



Commissioner Perminder Bains, Chair

Commissioner Christine Alcocer

Commissioner Zac Repka

Commissioner Robert Norton, Vice-Chair

Commissioner Aaron Eller

Commissioner Malcolm Weston

Commissioner Donald Albers

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**August 16, 2016      7:00 PM**

**A.      CALL TO ORDER**

**B.      ROLL CALL**

Commissioners Albers, Weston, Eller, Repka, Alcocer, Vice-Chair Norton and Chair Bains

**C.      PLEDGE OF ALLEGIANCE**

**D.      APPEARANCE OF INTERESTED CITIZENS\***

*To address the Commission please step to the rostrum and state your name and address*

**E.      APPROVAL OF MINUTES**

1. Approval of Minutes from April 5, 2016, regular meeting

**F.      PUBLIC HEARING**

2. **Conditional Use Permit No. 16-13**; Sandeet Dhama, applicant; 2596 Myrtle Street, Live Oak; APN 006-092-017, Commercial Mixed Use Zone District (CMU); CEQA Categorical Exempt, Commercial Mixed Use.

**G.      ADJOURNMENT**

Persons dissatisfied with any decision of the Planning Commission may appeal such action to the City Council. Appeals, accompanied by a fee of \$733, must be filed with the City Clerk, 9955 Live Oak Blvd., Live Oak, CA 95953, within 10 days of such action. If no appeal is filed within this time limit, the Commission action becomes final. The exception to this is rezonings – please check with the Planning Department, 9955 Live Oak Blvd., Live Oak, CA 95953, 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.

If you require auxiliary aids or services (e.g., signing services) to make a presentation to the Planning Commission, the City will be glad to assist you. Please contact the City offices (530) 695-2112 at least 72 hours in advance so such aids or services can be arranged.

\*Members of the public may address the Planning Commission on items of interest that are within the City's jurisdiction whether or not such items of interest are on the agenda for this meeting. Members of the Commission will respond as best as they can to public comments but cannot take action or enter into a discussion on items not contained on the agenda. Public comment on public hearing agenda items will be permitted during the hearing.

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**LIVE OAK PLANNING COMMISSION MINUTES**  
**REGULAR MEETING OF APRIL 5, 2016**  
City Hall – 9955 Live Oak Boulevard, Live Oak, CA 7:00 PM

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**A. CALL TO ORDER**

The meeting was called to order by Vice Chair Norton at 7:00 p.m.

**B. ROLL CALL**

Commissioners Weston, Eller, Albers, Repka, and Vice-Chair Norton were present. Chair Bains and Commissioner Alcocer were absent.

**C. PLEDGE OF ALLEGIANCE**

Commissioner Weston led the Pledge of Allegiance

**D. APPEARANCE OF INTERESTED CITIZENS**

None were present

**E. APPROVAL OF MINUTES**

1. The minutes of February 16, 2016 regular meeting were approved with 2 revisions;
  - Page 2 correction, “Representative, Richard Sannar” replaces Applicant, Michael Law
  - Page 2 correction, “Second by Commissioner Weston” replaces Albers.

Motion by Commissioner Weston to approve the February 16, 2016 Planning Commission meeting minutes with the 2 noted corrections. Seconded by Commissioner Eller.

AYES: 5

NOES: 0

**F. PUBLIC HEARINGS**

Dutch Brothers Coffee Kiosk Conditional Use Permit and Design Review 16-2

Staff gave the staff report with a power point presentation

Commissioner Albers asked about the 2<sup>nd</sup> lot development and landscaping Applicant, Robert Fulton answered that the 2<sup>nd</sup> lot was not part of the project and would be a future lot for development.

Commissioner Weston asked about traffic and drainage  
Staff stated that the coffee kiosk was not required to provide a Traffic Analysis as most of the business is pass-by traffic. Noted the ITE and handed out a small traffic analysis on another Dutch Brother coffee kiosk in another state.  
Applicant's engineer answered questions about the drainage.

Commissioner Eller asked about signs.  
Applicant stated that the signs were another permit but that they intend to only have building signs.

Commissioner Albers asked about the Design of the building  
Applicant stated that the design was taken into consideration with the surrounding buildings and area.

Commissioner Repka stated that he had some traffic concerns but the at the engineer had answered his questions and is satisfied with the project.

MOTION: Commissioner Albers motioned to approve the Dutch Brothers coffee kiosk Conditional Use Permit and Design Review as stated in Findings for Approval 1 through 5 and Conditions of Approval 1 through 8.

