plan, neighborhood plan, or area plan.
2. The site for the proposed use is adequate in size and shape to accommodate said use and its associated yards, parking, landscaping and other improvements required by this title and other relevant City standards.
3. The streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.
4. The site design and the size and design of the building(s) will complement neighboring facilities.
5. The establishment and operation of the use will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the vicinity of the proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

#### Site Plan and Design Review

In 2011, the City of Live Oak adopted the Citywide Design Guidelines which are intended to promote future development within the City that is well designed and respectful of the development patterns and characteristics present in the community. The provisions of the Design Guidelines are applicable to most new development within the City, including the proposed project, which would consider the Design Guidelines described in Chapter Six Section D, Drive-Through Businesses, of the Citywide Design Guidelines. The Drive-Through Business Design Guidelines establish recommendations for two main design areas, site organization and building design, discussed in further detail below.

#### Site Organization

Per the Citywide Design Guidelines, the major design issues related to drive-through businesses are site plans that promote efficient and well-organized vehicular access and on-site circulation while adequately buffering adjacent uses. The Site Organization Guidelines for drive-through businesses include:

- a. The primary presence along the major street, such as Live Oak Boulevard, should be the building, not parking lots or the drive-through lane.
- b. Drive-through aisles should provide adequate on-site queuing distance to accommodate three cars (90 feet) before the first stopping point (e.g., menu board, cashier window, automatic teller machine).
- c. Drive-through aisles should have a minimum 25-foot interior radius for any

curve.

d. Drive-through aisles should be screened from the view of street frontage and adjacent parking areas.

e. Pedestrian walkways should not intersect the drive-through aisle. Where walkways cannot be avoided, they should have minimum 15-foot clear visibility and should be emphasized by enriched paving

f. Menu board speakers should be located so as to protect adjoining residential areas from excessive noise.

Per the proposed project's site plan (attached below), the primary presence along Live Oak Boulevard would be a landscaped area, followed by the drive-through-lane, which is directly adjacent to the building. The proposed site design would allow for a sufficient amount of vehicle stacking for the drive-through service, as well as vehicle circulation for customers entering and exiting the property. Two entrances with menu boards would be located at the drive-through entrance, located in the north of the project site, near Ivy Street, to allow for additional vehicle queuing. The location of the drive-through aisle has been designed so that menu boards are located away from residences in the project vicinity. A stop sign would be located at the exit of the drive-through to allow for pedestrian use of an accessibility path. As such, the design of the proposed project would comply with the Site Organization guidelines for drive-through businesses, with the exception of guideline 'a' and guideline 'd', due to the drive-through aisle being located along Live Oak Boulevard. Therefore, Planning staff has included a condition of approval for heavy landscaping along the property frontage to screen public views of the drive-through lane.

### Building Design

In order to promote well designed development that is respectful of the development patterns and characteristics present in the community, the City has created Building Design Guidelines. The Building Design Guidelines for drive-through businesses are as follows:

a. All building elevations facing public streets, whether such elevations function as the front, side, or rear of the building, should be architecturally detailed and landscaped.

b. Buildings should incorporate some roof articulation. Flat roofs are discouraged.

c. Drive-through businesses should be architecturally detailed in favor of standard franchise/corporate design. Franchise/Corporate architecture and color theme should reflect the surrounding agricultural, small-town atmosphere of Live Oak.

The proposed project's architectural design is based on Burger King's franchise designs. Per the Proposed Exterior Elevation Plan (attached below), exterior design of the building would include neutral colored brick, ceramic tile, paint, and fiber cement panels designed to represent vintage wood, along with metal canopies above doorway entrances and drive-through windows. Landscaping would be included along all project site borders, as well as

within the parking area and in the front of the building. The proposed building design includes a flat roof; however, the proposed roof includes varied parapet height, which provides some rooftop articulation for the building. As such, the design of the proposed project would comply with all sections of the Building Design guidelines.

#### LOMC Section 17.10.030 Design Standards

Per section 17.10.030 of the LOMC, the development standards provided in the C-MU Zone District are applicable to the D Zone District except as follows:

1. A minimum lot size is not required.
2. Front or street side yard are not required. If a front or street side yard is provided, it shall be landscaped to a depth of 10 feet or the distance to the building, whichever is less.
3. On-site parking or loading is not required.

#### Conclusion

The Live Oak Citywide Design Guidelines are used as recommendations to guide quality development within the City, and are not mandatory requirements like the regulations set by the Live Oak Zoning Code, which proposed projects are required to comply with. Additionally, because the Use Permit requires Planning Commission approval, so would the Site Plan and Design Review, per the adopted Design Guidelines. Therefore, the role of City Staff is to identify the consistencies and inconsistencies of the proposed project with the Citywide Design Guidelines in order for the Planning Commission to make the final determination on design approval.

#### Environmental Review

In accordance with Class 32, Section 15332 (Infill Development) of the California Environmental Quality Act (CEQA) guidelines, the proposed project is exempt from the provisions of CEQA. The proposed project qualifies for this exemption because it is consistent with the City's General Plan and zoning regulations. The site is no more than five acres and is surrounded by urban uses, and the proposed project would not result in any significant effects related to traffic, noise, air quality, or water quality, and the project site could be served by all required utilities and public services.

#### Conclusion

Based on the information contained in the staff report, staff recommends that the Planning Commission adopt the attached resolution approving the Use Permit and the Site Plan and Design Review for a freestanding 2,727 square-foot Burger King restaurant with an associated drive-through located at 10045/10055 Live Oak Boulevard in the City's Downtown Mixed-Use District.

## Motion for Approval

Move that the Planning Commission:

1. Adopt the resolution approving the Burger King Project Use Permit and Site Plan and Design Review.

**Fiscal Impacts:**

The project applicant is responsible for all costs associated with the processing of this project.

