
TO ADDRESS THE COMMISSION
PLEASE STEP TO THE ROSTRUM &
STATE YOUR NAME & ADDRESS

YUBA CITY PLANNING COMMISSION
AGENDA

Regular Meeting
February 9, 2005 - 7 p.m.
City Hall Council Chambers
1201 Civic Center Boulevard

Roll Call.

Pledge of Allegiance.

Presentation of Resolution to former Commissioner John Dukes.

Approval of the minutes of the meeting held January 26, 2005.

Appearance of Interested Citizens*

Correspondence:

1. Continued Public Hearing: Tentative Map TM 04-17 to divide property at 940 Carolina Ave; R-1 Zone; A.P. No. 53-120-029; applicant, Todd Retzloff.
2. Public Hearing: Tentative Map TM 04-16 to divide property at 2496 Stabler Ln; R-1 Zone; A.P. No. 59-410-048; applicant, Gary Thiara.
3. Public Hearing: Rezoning RZ 04-14 at 909 Spiva Ave; change existing zoning from M-1 Zone to C-M Zone; applicant, City of Yuba City/property owner Roger and Sue Abe.
4. Public Hearing: Zoning Code Amendment ZC 05-01; provide definition for medical marijuana dispensary; applicant, City of Yuba City.
5. Other Business: Expansion of pre-annexation zoning area to include 3 acres between Butte House Rd and Roosevelt Rd, east of Royo Rancho.

(over)

6. Report on Actions of the City Council.
7. Adjournment to the City Council Study Session on February 15, 2005, at 4:00 p.m. in Council Chambers.

Persons dissatisfied with any decision of the Planning Commission may appeal such action to the City Council. Appeals, accompanied by a fee of \$713 (\$343 if the project concerns a single-family residence), must be filed with the City Clerk, 1201 Civic Center Boulevard, Yuba City, CA 95993 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, 1201 Civic Center Boulevard, Yuba City 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 (530/822-4601) at least 72 hours in advance so such aids or services can be arranged. City Hall TDD: 530/822-4732.

*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.

February 3, 2005

TO: YUBA CITY PLANNING COMMISSION
FROM: DENIS COOK, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: AGENDA REPORT – MEETING OF FEBRUARY 9, 2005

1. CONTINUED PUBLIC HEARING: TENTATIVE PARCEL MAP 04-17 OF TODD RETZLOFF; 940 CAROLINA AVENUE – SUBDIVIDER, TODD RETZLOFF

Project Description:

A request to subdivide a single parcel with a total site area of 0.37 acres into two single-family residential lots, resulting in a project density of 5.4 dwelling units per acre. Project standards will accommodate curb, gutter, and sidewalk improvements along the north edge of the property on Carolina Avenue via the use of a deferred improvement agreement. The abandonment of an existing septic tank and leach field will also occur per Sutter County Environmental Health requirements as well as those of the Yuba City Building Department.

Property Description:

The subject property is identified as Assessor's Parcel No. 53-120-029. The .37 acre parcel is located on the south side of Carolina Avenue, between Jones and Bunce Roads. The subject property is presently developed with a single family residence, detached garage, and fence. The property is located in an area with suburban residential development.

General Plan Designation:

The subject property has a General Plan designation of Low Density Residential (LDR). This General Plan designation provides for a development density of no less than 2 dwelling units per acre and no more than 8 dwelling units per acre.

Zoning Classification:

The subject property has a zoning classification of One-Family Residence (R-1) District.

Surrounding Land Use:

Land use to the north, west, and east are identical to the project site, large lot single family residences. The southern border of the property is adjacent to a multiple family project (see study sketch).

Previous Commission Action and/or Policies:

No actions to report.

Environmental:

The proposed tentative parcel map has been determined to be exempt from the California Environmental Quality Act (CEQA) per §15315 Minor Land Divisions.

The division of properties into four or fewer parcels in urbanized areas is allowed to proceed without an initial study if the proposed use is in conformance with the General Plan designation and zoning, no variances or exceptions are required, and all services and access to the proposed parcel are available.

The situation withstanding, the property is not of considerable size, and services are readily accessible by the current occupant and will be by the occupant of the new structure. It is therefore determined that no significant effect on the environment will result from the minor land division being proposed in this application.