SECOND: Commissioner Eller Seconded the Approval

**G. ADJOURNMENT**

The meeting was adjourned at 7:45 p.m. by Vice Chair Norton.



DATE: August 16, 2016  
 TO: City of Live Oak Planning Commission  
 FROM: June Cowles, Contract City Planner

Application: Conditional Use Permit No. 16-13;  
 Applicant/Owner: Sandeet Dhani  
 Location/APN: 2596 Myrtle Street, Live Oak APN 006-092-017  
 Environmental: CEQA Categorical Exempt,  
 General Plan: Commercial Mixed Use  
 Zoning: Commercial Mixed Use Zone District (CMU)

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**RECOMMENDED ACTION:**

Deny Conditional Use Permit No. 16-13 for a single family residence at 2596 Myrtle Street, subject to the Findings.

**EXECUTIVE SUMMARY:**

The applicant is requesting a Conditional Use Permit to construct a single family residence at 2596 Myrtle Street. The previous single family home was demolished two years ago. The single family home that was demolished was considered a legal non-conforming structure because it was within a commercial zoned site. City of Live Oak *Zoning Ordinance 17.38.060D Nonconforming Residential Structures in Commercial and Employment Zone Districts* states the following;

“Use Permit: If the period since damage or destruction exceeds 24 months, a use permit approved by the Planning Commission is required prior to issuance of a building permit for reconstruction.”

**SETTING:**

The project site is located within the Commercial Mixed Use Zoning District and the Commercial Use Mixed Use General Plan designation. In addition, the site is within the Downtown Reinvestment Plan.

	<b>Land Use</b>	<b>Zoning Designation</b>	<b>General Plan Designation</b>
<b>North</b>	Multi-Family housing	CMU (Commercial Mixed Use)	Commercial Mixed Use
<b>South</b>	Dollar General Market	CMU (Commercial Mixed Use)	Commercial Mixed Use
<b>East</b>	Single family residence	CMU (Commercial Mixed Use)	Commercial Mixed Use
<b>West</b>	Vacant lot and building	CMU (Commercial Mixed Use)	Commercial Mixed Use

### **Downtown Reinvestment Plan**

The Downtown Reinvestment Plan was approved in October 2015 and encompasses the downtown core area and additional adjacent areas with vacant and underutilized parcels that present further opportunities for investment. The plan promotes infill development and investment within the City's core with the following goals;

- To identify opportunity sites for infill development,
- Introduce development concepts,
- Provide practical strategies and action steps to attract infill development and public and private investment within the Downtown Reinvestment Plan Area.

The City is currently making significant investments in downtown's infrastructure as a strategy to revitalize downtown and encourage private investment. Infrastructure improvements include the first phase of the Highway 99 streetscape improvements from Ash Street north to Ramsdell Drive; reconstructing Pennington Road from Broadway to Connecticut, and from Larkin Road east to the City limits; and the Live Oak Recreation Trail.

Three opportunity sites were selected due to their high visibility, ability to transform vacant, underutilized, and deteriorated sites, improve downtown's physical appearance, increase surrounding property values, and encourage additional private investment. The subject property is south of the Opportunity Site #3 (the northwest corner of Live Oak Blvd and Myrtle Street).

The Plan's intent is to build on the City's 2030 General Plan, the Downtown Design Workshop and Conceptual Plan, the Economic Development Action Roadmap, and the Collaborative Highway 99 Streetscape Master Plan.

### **2016 TIGER Grant Awarded to the City of Live Oak**

On July 29, 2016 the City of Live Oak was awarded a 10 million dollar Transportation Investment Generating Economic Recovery (TIGER) grant. The grant will be used for the Live Oak Streetscape Project, a State Route 99 highway improvement project. SR-99 is the main street and commercial corridor of the City of Live Oak, and the streetscape project will transform the downtown core by improving traffic flow, goods movement, air quality, and safety on the highway. It includes the addition of two travel lanes with median, a two-way left turn lane, parallel street parking, highly visible crosswalks, separated pedestrian facilities, and improved local street connections. Construction is anticipated to begin in 2020 and be completed by 2023. The project Phase 1 includes SR-99 from Ramsdell Drive to Ash Street which includes the area around Myrtle Street.

### **Proposal and Analysis:**

The applicant owns the two adjacent parcels along SR-99. The 3 parcels total acres are 0.27 acres.