**Recommendation:**

Adopt resolution, as conditioned, approving a Use Permit, along with Site Plan and Design Review, for the construction of a freestanding 2,727 square-foot Burger King restaurant with an associated drive-through.

**Attachments:**

[ATT 1\\_Project Vicinity Map](#)

[ATT 2\\_Burger King UP PC Resolution](#)

[ATT 3\\_Burger King Project Plans](#)

## PLANNING COMMISSION STAFF REPORT

**DATE:** May 4, 2021  
**TO:** City of Live Oak Planning Commission  
**FROM:** Kevin Valente, Planning Director

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**SUBJECT:** Burger King Use Permit and Site Plan and Design Review

**LOCATION:** The project site is located at 10045/10055 Live Oak Boulevard in the City of Live Oak, California. The approximately 0.7-acre project site is identified by Assessor's Parcel Numbers (APNs) 06-152-007 and 06-152-017.

**RECOMMENDATION:** Staff recommends the Live Oak Planning Commission adopt the resolution, as conditioned, approving a Use Permit, along with Site Plan and Design Review, for the construction of a freestanding 2,727 square-foot Burger King restaurant with an associated drive-through.

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### BACKGROUND

On March 4, 2021 the City of Live Oak received an application for a Use Permit and Site Plan and Design Review for a freestanding 2,727 square-foot Burger King Restaurant with an associated drive-through located at the corner of Live Oak Boulevard and Ivy Street (proposed project). Development of the project site would also include a new parking area, landscaping, and sidewalk improvements.

The Live Oak 2030 General Plan designates the project site as Downtown Mixed Use. The Downtown Mixed Use Land Use Designation allows retail uses, commercial service, office, residential, civic, and other compatible uses. While mixed-use projects which would combine one or more of the allowed uses are encouraged in this land use designation, single use projects are also allowed. The proposed development of the Burger King Project consists of a freestanding Burger King restaurant with an associated drive-through and is consistent with the Downtown Mixed Use General Plan land use designation.

The project site is located on a vacant lot in the Commercial-Mixed Use (C-MU) Zoning district with a Downtown Combining (D) District. The C-MU Zoning District provides a full range of retail and service commercial uses, along with higher density residential uses. The Live Oak Municipal Code (LOMC) establishes that the D Zone District is intended to be combined with the C-MU Zone District in the areas described in the General Plan as Downtown Mixed Use to enhance the downtown area and encourage a broad mix of uses.

### DISCUSSION

The proposed project's requested planning entitlements are discussed below.

#### Use Permit

Per section 17.03.020 of the LOMC, drive-through facilities located in the C-MU Zone District require Planning Commission approval of a Use Permit. In addition, per section 17.10.030 of the LOMC, any use

permitted in the C-MU Zone District is permitted in D Zone District. However, if the C-MU Zone District requires a use permit for a use then that use shall also be required to obtain a use permit in the D Zone District. Therefore, in order to approve the Burger King Project Use Permit application, or approve it with modifications and/or conditions, the Planning Commission must make the following findings, based on information in the record:

1. The proposal is consistent with the General Plan and any relevant specific plan, neighborhood plan, or area plan.
2. The site for the proposed use is adequate in size and shape to accommodate said use and its associated yards, parking, landscaping and other improvements required by this title and other relevant City standards.
3. The streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.
4. The site design and the size and design of the building(s) will complement neighboring facilities.
5. The establishment and operation of the use will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the vicinity of the proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

#### Site Plan and Design Review

In 2011, the City of Live Oak adopted the Citywide Design Guidelines which are intended to promote future development within the City that is well designed and respectful of the development patterns and characteristics present in the community. The provisions of the Design Guidelines are applicable to most new development within the City, including the proposed project, which would consider the Design Guidelines described in Chapter Six Section D, Drive-Through Businesses, of the Citywide Design Guidelines. The Drive-Through Business Design Guidelines establish recommendations for two main design areas, site organization and building design, discussed in further detail below.

#### *Site Organization*

Per the Citywide Design Guidelines, the major design issues related to drive-through businesses are site plans that promote efficient and well-organized vehicular access and on-site circulation while adequately buffering adjacent uses. The Site Organization Guidelines for drive-through businesses include:

- a. The primary presence along the major street, such as Live Oak Boulevard, should be the building, not parking lots or the drive-through lane.
- b. Drive-through aisles should provide adequate on-site queuing distance to accommodate three cars (90 feet) before the first stopping point (e.g., menu board, cashier window, automatic teller machine).
- c. Drive-through aisles should have a minimum 25-foot interior radius for any curve.
- d. Drive-through aisles should be screened from the view of street frontage and adjacent parking areas.
- e. Pedestrian walkways should not intersect the drive-through aisle. Where walkways cannot be avoided, they should have minimum 15-foot clear visibility and should be emphasized by enriched paving
- f. Menu board speakers should be located so as to protect adjoining residential areas from excessive noise.

Per the proposed project's site plan (attached below), the primary presence along Live Oak Boulevard would be a landscaped area, followed by the drive-through-lane, which is directly adjacent to the building. The proposed site design would allow for a sufficient amount of vehicle stacking for the drive-through service, as well as vehicle circulation for customers entering and exiting the property. Two entrances with menu boards would be located at the drive-through entrance, located in the north of the project site, near Ivy Street, to allow for additional vehicle queuing. The location of the drive-through aisle has been designed so that menu boards are located away from residences in the project vicinity. A stop sign would be located at the exit of the drive-through to allow for pedestrian use of an accessibility path. As such, the design of the proposed project would comply with the Site Organization guidelines for drive-through businesses, with the exception of guideline 'a' and guideline 'd', due to the drive-through aisle being located along Live Oak Boulevard. However, City Staff has included a condition of approval for landscaping along the frontage of the project site to screen the drive-through from the viewshed of the roadway.