Staff Comments:

Staff supports the applicant's request to subdivide. The division of the parcel will allow it to connect to city sewer as well as contribute to the improvement of Carolina Avenue. The property is already served by city water services.

The lots surrounding the project site are similar in both zone and size, total areas which by one-family residence standards would be considered quite large, anywhere from a fourth to a third of an acre. The construction of single family dwellings on the newly created parcels, relatively smaller than those within the established neighborhood, may be considered a contributing factor to the disruption of an otherwise base characteristic to that existing neighborhood. But, it is also to be said that both newly created lots exceed One-Family Residence District site area standards.

Recommended Actions:

- A) Adopt the following recommended findings:
 - 1. The approval of the tentative map and subdivision of said parcel is consistent with the Guiding and Implementing Policies, as well as the Low Density Residential designation of the Yuba City General Plan.
 - 2. The tentative map is consistent with and meets the minimum standards for the R-1 District.

- B) Approve the tentative parcel map subject to the following conditions of approval:

1. Prior to the issuance of a building permit, all existing well(s) and septic systems shall be destroyed in accordance with the requirements of the Sutter County Environmental Health Department and Yuba City Building Departments, respectively.
2. Prior to the recordation of the parcel map, a public utility easement shall be provided along the Carolina Avenue street frontage extending ten feet behind back of future sidewalk.
3. Per city regulations, provisions shall be made for the existing and future residence to be connected to city water and sewer services as needed to serve the lots created by this map.
4. Prior to the recordation of the parcel map provisions shall be made for the construction of required street improvements along the Carolina Avenue frontage of the property.

2. PUBLIC HEARING: TENTATIVE PARCEL MAP 04-16 OF GARY THIARA – 2469 STABLER LANE – SUBDIVIDER / PROPERTY OWNER, GARY THIARA

Project Description:

A request to subdivide a single parcel with a total site area of 1.00 acres into two single-family residential lots, Parcel 1 to be .38 acres and Parcel 2 to be .62 acres. This division would result in a project density of 2.0 dwelling units per acre. Project standards will accommodate the abandonment of an existing septic tank and leach field per County Environmental Health requirements as well as those of the Yuba City Building Department. A well located behind the existing accessory structure shall remain intact for irrigation use. All drainage from the existing and newly created parcels shall be directed to an existing drain pipe located in the southwest corner of the property extending southward to Jamie Drive.

Property Description:

The subject property is identified as Assessor's Parcel No. 59-410-048. The 1.0 acre parcel is located on the west side of Stabler Lane between Tres Picos and Jamie Drives. The subject property is presently developed with a single family residence and an accessory structure. The property is located in an area with suburban residential development.

General Plan Designation:

The subject property has a General Plan designation of Low Density Residential (LDR). This General Plan designation provides for a development density of no less than 2 dwelling units per acre and no more than 8 dwelling units per acre.

Zoning Classification:

The subject property has a zoning classification of One-Family Residence (R-1) District.

Surrounding Land Use:

Land use to the north, south, east and west are developed single family residences (See Study Sketch).

Previous Commission Action and/or Policies:

No actions to report.

Environmental:

The proposed tentative parcel map has been determined to be exempt from the California Environmental Quality Act (CEQA) per §15315 Minor Land Divisions.

The division of properties into four or fewer parcels in urbanized areas is allowed to proceed without an initial study if the proposed use is in conformance with the General Plan designation and zoning, no variances or exceptions are required, and all services and access to the proposed parcel are available.

The situation withstanding, the services are readily accessible by the current occupant and will be accessible by the occupant of any new structure. It is therefore determined that no significant effect on the environment will result from the minor land division being proposed in this application.

Staff Comments:

Staff supports the applicant's request to subdivide. Access to the proposed parcel shall be granted via a driveway approximately 26 feet in width. City services would be readily accessible to any residential development that were to occur on Parcel 2. Fire accessibility requirements were raised and subsequently addressed by the inclusion of condition #5.

Recommended Actions:

- A) Adopt the following recommended findings:
 - 1. The approval of the tentative map and subdivision of said parcel is consistent with the Guiding and Implementing Policies, as well as the Low Density Residential designation of the Yuba City General Plan.
 - 2. The tentative map is consistent with and meets the minimum standards for the R-1 District.