Project site	0.14 acres
Corner Lot	0.04 acres
Along SR 99 Lot	0.09 acres

For a comparison of land, the City depot lot is 0.24 acres and the City Hall parcel is 0.58 acres. The three parcels (corner of Myrtle Street and SR 99) are adjacent to the recently built Dollar General store. The project site is the largest of the 3 parcels noted above and is an important parcel to achieve a future viable commercial use. The adjacent two lots along SR 99 without the project site would not be a viable lot for a commercial use as their combined acres is 0.13.

The proposed project was reviewed at a Technical Advisory Committee with the applicant. The discussion with the applicant included the following;

- The current Zoning and General Plan designation of the property.
- The City's Economic Development Action Plan
- General discussion of the property future use in combination with adjacent property to the east (corner of Hwy 99 and Myrtle Street) and that the combined acreage would suit a commercial pad building with parking.

The meeting with the applicant was held prior to the awarded TIGER grant. As stated above the TIGER grant includes SR-99 improvements which would assist economic growth. The General Plan vision is to develop the commercial district along SR-99 as the City has limited commercial land. The General Plan shows residential areas located at a distance from SR-99 as it is not advantageous for residential to be along main highways due to traffic, noise, and air quality issues. If a residential use was allowed to be built on the project site it would not be consistent with the General Plan's vision of a corridor of commercial and business uses.

In order to approve a Conditional Use Permit, the Planning Commission must make specific findings regarding consistency with the General Plan, a determination that there will be no significant impacts to the surrounding neighborhood, and a determination that establishment of the operation 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 (per Live Oak Municipal Code Section 17.35.030). The required findings and analysis are attached.

#### **Public Notice**

The project was advertised in The Appeal Democrat newspaper on August 5, 2016 and mailed to all property owners within 300 feet of the site. To date, no comments have been submitted either against or in support of this project. Any additional written comments received will be handed out at the Planning Commission hearing.

#### **ENVIRONMENT REVIEW**

CEQA Categorical Exemption 15302 Replacement and Reconstruction of existing structure and facilities where the new structure will be located on the same site as the structure replaced will have substantially the same purpose and capacity as the structure replaced.

#### **RECOMMENDATION:**

Staff recommends the Planning Commission deny the Conditional Use Permit 16-13 for a residential use at 2596 Myrtle Street subject to the Findings attached to this staff report.

**Attachments:**

1. Application and Project vicinity map
2. Proposed Plot Plan
3. Site Aerial map
4. TIGER Grant SR 99 streetscape and area maps

**FINDINGS FOR APPROVAL**

Per Section 17.35.030 of the Live Oak Municipal Code, at the conclusion of the public hearing for this project, in order to approve the application, or approve it with modifications and/or conditions, the Planning Commission must first make the following findings, based on the information in the record:

- 1. The proposal is consistent with the General Plan.** The proposed use, single family residence is not consistent with the General Plan land use designation of Commercial Mixed Use.
- 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.** The proposed use is consistent with the size, and associated yards required by the Zoning Ordinance and this Title.
- 3. The streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.** The proposed single family home is located on Myrtle Avenue.
- 4. The site design and the size and design of the building(s) will complement the neighboring facilities.** The proposed residential building design and use is consistent with the property to the west. However, the proposed residential building design and use will not complement the properties to the east and south as the property to the south is an existing commercial site and the building to the east is a vacant commercial building located on the corner of Live Oak Blvd (Hwy 99) and Myrtle Avenue.
- 5. The establishment of the operation of the use will 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.** As stated above, the surrounding area includes commercial uses to the south and east with a corner commercial use on the north corner site. Residential is located to the west away from SR 99. As stated in the staff report a residential use is not advantageous near a main highway due to traffic, noise, and air quality issues.



**GENERAL APPLICATION FORM**

Last Updated Jan 2016



**LIVE OAK**

**Applicant Information**

Name SANDEEP S. DHAMI Address 824 Santi Ct; Yuba City, CA 95993  
Phone (530) 844-1106 Fax (530) 237-2199 E-mail ibroker@att.net

**Property Owner Information (if different from applicant)**

Name \_\_\_\_\_ Address \_\_\_\_\_  
Phone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

**Representative Information**

Name \_\_\_\_\_ Address \_\_\_\_\_  
Phone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

**Property Description**

Assessor Parcel Number(s) 06-092-017  
Address/General Location 2596 MYRTLE AVE, LIVE OAK, CA 95953  
Parcel Size \_\_\_\_\_ Existing General Plan \_\_\_\_\_ Existing Zoning \_\_\_\_\_

**Project Description**

Name of Project New house to replace the older house  
Project Description (Please be complete, use separate sheet if needed)  
I am submitting this application to build a new  
single family residence.