### *Building Design*

In order to promote well designed development that is respectful of the development patterns and characteristics present in the community, the City has created Building Design Guidelines. The Building Design Guidelines for drive-through businesses are as follows:

- a. All building elevations facing public streets, whether such elevations function as the front, side, or rear of the building, should be architecturally detailed and landscaped.
- b. Buildings should incorporate some roof articulation. Flat roofs are discouraged.
- c. Drive-through businesses should be architecturally detailed in favor of standard franchise/corporate design. Franchise/Corporate architecture and color theme should reflect the surrounding agricultural, small-town atmosphere of Live Oak.

The proposed project's architectural design is based on Burger King's franchise designs. Per the Proposed Exterior Elevation Plan (attached below), exterior design of the building would include neutral colored brick, ceramic tile, paint, and fiber cement panels designed to represent vintage wood, along with metal canopies above doorway entrances and drive-through windows. Landscaping would be included along all project site borders, as well as within the parking area and in the front of the building. Per the Burger King franchise designs, the building roof would be flat; however, there are several areas with a higher parapet, so even though the roof would be flat, there would be some articulation included in the rooftop of the building. As such, the design of the proposed project would comply with all sections of the Building Design guidelines.

### *LOMC Section 17.10.030 Design Standards*

Per section 17.10.030 of the LOMC, the development standards provided in the C-MU Zone District are applicable to the D Zone District except as follows:

1. A minimum lot size is not required.
2. Front or street side yard are not required. If a front or street side yard is provided, it shall be landscaped to a depth of 10 feet or the distance to the building, whichever is less.
3. On-site parking or loading is not required.

### *Conclusion*

The Live Oak Citywide Design Guidelines are used as recommendations to guide quality development within the City, and are not mandatory requirements like the regulations set by the Live Oak Zoning

Code, which proposed projects are required to comply with. Additionally, because the Use Permit requires Planning Commission approval, so would the Site Plan and Design Review, per the adopted Design Guidelines. Therefore, the role of City Staff is to identify the consistencies and inconsistencies of the proposed project with the Citywide Design Guidelines in order for the Planning Commission to make the final determination on design approval.

### Environmental Review

In accordance with Class 32, Section 15332 (Infill Development) of the California Environmental Quality Act (CEQA) guidelines, the proposed project is exempt from the provisions of CEQA. The proposed project qualifies for this exemption because it is consistent with the City's General Plan and zoning regulations. The site is no more than five acres and is surrounded by urban uses, and the proposed project would not result in any significant effects related to traffic, noise, air quality, or water quality, and the project site could be served by all required utilities and public services.

### Conclusion

Based on the information contained in the staff report, staff recommends that the Planning Commission adopt the attached resolution approving the Use Permit and the Site Plan and Design Review for a freestanding 2,727 square-foot Burger King restaurant with an associated drive-through located at 10045/10055 Live Oak Boulevard in the City's Downtown Mixed-Use District.

### *Motion for Approval*

Move that the Planning Commission:

1. Adopts Resolution No. 2021-03 approving the Burger King Project Use Permit and Site Plan and Design Review.

### **ATTACHMENTS**

1. Project Vicinity Map
2. Resolution No. 2021-03 approving the Burger King Project Use Permit and Site Plan and Design Review
3. Proposed project plans



Attachment 1  
Project Vicinity Map



## Attachment 2

**RESOLUTION NO. 2021-03**  
**A RESOLUTION OF THE CITY OF LIVE OAK PLANNING**  
**COMMISSION APPROVING THE USE PERMIT AND SITE PLAN**  
**AND DESIGN REVIEW FOR THE BURGER KING PROJECT**

**WHEREAS**, the City received an application from Sunny Ghai, for approval of a Use Permit and Site Plan and Design Review for the development of a 2,727 square-foot freestanding Burger King restaurant with an associated drive-through (proposed project). The project site (0.7 acres) is located at 10045/10055 Live Oak Boulevard, and is identified as Sutter County Assessor Parcel Numbers (APNs) 06-152-007 and 06-152-017; and,

**WHEREAS**, the proposed project requires approval of a Use Permit, in accordance with section 17.03.020 and section 17.10.030 of the Live Oak Municipal Code;

**WHEREAS**, the proposed project requires approval of a Site Plan and Design Review, in accordance with Chapter Six, Section D the City of Live Oak Citywide Design Guidelines;

**WHEREAS**, appropriate applications were filed and deemed complete by the Live Oak Planning Department on March 4, 2021;

**WHEREAS**, the project is exempt from the provisions of CEQA, per CEQA Guidelines Class 32, Section 15332 (Infill Development);

**WHEREAS**, the proposed project application was reviewed for compliance with all applicable sections of the Live Oak Municipal Code; and

**WHEREAS**, the Planning Commission duly gave notice of public hearing as required by law and on May 4, 2021 duly held a public hearing, received and considered evidence, both oral and documentary;

**WHEREAS**, the Planning Commission completed its review of the proposed development and information contained in the staff report at its meeting on May 4, 2021; and

**NOW, THEREFORE, BE IT RESOLVED AND DETERMINED**, that the Planning Commission does hereby make the following findings for approval of the Use Permit:

1. The proposal is consistent with the General Plan and any relevant specific plan, neighborhood plan, or area plan.

2. The site for the proposed use is adequate in size and shape to accommodate said use and its associated yards, parking, landscaping and other improvements required by this title and other relevant City standards.
3. The streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.
4. The site design and the size and design of the building(s) will complement neighboring facilities.
5. The establishment and operation of the use will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the vicinity of the proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Planning Commission of the City of Live Oak does hereby APPROVE a Use Permit and Site Plan and Design Review, for the development of a 2,727 square-foot Burger King restaurant with an associated drive through located at 10045/10055 Live Oak Boulevard (APNs 06-152-007 and 06-152-017), subject to the following conditions:

General Conditions of Approval

1. The applicant shall defend, indemnify, and hold harmless the City in any action brought by a third party to challenge the land use entitlement. In addition, if there is any referendum or other election action to contest or overturn these approvals, the applicant shall either withdraw the application or pay all City costs for such an election.
2. No permits or approvals, whether discretionary or mandatory, shall be considered if the applicant is not current on fees, reimbursement payments, and any other payments that are due.
3. All required easements or rights-of-way for improvements shall be obtained by the developer at no cost to the City. Advance permission shall be obtained from all pertinent property owners and easement holders, if applicable, for any work done within such property or easements.
4. The use of construction equipment shall be restricted to weekdays between the hours of 7:00 AM and 6:00 PM. Requests for alternative days/times may be submitted in writing to the City Engineer for consideration.
5. Standard dust control methods and designs shall be used to stabilize the dust generated by construction activities. The developer shall post dust control signage

with a contact number of the developer, City staff, and the Feather River Air Quality Management District.