- B) Approve the tentative parcel map subject to the following conditions of approval:
 - 1. Prior to the issuance of a building permit, the existing septic system shall be destroyed in accordance with the requirements of the Sutter County Environmental Health Department and Yuba City Building Departments, respectively.
 - 2. Any residence built on the newly created lot shall be limited to one-story construction.
 - 3. The existing and future residence shall be connected to city water and sewer services prior to recordation of the map.
 - 4. A drainage easement shall be provided across Parcel 2 for Parcel 1. Additional storm water drainage resulting from the development of Parcel 2 shall also be

accommodated by the existing drainage pipe. The owners of Parcel 1 and 2 shall enter into a service agreement to assure maintenance of said drain line and share costs associated with maintenance. A copy of the maintenance agreement shall be submitted to the Public Works Department for review and approval prior to recordation of the map.

5. Construction of a new residence on Parcel 2 shall require the inclusion of a residential grade fire suppression/fire sprinkler system. Plans for the system shall be submitted to the Fire Department for review and approval prior to the issuance of a building permit.

3. PUBLIC HEARING: REZONE 04-14 FOR PROPERTY LOCATED AT 909 SPIVA AVENUE TO CHANGE THE EXISTING ZONING ON 5.12 ACRES FROM THE LIGHT INDUSTRIAL (M-1) DISTRICT TO THE HEAVY COMMERCIAL/LIGHT INDUSTRIAL (C-M) DISTRICT OR A DISTRICT AS DEEMED APPROPRIATE – APPLICANT, CITY OF YUBA CITY / PROPERTY OWNER, ROGER & SUE ABE

Project Description:

Rezoning of a 5.12-acre property from the Light Industrial (M-1) District to the Heavy Commercial/Light Industrial (C-M) District. The rezoning will better reflect the uses that currently exist on-site and provide consistency with the General Plan.

Property Description:

The subject property is 5.12 acres of developed land that was originally used for agricultural processing by Sunsweet. It is presently occupied by a couple of retail businesses, a moving and storage company, office space and an indoor skateboard park. The property has improved frontage along both Gray and Spiva Avenues.

General Plan Designation:

Business, Technology and Light Industry.

Zoning Classification:

Light Industrial (M-1) District.

Surrounding Land Use:

To the north is a FedEx shipping center and an abandoned railroad line, to the west is Gray Avenue and Gray Avenue Middle School, to the south across Spiva Avenue are single-family homes and to the east is a duplex and single-family home. The existing building has been in place for over 40 years and has been utilized for several different types of light industrial use over that time frame as well as being vacant for many years (see Study Sketch).

Previous Commission Action and/or Policies:

The Planning Commission approved UP 92-15 on April 22, 1992, for a combination recreational facility for batting cages and gymnastics in a portion of the building. However, prior to actually developing the use the applicants found an alternative site and the use permit was never activated.

Environmental:

A negative declaration has been prepared for this project and is attached for the Commission's review. All potential impacts were determined to be less-than-significant as a result of the rezoning of the property.

Staff Comments:

The rezoning to the C-M District will bring the property into better conformance with the Business, Technology and Light Industry designation of the general plan. The C-M District is a highbred district that fills the gap between commercial and light industrial districts but does not permit potential noise producing uses such as an auto body shop, machine shop or welding shop that the M-1 District does. The C-M District is also felt to be more compatible with the residential neighborhood to the south and Gray Avenue Middle School to the west. Staff supports the approval of the rezoning.

Recommended Actions:

- A) Adopt the following recommended findings:
 - 1. Following review and consideration of the attached negative declaration and any comments received, find that there is no substantial evidence that the project will have a significant impact on the environment, and
 - 2. The proposed zoning district of C-M is consistent with the Business, Technology and Light Industry designation of the General Plan.
- B) Adopt the negative declaration.
- C) Rezoning

Recommend that the City Council adopt an ordinance for approval of Rezone #04-14 for amendments to the Official Zoning Map from Light Industrial (M-1) District to the Heavy Commercial/Light Industrial (C-M) District for the property as indicated on the attached exhibit (Proposed Zoning).

4. PUBLIC HEARING: ZONING CODE AMENDMENTS ZC 05-01 TO PROVIDE A DEFINITION FOR MEDICAL MARIJUANA DISPENSARIES—APPLICANT CITY OF YUBA CITY

BACKGROUND:

On December 8, 2004 the Planning Commission recommended approval of ZC 04-04, which proposed the prohibition of medical marijuana dispensaries in the City, that code amendment was approved by the City Council on January 4, 2005. During the approval process we realized that we had inadvertently not included a definition of the use. This amendment rectifies that omission.