**Applicant Certification:** I hereby certify that this application and all other documents and maps submitted are true and correct to the best of my knowledge and belief. (If the undersigned is different from the legal property owner, a letter of authorization from the owner must accompany this form). I agree to indemnify and hold harmless for all costs and expenses, including attorney's fees, incurred by City or held to be a liability of the City in connection with City's defense of its actions in any proceeding brought in any State or Federal court challenging the City's actions with respect to the Applicant's project.

Signature [Signature] Date 06-27-2016

**CITY STAFF USE ONLY**

Application Type:  
General Plan Amendment \_\_\_\_\_ Use Permit (Major) \_\_\_\_\_ Tent Subdvn Map \_\_\_\_\_  
Rezoning (Map) \_\_\_\_\_ Use Permit (Minor) \_\_\_\_\_ Tent Parcel Map \_\_\_\_\_  
Rezoning (Text) \_\_\_\_\_ Use Permit (Amend) \_\_\_\_\_ Env: Neg Dec \_\_\_\_\_  
Specific Plan \_\_\_\_\_ Variance \_\_\_\_\_ EIR \_\_\_\_\_  
Specific Plan Amend \_\_\_\_\_ Design Review \_\_\_\_\_ Other \_\_\_\_\_

Total Fees \$ \_\_\_\_\_ Receipt# \_\_\_\_\_  
Received By \_\_\_\_\_ Date \_\_\_\_\_

**AGENT AUTHORIZATION FORM**

Last Updated Jan 2016



**LIVE OAK**

CALIFORNIA

To the City of Live Oak:

SAODEEP S. DHAMI  
Agent Name

(530) 844-1106  
Phone Number

824 SANTI CT  
Yuba City, CA 95993  
Mailing Address

ibroker@att.net  
E-mail

is hereby authorized to process this application on my/our property, identified as Sutter County Assessor's Parcel Number(s) 06-092-07

This authorization allows representation for all applications, hearings, appeals, etc. and to sign all documents necessary for said processing, but not including documents(s) relating to record title interest.

Owner(s) of Record (print and sign name):

SAODEEP S. DHAMI  
Print Name

[Signature]  
Signature

824 SANTI CT  
Address

Yuba City, CA 95993  
City, State, Zip

(530) 844-1106  
Phone #

ibroker@att.net  
E-mail

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone #

\_\_\_\_\_  
E-mail



LIVE OAK  
CALIFORNIA

**ENVIRONMENTAL INFORMATION FORM**

Last updated Jan 2016

**GENERAL INFORMATION**

Name of Project New single family house @ 2596 Myrtle Ave  
Address 2596 Myrtle Ave, Liveoak, CA 95953

**PROPERTY SITE CHARACTERISTICS**

Describe the existing use(s) of the site: it always has been a single family dwelling in the past 60 years

**Surrounding Uses:**

North ~~Commercial~~ Single family Housing  
South Commercial - Dollar General  
East single family Housing.  
West Commercial - Vacant.

Describe any known cultural or historical aspects of the site: None

Describe any noise sources that now affect the site and the proposed use(s): None

Are there any known hazardous materials and/or toxic materials on the site or in the soil or is/was there an underground storage tank? None

If "yes" explain \_\_\_\_\_

Are there any drainage or irrigation canals within 100 feet of the site? NO

If "yes" explain \_\_\_\_\_

**PROJECT INFORMATION**

Describe the proposed project:

We are just trying to build a new single family housing.

If project is phased, describe phases: \_\_\_\_\_

**ENVIRONMENTAL INFORMATION FORM**

Last updated Jan 2016

Describe how the following services will be provided:

Electricity: PADE Gas: PADE  
Water: city of live oak Sewer: city of live oak  
Stormwater Drainage: none Solid Waste: none

How will the project change the pattern, scale or character of the area surrounding the project?

None - It won't change anything.

Will the project result in any new noise source? None

If "yes" explain: \_\_\_\_\_

Will the project create any new light sources or significant glare, other than street lighting? None

If "yes" explain: \_\_\_\_\_

Will the project produce new sources of dust, ash, smoke, fumes or odor? none

If "yes" explain: \_\_\_\_\_

Describe any air pollutants, other than vehicle exhaust, which would be generated by this project: \_\_\_\_\_

Will the project store, use or dispose of any potentially hazardous materials, such as toxic substances, flammables or explosives? None If "yes" explain \_\_\_\_\_

Please describe any other effects of the project that may be of an environmental consequence: \_\_\_\_\_