6. Any expansion of this use or substantial modification that results in a change of use shall require an amendment of this Use Permit. Minor Modifications to this Use Permit shall be considered by the Planning Director in accordance with Live Oak Municipal Code Section 17.37.100, and may require notification of surrounding property owners prior to such approval.
7. The Use Permit shall expire on May 4, 2023 and shall become null and void in accordance with Live Oak Municipal Code Section 17.37.090(A), unless the use has been established.
8. The proposed development shall be constructed per the approved plans.
9. Signs were not reviewed as part of the approval of the proposed project. A sign permit shall be required for the installation of any new signs and shall be subject to approval by the Planning Department staff before the issuance of the sign permit and shall be in compliance with signage code.
10. All other notes and drawings on the final plans as submitted by the applicant are deemed conditions of approval. Any work that differs from the final set of plans approved by the Planning staff shall be subject to review and approval prior to issuance of a building permit or work undertaken.
11. Any modification to the project shall be subject to the review and approval of Planning staff (and may require additional entitlements).
12. A detailed Landscaping Plan shall be submitted and reviewed by the Live Oak Community Development Department, identifying proposed tree and plant species, with irrigation information and details prior to Building Permit approval.
13. The Landscaping Plans shall include heavy landscaping along the property frontage to screen public views of the drive-through lane.
14. A Lighting Plan shall be submitted and reviewed by the Live Oak Community Development Department prior to Building Permit approval.

#### Engineering Conditions of Approval

15. The existing hydrant located on Davis Way shall be relocated behind the proposed walkway, which would require a public service easement to be granted prior to construction.

16. Prior to the start of construction, approval of a parcel merger for the two existing parcels, APNs 06-152-007 and 06-152-017, would be required, pursuant to Chapter 16.36 of the LOMC.

\* \* \* \* \*

**I HEREBY CERTIFY** that the foregoing resolution was passed and adopted by the City of Live Oak Planning Commission, at a regular meeting thereof, held on the 4<sup>th</sup> day of May, 2021 by following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