Environmental:

This amendment is exempt from environmental review as required by CEQA through use of the "General Rule", Section 15061 (b) (3) that is applied to proposals, which will have no potential adverse impact on the environment.

DISCUSSION:

The Code amendment is shown with new wording underlined (XXXXXX) and any deleted portion is stricken through (~~ZZZZZZ~~).

1.

The Article shown below is the text that was added to address the prohibition of medical marijuana dispensaries in the City. Rather than add the definition to the other definitions in Article 80 the City Attorney suggested that it be added with this article. This reflected below.

Article 52. Prohibited Uses

Sec. 8-5.5201. Prohibited Uses.

A. The following is prohibited in all zoning districts:

1. Medical Marijuana Dispensary. "Medical Marijuana Dispensary" means any facility or location where medical marijuana is made available to and/or distributed by or to three or more of the following: a primary caregiver, a qualified patient, or a person with an identification card, in strict accordance with California Health and Safety Code Section 11362.5 et seq. A "medical marijuana dispensary" shall not include the following uses, as long as the location of such uses are otherwise regulated by this Code or applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, a

residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code Section 11362.5 et seq.

Recommended Action:

- A. Adopt the following findings:
 - 1. The inclusion of a definition for medical marijuana dispensaries clearly delineates the use as defined by State law and provides clarification for staff in reviewing project requests and also spells out those uses as defined by State law that may dispense the drug but are not considered medical marijuana dispensaries.
- B. Recommend that the City Council adopt an ordinance amending the Zoning Regulations as recommended by the amendment in this report.

YUBA CITY PLANNING COMMISSION
MINUTES

Regular Meeting
February 9, 2005
City Hall Council Chambers

The meeting was called to order by Chairman Starkey at 7 p.m. Members present and absent were as follows:

PRESENT

Commissioner Jeffrey Spencer
Commissioner Maynard Dunn

Commissioner Mike Cartoscelli
Commissioner Satwant Takhar
Chairman Craig Starkey

Also present were Senior Planner Brian Trudgeon, Assistant Planner Vicrim Chima & Administrative Assistant Stacey Baker.

ABSENT

Commissioner Melia Campbell

Commissioner Tej Maan

It was reported that Commissioner Maan had an excused absence.

The Pledge of Allegiance was led by former Commissioner John Dukes.

Chairman Starkey presented Resolution No. 05-01 to former Commissioner John Dukes in recognition of his 4 years of service on the Planning Commission.

The minutes of the January 26, 2005, meeting were approved as submitted.

APPEARANCE OF INTERESTED CITIZENS: None.

CORRESPONDENCE: None.

1. CONTINUED PUBLIC HEARING: TENTATIVE PARCEL MAP 04-17 OF TODD RETZLOFF; 940 CAROLINA AVENUE – SUBDIVIDER, TODD RETZLOFF

It was reported that the applicant, Todd Retzloff, withdrew the application for this project. The Commission unanimously accepted withdrawal of the project.

2. PUBLIC HEARING: TENTATIVE PARCEL MAP 04-16 OF GARY THIARA – 2469 STABLER LANE – SUBDIVIDER / PROPERTY OWNER, GARY THIARA

Assistant Planner Chima briefly reviewed the staff report and the public hearing was opened.

Sean Minard of MHM Engineering, representing Mr. Thiara on this project, stated that the applicant agreed with the conditions with the exception of Condition No. 2, which limits construction to single story. Mr. Thiara wanted to reserve the right to build a two-story home in the future and would be agreeable to a revised condition which required increased setbacks.

Amy Hendricks of 1435 Butte House Road, stated that she had helped Mr. Thiara to acquire this particular parcel and had participated in several conversations regarding how to best split this parcel. Mr. Thiara's intent in wanting a two-story home is to increase his available yard space by creating a greater cushion between himself and his neighbors, and to have additional bedrooms upstairs that would be used less frequently. Ms. Hendricks reiterated the fact that Mr. Thiara would be agreeable to having a condition of increased setbacks placed on this project in conjunction with the option to build a two-story home.