None

**RESIDENTIAL PROJECTS:**

Total number of lots: 1 Total number of residences: 1 Total acres \_\_\_\_\_

Gross density (units/acres) \_\_\_\_\_ Number of Floors: \_\_\_\_\_

If multiple-family, number of dwelling units with:

Studio \_\_\_\_\_ One bedroom \_\_\_\_\_ Two bedroom \_\_\_\_\_ Three bedroom \_\_\_\_\_

Parking: Number of spaces required: \_\_\_\_\_ Number of spaces proposed: \_\_\_\_\_

**NON-RESIDENTIAL PROJECTS:**

Proposed building square footage: 4900 Maximum building height: 20 feet

Maximum height of other appurtenances (antennas, steeples, etc) none

Percentage of property covered by buildings: 30%

Parking: Number of spaces required: 2 Number of spaces proposed: 4

Anticipated number of employees: 0 Hours of Operation: 0 Hours of deliveries: 0

**CERTIFICATION:** I hereby certify that the statements and information furnished above are true and correct to the best of my knowledge.

Signature [Signature] Date 06-27-2016

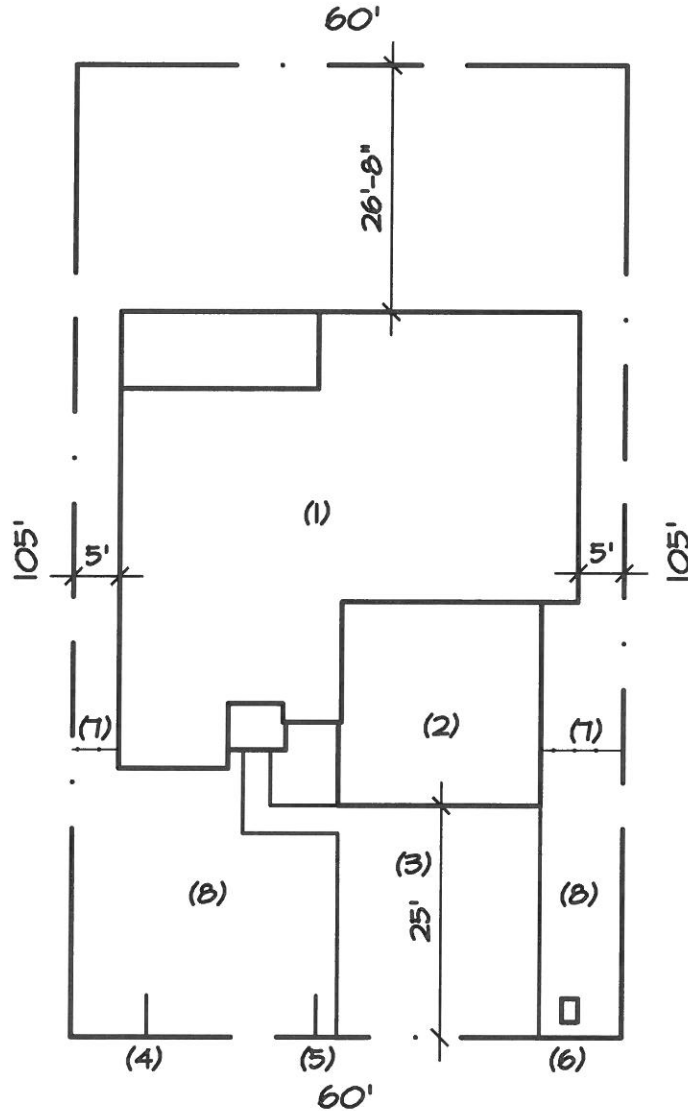
Name (Please Print) SANDEEP S. DHAAMI

# LEGEND

1	(P) RES.
2	(P) GARAGE
3	(P) DRIVE
4	(E) WATER SERVICE
5	(E) SEWER SERVICE
6	(E) POWER SERVICE
7	(P) 6' FENCE LINE
8	(P) LAWN

## NOTE:

- EXISTING 1422 SQFT. RES & 136 SQFT GARAGE TO BE REMOVED
- DRAINAGE. SURFACE DRAINAGE SHALL BE DIVERTED TO A STORM SEWER CONVEYANCE OR OTHER APPROVED POINT OF COLLECTION THAT DOES NOT CREATE A HAZARD. LOTS SHALL BE GRADED TO DRAIN SURFACE WATER AWAY FROM FOUNDATION WALLS. THE GRADE SHALL FALL A MINIMUM OF 6 INCHES WITHIN THE FIRST 10 FEET, PER CRC SEC. R401.3