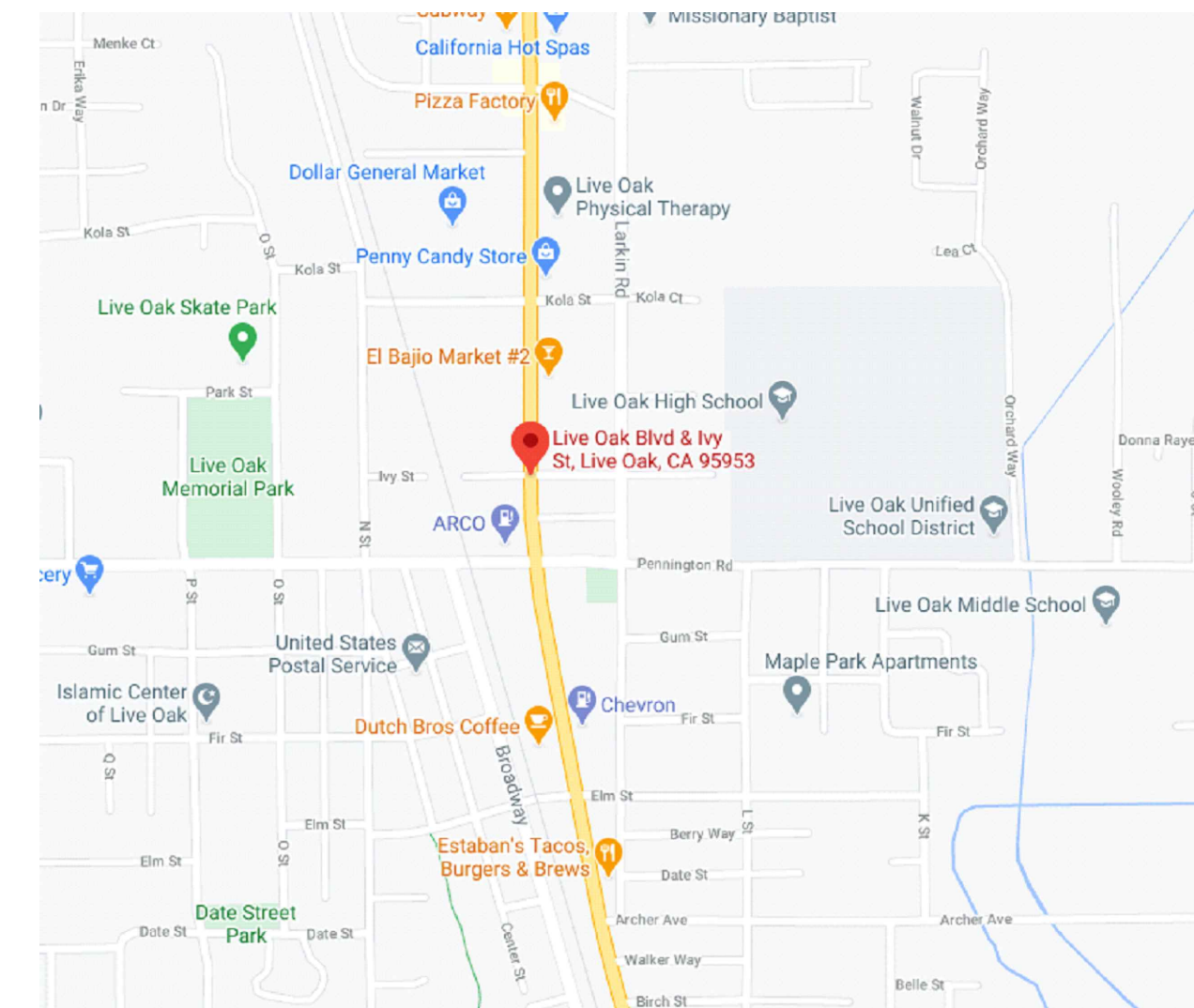
**APPROVED:**

\_\_\_\_\_  
**PLANNING COMMISSION CHAIR,  
City of Live Oak**

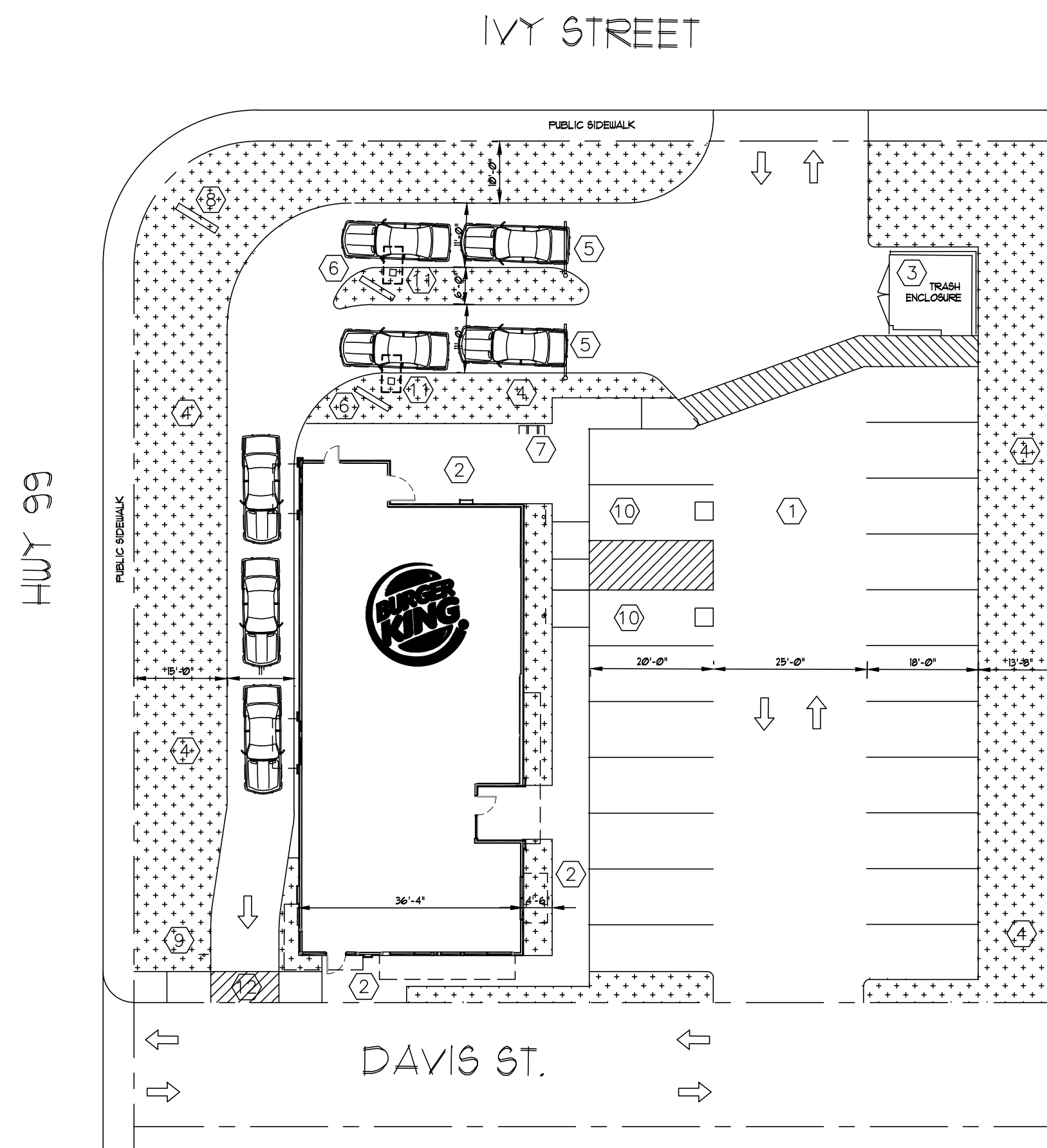
**ATTEST:**

\_\_\_\_\_  
**CITY CLERK, City of Live Oak**





VICINITY MAP  
NOT TO SCALE



**CONSTRUCTION NOTES**

- ① NEW ASPHALT CONCRETE PAVEMENT
- ② NEW PORTLAND CEMENT CONCRETE SIDEWALK
- ③ NEW TRASH ENCLOSURE
- ④ NEW LANDSCAPE AREA
- ⑤ NEW CLEARANCE POST
- ⑥ NEW EXTERIOR MENU BOARD
- ⑦ NEW BIKE RACK
- ⑧ NEW 25' PYLON SIGN
- ⑨ STOP SIGN BEFORE ACCESSIBILITY PATH
- ⑩ ACCESSIBILITY PARKING
- ⑪ NEW SPEAKER POST AND CANOPY
- ⑫ ACCESSIBLE PATH TO PUBLIC SIDEWALK

