



**CITY OF YUBA CITY
PLANNING COMMISSION
STAFF REPORT**

Date: November 10, 2021
To: Chair and Members of the Planning Commission
From: Development Services Department
Presentation by: Ashley Potočník, Assistant Planner

Subject: **Use Permit (UP) 21-03 to allow the use of an existing residential building to convert a portion of the residence for home occupational use located at 622 Bridge Street.**

Recommendation: A. Conduct a Public Hearing and make the necessary findings to:
B. Determine the project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301(n), Existing Facilities, and approve Use Permit 21-03 to allow the use of an existing residential building to convert a portion of the residence for home occupational use located at 622 Bridge Street, subject to the Conditions of Approval.

Applicant/Owner: Martin Mahmoudi, Mahmoudi Real Estate

Project Location: 622 Bridge Street; APN 52-303-003

General and Specific Plans: Medium/High Density Residential

Zoning: Multiple-Family Residence District (R-3)

Purpose:

To approve Use Permit 21-03 to allow the use of an existing residential building to convert one room to an office located at 622 Bridge Street.

Background:

An existing single-family structure is located on the parcel fronting a major City arterial, Bridge Street. The property site is approximately 0.13 acres, with an existing single-family home located on the parcel single-family residence use is permitted in the R-3 District.

The applicant is proposing to use a portion of the existing building as an office for the business, Mahmoudi Real Estate. Yuba City Municipal Code Section 8-5.702 requires office use in the R-3

district to obtain a Use Permit. The business proposes to be open Monday – Friday, and will on average serve one client at a time.

The property is located in the R-3, Multiple-Family Residence District, which is consistent with the existing General Plan designation of Medium/High Density Residential. The R-3 District allows offices subject to the issuance of a Use Permit by the Planning Commission.

The following table provides the General Plan Land Use and Zoning for adjacent properties:

<i>Project and Bordering Site Information</i>			
	General Plan Land Use Classification	Zoning	Existing Land Use
<i>Project Site</i>	Medium High Density Residential	R-3 Multi-family Residence	Single Family Residence
<i>North</i>	Business, Technology & Light Industry	M-2 Industrial District	Manufacturing
<i>East</i>	Medium High Density Residential	R-3 Multi-family Residence	Commercial
<i>West</i>	Medium High Density Residential	R-3 Multi-family Residence	Single Family Residence
<i>South</i>	Low Density Residential	R-1 Single Family Residence	Single Family Residence

Analysis:

Home occupations are permitted in the R-3 District with a zoning clearance, however, business signs are not permitted with a home occupation zoning clearance. For this reason, the applicant has applied for a conditional Use Permit. The office proposes to be open Monday-Friday, and closed on the weekends. All business will be conducted indoors and on average there will be one client at a time.

The site for the proposed use is adequate to accommodate the office facility, and already conforms to the requirements of the Zoning Code. The applicant proposes some minor site improvements, to include ADA accessibility, and will obtain a building permit for all applicable work.

Environmental:

City staff have performed a preliminary Environmental Assessment of this project and have determined it falls within the Categorical Exemption set forth in CEQA Guidelines section 15301(n) which exempts the conversion or partial conversion of a single-family residence to office use because this project involves converting a part of an existing residential structure into an office. Furthermore, Staff has determined that none of the exception to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project.

Recommended Action:

- A. Conduct a Public Hearing and make the following findings:

Environmental:

Determine the project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301(n), Existing Facilities.

Use Permit 21-03 Findings:

Based upon analysis of the Use Permit application, and subject to the applicant's compliance with the Conditions of Approval, staff concludes that the following required findings of Section 8-5.7003(d) of the Zoning Regulations can be made (*the required findings are in italics*):

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

The project is located in the Medium/High Density Residential General Plan designation. As described in the General Plan that designation provides for the development of mixed-use (residential, retail, and office) neighborhood centers.

2. *The site for the proposed use is adequate in size and shape to accommodate said use, public access, parking and loading, yards, landscaping and other features required by this chapter.*

The 0.13-acre site is adequate in size to facilitated said use, and the zoning code outlines development standards required for this use and any future improvements.