## PLOT PLAN

SCALE: 1" = 20'-0"

## PLOT PLAN FOR:



NORCAL INVESTORS  
2596 MYRTLE ST, LIVE OAK, CA 95953  
AP# 06-092-017

**DAN CANNADA**

2254 ACACIA AVE.  
SUTTER, CA 95982  
(530) 713-1042  
cdd.drafter@gmail.com

DATE:

11/25/15

JOB:

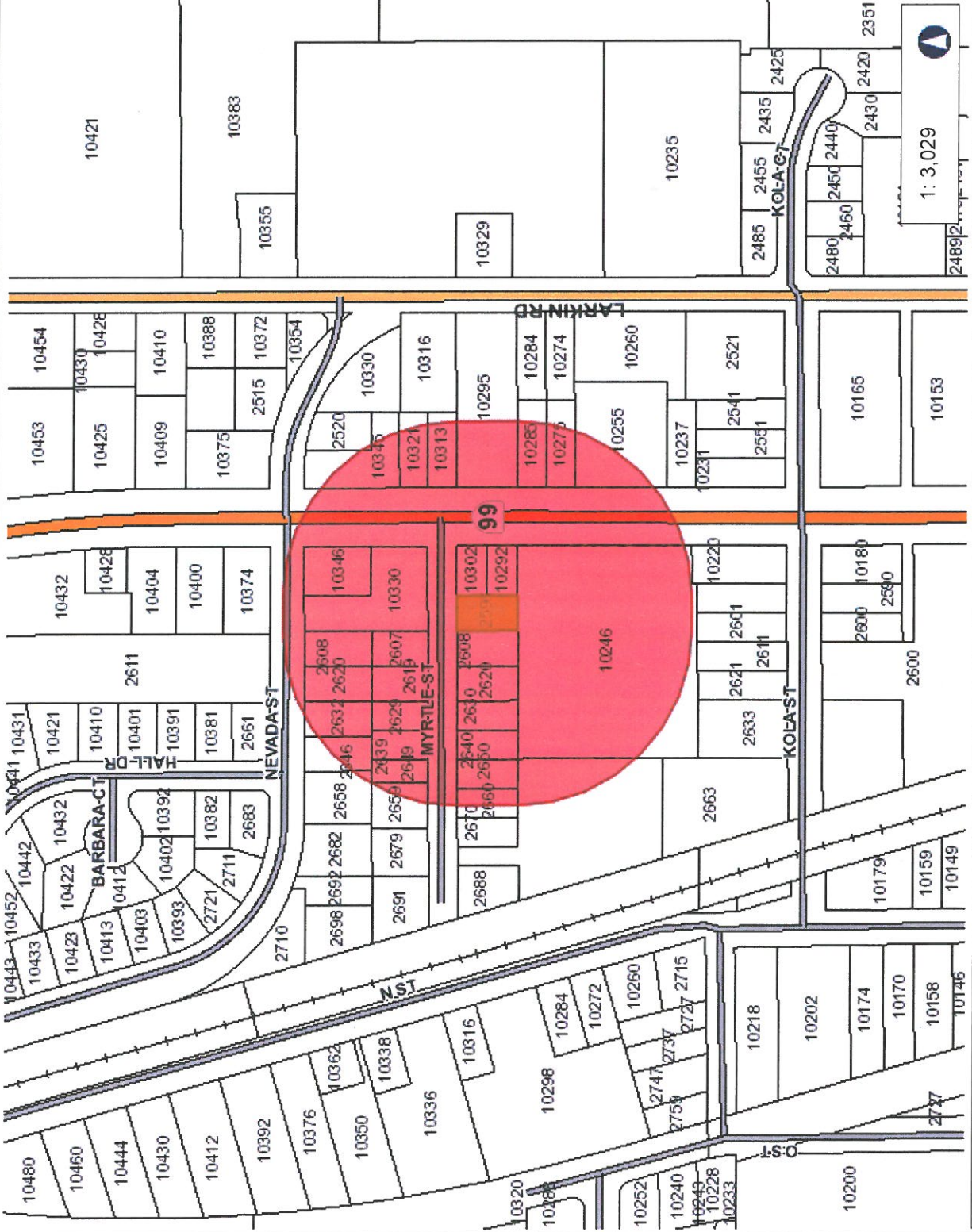
IND-357-LOI



# 2596 Myrtle St

## Legend

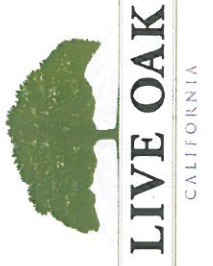
- Roads 1k - 10k
  - 1
  - 3
  - 4
  - 5
- Levees 1k - 30k
  - 1
  - 3
  - 4
  - 5
- Railroads
  - +
- Parcels 0k - 5ksym
  -
- Parcels 0k - 5k
  -