**LOT DATA:**

A.P.N. -  
 PARCEL SIZE: APPROX. 29,900 SF  
 ZONED: COMMERCIAL MIXED USE  
 EXISTING USE: VACANT - UNDEVELOPED  
 PROPOSED USE: RESTAURANT W/ DRIVE THRU SERVICE

SITE COVERAGE:  
 BUILDING COVERAGE: 2,727 SF  
 LANDSCAPE AREA: 6,093 SF  
 PAVED SURFACE AREA: 21,080 SF

**PARKING DATA:**

PROVIDED:  
 STANDARD SPACE (9'x18' MIN) 18 SPACES  
 ACCESSIBLE SPACE (9'x20') 2 SPACES  
 PROVIDED: 20 SPACES

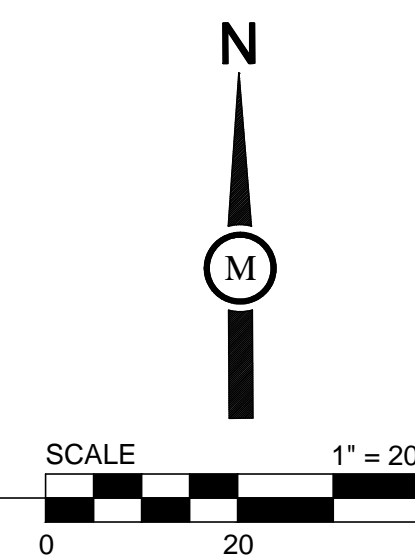
**DRAWING INDEX**

- 01 ST-1 SITE PLAN / PROJECT DATA
- 02 A-3 EXTERIOR ELEVATIONS
- 03 A-3.1 EXTERIOR ELEVATIONS

**APPLICANT**

QUIKSERVE CONCEPTS, INC.  
 CONTACT: SUNNY GHAI  
 25 EAST AIRPORT WAY  
 LIVERMORE, CA 94551  
 PHONE: (510) 333-7802

SITE PLAN



PO BOX 1664  
 ANACORTES, WA 98221  
 (714) 856-1105

KATRINA RIDDLE  
 PROJECT MNGR

KATRINA@MJCDESIGNINC.COM

LANCE BROWN, AIA

STAMP:



SUBMITTAL DATE

PLANNING DEPT:  
 BUILDING DEPT:  
 ENGINEERING:  
 SURVEY:

REVISIONS		
No.	Description	Date

**SITE PLAN**  
**BURGER KING RESTAURANT REMODEL**  
**HWY 99 & IVY STREET**  
**LIVE OAK, CA.**

DATE: **2-1-21**

SCALE:

JOB CAPTAIN:

JOB NUMBER:

SHEET:

**ST-1**



PO BOX 1664  
ANACORTES, WA 98221  
(714) 856-1105

KATRINA RIDDLE  
PROJECT MNGR  
KATRINA@MJCDESIGNINC.COM

LANCE BROWN, AIA

STAMP:



SUBMITTAL DATE

PLANNING DEPT: \_\_\_\_\_  
BUILDING DEPT: \_\_\_\_\_  
ENGINEERING: \_\_\_\_\_  
SURVEY: \_\_\_\_\_

REVISIONS		
No.	Description	Date

PROPOSED EXTERIOR ELEVATIONS  
 BURGER KING RESTAURANT REMODEL  
 HWY 99 & IVY STREET  
 LIVE OAK, CA.

DATE: **2-10-21**

SCALE: \_\_\_\_\_

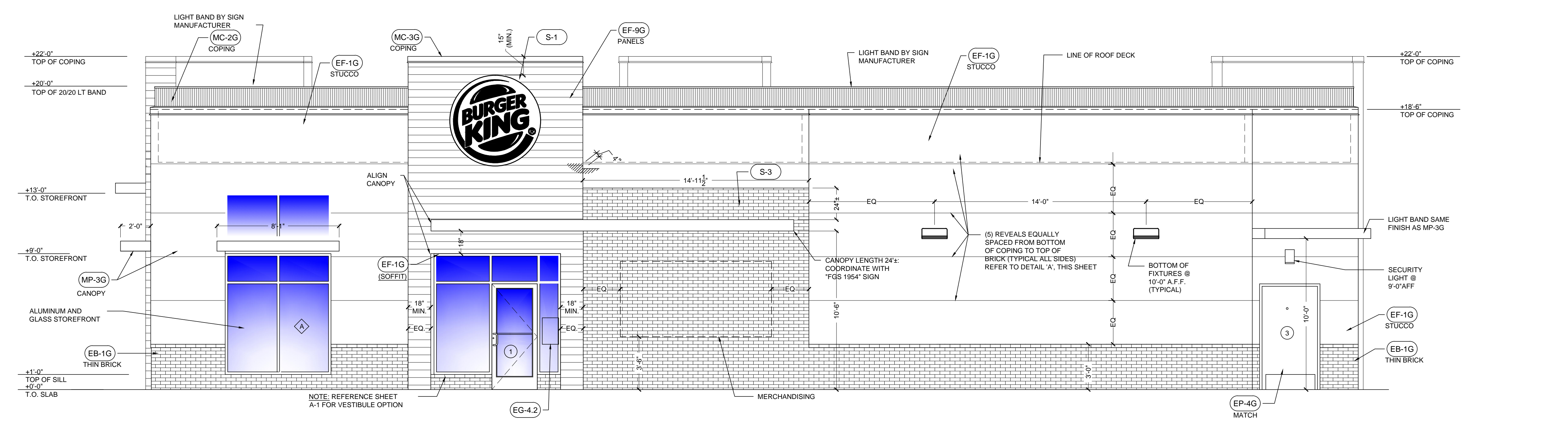
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JOB NUMBER: \_\_\_\_\_