3. *The streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.*

While the extended use is expected to attract more traffic to the property at alternate times, the increase is not expected to cause a reduction of the level of service of adjacent streets.

4. *The site design and the size and design of the building will complement neighboring facilities.*

The proposed use will utilize an existing building and facility that complements the existing neighboring facilities.

5. *The establishment or operation of the use or building applied for 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.*

The proposed use will be required to meet all building code and other City ordinances and standards related to mixed-use properties. Therefore, there should be no physical threats to any person or property. Additionally, the Conditions of Approval establish use criteria that will ensure that the peace, comfort, and general welfare of residences in the vicinity is maintained.

- B. Approve Use Permit 21-03 to allow the use of an existing residential building to convert a portion of the residence for home occupational use located at 622 Bridge Street, subject to the Conditions of Approval.

Attachments:

1. Resolution of the Planning Commission of the City of Yuba City approving Use Permit 21-03
2. Location Map – 622 Bridge Street
3. Conditions of Approval

ATTACHMENT 1

PLANNING COMMISSION RESOLUTION NO. PC21-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YUBA CITY TO DETERMINE THE PROJECT IS CATEGORICALLY EXEMPT FROM CEQA PURSUANT TO CEQA GUIDELINES SECTION 15301(n), EXISTING FACILITIES, AND APPROVE USE PERMIT 21-03, SUBJECT TO CONDITIONS, TO ALLOW THE USE OF AN EXISTING RESIDENTIAL BUILDING TO CONVERT A PORTION OF THE RESIDENCE FOR HOME OCCUPATIONAL USE LOCATED AT 622 BRIDGE STREET (APN 52-303-003)

WHEREAS, Yuba City Municipal Code Section 8-5.7003, provides the process by which permits are obtained, findings, the permit review process, as well as the appeals process for any denials; and

WHEREAS, Yuba City Municipal Code Section 8-5.7101, provides the process for amendments to permits and variances that exist in the Yuba City Municipal Code; and

WHEREAS, the applicant submitted an application for the proposed Use Permit 21-03 on August 9, 2021 to allow the use of an existing residential building to convert one room to an office located at 622 Bridge Street; and

WHEREAS, the property is located in the R-3, Multiple-Family Residence District, which is consistent with the existing General Plan designation of Medium/High Density Residential. The R-3 District allows home occupation offices subject to the issuance of a Use Permit by the Planning Commission; and

WHEREAS, Staff have performed a preliminary environmental assessment of this project and have determined that it falls within the Categorical Exemption set forth in CEQA Guidelines section 15301(n) which exempts the conversion or partial conversion of a single-family residence to office use because this project involves converting a part of an existing residential structure into an office. Furthermore, Staff has determined that none of the exception to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project; and

WHEREAS, on November 10, 2021, the Planning Commission conducted a duly noticed public hearing on Use Permit 21-03, at which time it received input from City Staff, the applicant; public comment portion was opened, and public testimony and evidence, both written and oral, was considered by the Planning Commission, after which public testimony was closed; and

WHEREAS, the Planning Commission has reviewed the associated documents prepared for the project, and all of the evidence received by the Planning Commission; and

WHEREAS, after deliberation and consideration of all relevant items, the Planning Commission now desires to determine the project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301(n), and approve Use Permit 21-03, subject to conditions, to allow the use of an existing residential building to convert one room to an office located at 622 Bridge Street.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Yuba City as follows:

1. Recitals. The Planning Commission hereby finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.
2. CEQA. Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, the City, as the Lead Agency, has analyzed the proposed project have determined that it falls within the Categorical Exemption set forth in CEQA Guidelines section 15301(n) which exempts the conversion or partial conversion of a single-family residence to office use because this project involves converting a part of an existing residential structure into an office. Furthermore, Staff has determined that none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project.
3. Findings. Based upon analysis of the Use of the Use Permit application, and subject to the applicant's compliance with the Conditions of Approval, staff concludes that the following required findings of Section 8-5.7003(d) of the Zoning Regulations can be made:
 - a) The proposal is consistent with the General Plan.
 - b) The site for the proposed use is adequate in size and shape to accommodate said use, public access, parking and loading, yards, landscaping and other features required by this chapter.
 - c) The streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.
 - d) The site design and the size and design of the building will complement neighboring facilities.
 - e) The establishment or operation of the use or building applied for 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.
4. Evidence.
 - a) The project is located in the Medium/High Density Residential General Plan designation. As described in the General Plan that designation provides for the development of mixed-use (residential, retail, and office) neighborhood centers.
 - b) The 0.13-acre site is adequate in size to facilitate said use, and the zoning code outlines development standards required for this use and any future improvements.
 - c) While the extended use is expected to attract more traffic to the property at alternate times, the increase is not expected to cause a reduction of the level of service of adjacent streets.
 - d) The proposed use will utilize an existing building and facility that complements the existing neighboring facilities.
 - e) The proposed use will be required to meet all building code and other City ordinances and standards related to mixed-use properties. Therefore, there should be no physical threats to any person or property. Additionally, the Conditions of Approval establish use criteria that will ensure that the peace, comfort, and general welfare of residences in the vicinity is maintained.
5. Certification. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.
6. Effective Date of Resolution. This Resolution shall become effective immediately.

The foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Yuba City at a special meeting thereof held on November 10, 2021 by the following vote:

Ayes:

Noes:

Absent:

Recused:

By order of the Planning Commission of the City of Yuba City.

Michele Blake, Planning Commission Chair

ATTEST:

Benjamin Moody, Secretary to the Planning Commission

ATTACHMENT 2



Location Map: 622 Bridge Street
Use Permit 21-03, Mahmoudi Real Estate

1 inch = 250 feet

ATTACHMENT 3

**CITY OF YUBA CITY
CONDITIONS OF APPROVAL
USE PERMIT 21-03
NOVEMBER 10, 2021**

**622 BRIDGE STREET; APN: 52-303-003
MAHMOUDI REAL ESTATE, HOME OFFICE**

NOTICE TO PROJECT APPLICANT

In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within ninety (90) calendar days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

IMPORTANT: PLEASE READ CAREFULLY

Please note that this project is subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies, those determined through the Use Permit review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community, and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings can be made.

All discretionary conditions of approval will ultimately be deemed mandatory unless appealed by the applicant to the City Council within 10 days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

Approval of this Use Permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development.

Approval of this Use Permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this Use Permit, the zoning ordinance, and all City standards and specifications. This Use Permit is granted, and the conditions imposed, based upon the application submittal provided by the applicant, including any operational statement. The application is material to the issuance of this Use Permit. Unless the conditions of approval specifically require operation inconsistent with the application, a new or revised Use Permit is required if the operation of this establishment changes or becomes inconsistent with the application. Failure to operate in accordance with the conditions and

requirements imposed may result in revocation of the Use Permit or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the Use Permit review process or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this Use Permit or subsequent amendments or revisions. These conditions are conditions imposed solely upon the Use Permit, and are not conditions imposed on the City or any third party. Likewise, imposition of conditions to ensure compliance with federal, state, or local laws and regulations does not preclude any other type of compliance enforcement.

These conditions are applicable to any person or entity making use of this Use Permit, and references to “developer” or “applicant” herein also include any applicant, property owner, owner, leasee, operator, or any other person or entity making use of this Use Permit.

CONDITIONS OF APPROVAL

1. The applicant/property owner agrees to defend, indemnify and hold harmless the City, its officers, agents and employees, from any and all claims, damages, liability or actions arising out of or connected with this Use Permit, except to the extent such liabilities are caused by actions of the City.
2. Maximum participants allowed at the facility shall meet all applicable Building and Fire Codes related to the facility and/or not exceed maximum allowed occupancy.
3. Applicant must comply with all City, Building, and Fire codes for all improvements at the facility.
4. If parking negatively impacts adjacent businesses or public right-of-way at any point, operational mechanisms are to be put in place to avoid all impacts. Operational changes shall be implemented within 24 hours of notification by the City or result in reconsideration of the Use Permit by the Planning Commission.
5. All signage shall be reviewed and approved through the building permit review process.