1: 3,029



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
THIS MAP IS NOT TO BE USED FOR NAVIGATION



# 2596 Myrtle St



1: 1,410



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

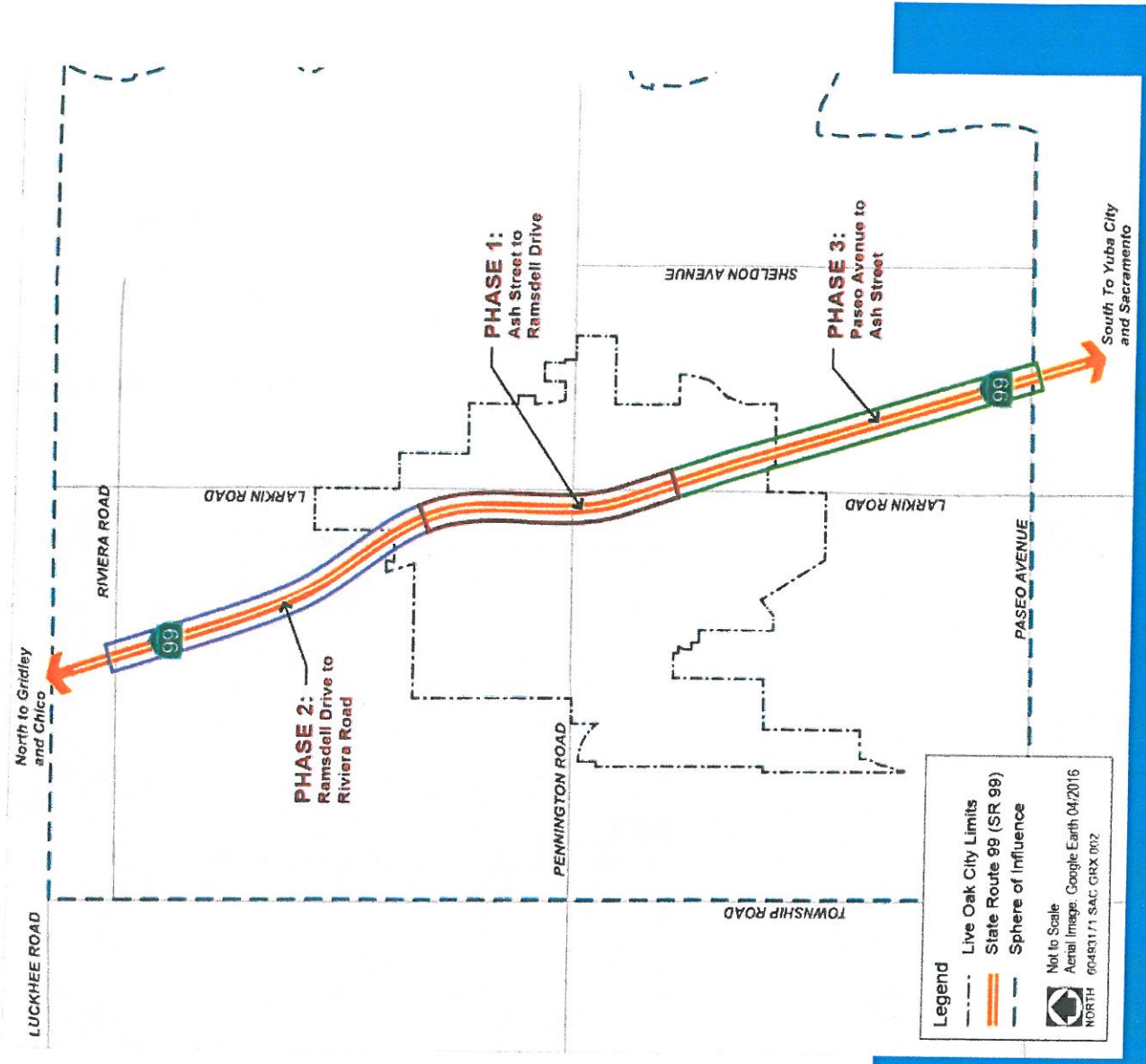
## Legend

- Roads 1k - 10k
  - 1
  - 3
  - 4
  - 5
- Levees 1k - 30k
- Railroads
- Parcels 0k - 5ksym
- Parcels 0k - 5k
- 2008 (.5')
- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3