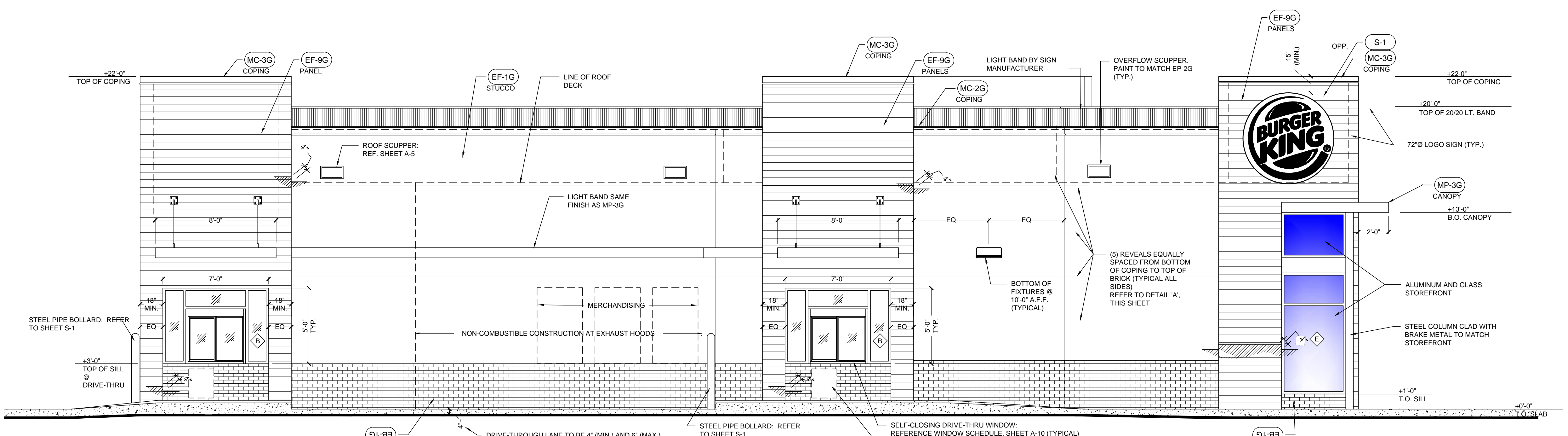
SHEET: **A-3**

**EXTERIOR FINISH SCHEDULE**

CALLOUT	MATERIAL	MANUFACTURER	PRODUCT	COLOR
EF-1G	STUCCO			
ECT-1G	CERAMIC TILE			NATURAL RED
EP-2G	EXTERIOR PAINT	SHERWIN WILLIAMS	SW 7633 LRV 36	TANNER TAUPE
EP-4G	EXTERIOR PAINT	PPG	6-2045XI	MONTEREY CLIFFS
EF-9G	EXTERIOR FIBER CEMENT	NACHIHA FIBER CEMENT PANELS	VINTAGE WOOD EF762	CEDAR
MC-3G	METAL CANOPY	CANOPY SUPPLIER	WP HICKMAN SYSTEMS	SILVER
MP-3G	METAL CANOPY	CANOPY SUPPLIER	CUSTOM METAL CANOPY	CLEAR ANODIZED
EB-1G	THIN BRICK	HC MUDDOX BRICK		BK WEST COAST BLEND