**LIVE OAK**  
CALIFORNIA

**LOCATION MAP**  
**LIVE OAK STREETSCAPE PROJECT**  
**STATE ROUTE-99, PM 39.84/40.81**  
**ASH STREET TO RAMSDELL DRIVE**

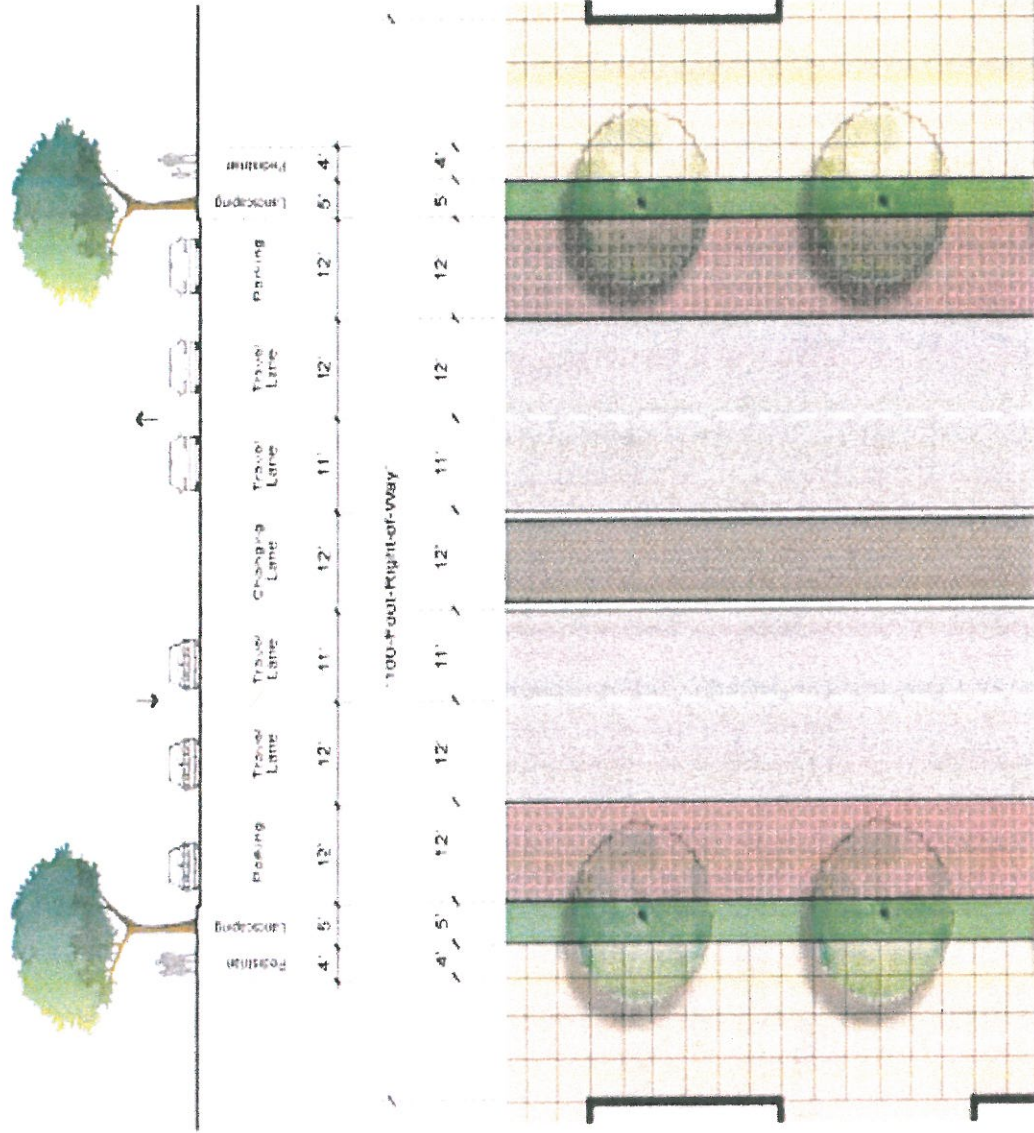


**Legend**

- Live Oak City Limits
- State Route 99 (SR 99)
- Sphere of Influence

Not to Scale  
 Aerial Image: Google Earth 04/2016  
 NORTH  
 00493171 SAC: GRX 002





**Figure 3 - Downtown Core Area Typical Plan and Section**



***Live Oak Streetscape Conceptual Improvements***