**MAIN ENTRY ELEVATION**  
SCALE: 1/4"=1'-0"



**DRIVE-THRU ELEVATION**  
SCALE: 1/4"=1'-0"



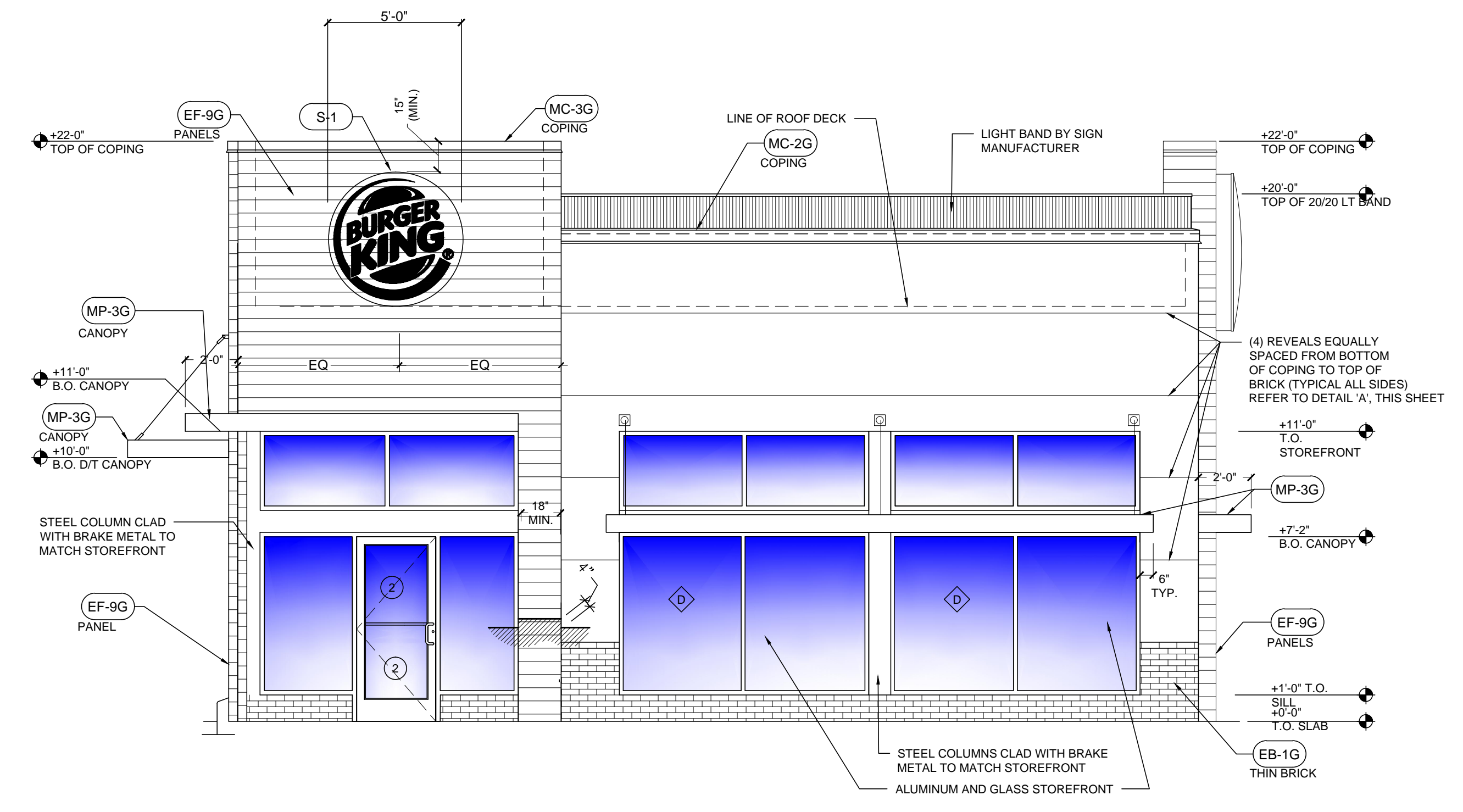


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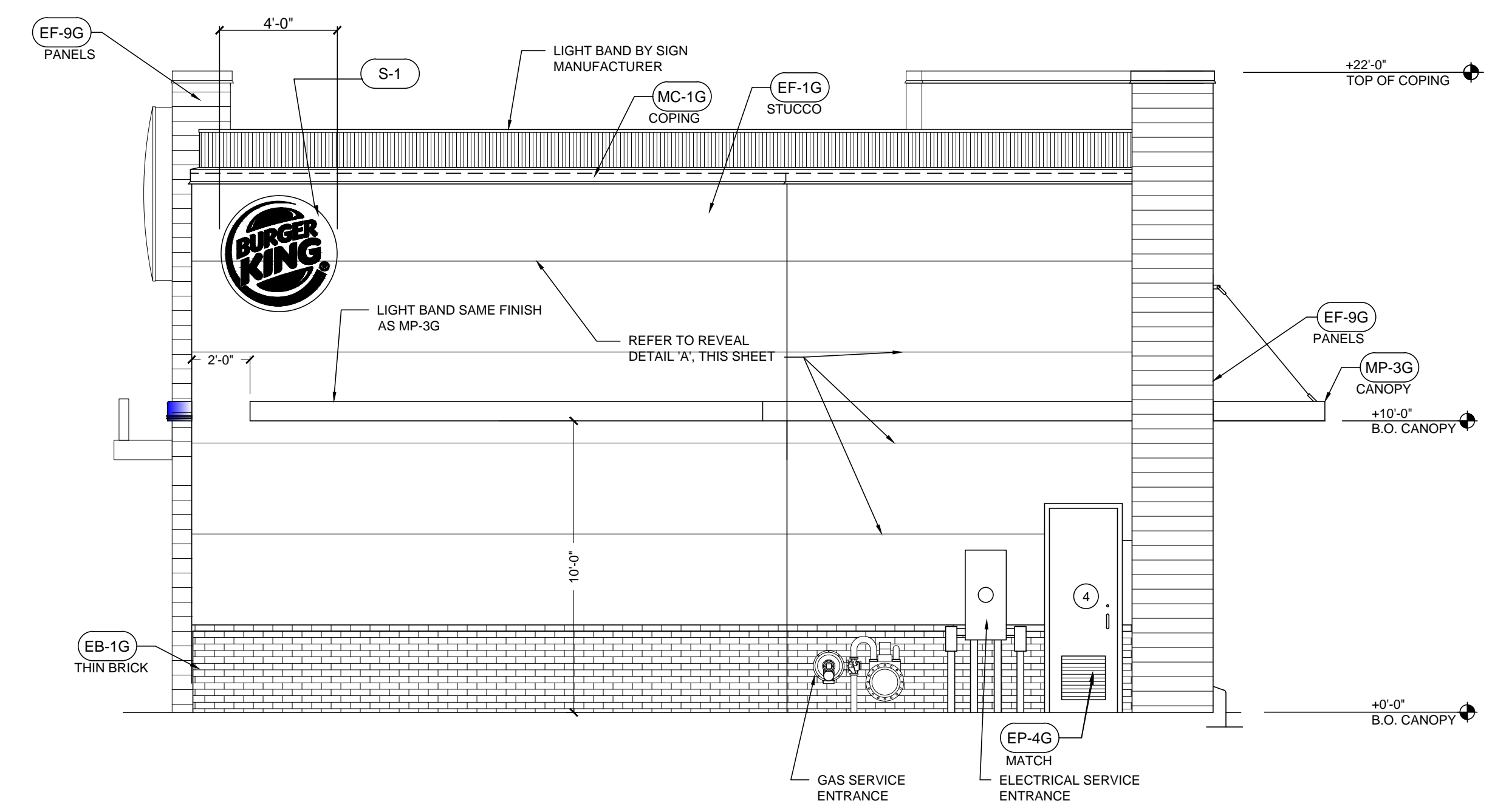
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PROJECT MNGR  
KATRINA@MJCDESIGNINC.COM

LANCE BROWN, AIA

STAMP:



**FRONT ELEVATION**  
SCALE: 1/4"=1'-0"



**REAR ELEVATION**  
SCALE: 1/4"=1'-0"



SUBMITTAL DATE

PLANNING DEPT:	.
BUILDING DEPT:	.
ENGINEERING:	.
SURVEY:	.

REVISIONS		
No.	Description	Date

**PROPOSED EXTERIOR ELEVATIONS**  
**BURGER KING RESTAURANT REMODEL**  
**HWY 99 & IVY STREET**  
**LIVE OAK, CA.**

DATE: **2-10-21**

SCALE:

JOB CAPTAIN:

JOB NUMBER:

SHEET:

**A-3.1**