Commissioner Spencer inquired of Ms. Hendricks whether or not she and Mr. Thiara had discussed any square foot range for the potential new home. She responded that they had not, however, Ms. Hendricks did indicate that other homes Mr. Thiara had looked at were in the 3,000-3,600 square foot range.

Clint Walker of 1750 Oak Brook Court, spoke in strong opposition of a two-story home being constructed on Mr. Thiara's new parcel. Mr. Walker has contacted Mr. Thiara in an attempt to purchase part of Mr. Thiara's property that borders his in order to increase his lot size, but has had no response.

Brent Brook of 1614 Tres Picos also spoke in opposition of a two-story home construction, as did Mike Meyers of 1625 Jamie Drive.

Mike Nichols of 1755 Oak Brook Court also spoke in opposition of a two-story home construction. Mr. Nichols invited the Commissioners to visit his other home at 1669 Regency Way, which has a 5,000 square foot, two-story home behind it to see the real impact that a two-story home has in a neighborhood that is predominantly single story homes.

Commissioner Spencer indicated that he had driven by the property and that he felt that although he appreciates the private property owner's right to do what they want with their property, he feels it is the Planning Commissions job to ensure that the scale and character of the neighborhood is preserved. Commissioner Spencer then moved to approve the adopted findings and the tentative parcel map subject to the conditions outlined in the staff report. The motion was seconded by Commissioner Takhar.

Prior to calling for a vote on this item, Commissioner Dunn had a question of staff regarding the possibility that if two-story construction were allowed, would there not be enough space left for Mr. Thiara to build a second unit on the new parcel. Mr. Chima indicated that there would be enough space on the lot for a second unit. Mr. Trudgeon indicated that a second unit would be allowed provided it met the requirements outlined in the City's Zoning Regulations. Mr. Chima also stated that Mr. Thiara had indicated he was willing to plant any necessary vegetative screening to ensure privacy for his neighbors as well as himself.

Public hearing discussion continued regarding this project.

The public hearing was then closed. Commissioner Spencer reinstated his original motion to approve the adopted findings and the tentative parcel map subject to the conditions outlined in the staff report. The motion was seconded by Commissioner Takhar. The motion was passed upon unanimous roll call vote of those members present.

3. PUBLIC HEARING: REZONE 04-14 FOR PROPERTY LOCATED AT 909 SPIVA AVENUE TO CHANGE THE EXISTING ZONING ON 5.12 ACRES FROM THE LIGHT INDUSTRIAL (M-1) DISTRICT TO THE HEAVY COMMERCIAL/LIGHT INDUSTRIAL (C-M) DISTRICT OR A DISTRICT AS DEEMED APPROPRIATE – APPLICANT, CITY OF YUBA CITY / PROPERTY OWNER, ROGER & SUE ABE

Senior Planner Trudgeon briefly reviewed the staff report. The public hearing was opened and closed without comment. Upon motion by Commissioner Takhar, second by Commissioner Spencer, and unanimous roll call vote of those members present, the Planning Commission adopted the 2 findings as outlined in the staff report, adopted the negative declaration, and recommended approval of the rezoning to the City Council.

4. PUBLIC HEARING: ZONING CODE AMENDMENTS ZC 05-01 TO PROVIDE A DEFINITION FOR MEDICAL MARIJUANA DISPENSARIES—APPLICANT CITY OF YUBA CITY

Senior Planner Trudgeon briefly reviewed the staff report. The public hearing was opened and closed without comment. Upon motion by Commissioner Dunn, second by Commissioner Takhar and a unanimous roll call vote of those members present, the Planning Commission adopted the finding as outlined in the staff report and recommended approval of the zoning code amendment to the City Council.

5. OTHER BUSINESS: EXPANSION OF PRE-ANNEXATION ZONING AREA TO INCLUDE 3 ACRES BETWEEN BUTTE HOUSE ROAD AND ROOSEVELT ROAD, EAST OF ROYO RANCHERO.

Senior Planner Trudgeon briefly reviewed this item. Upon motion by Commissioner Spencer, second by Commissioner Takhar and a unanimous voice vote of those members present, the Planning Commission approved the expanded area for the pre-annexation zoning.

There was discussion between Planning Commissioners and staff in regards to the choices for the accommodations at the Planning Conference in April.

Chairman Starkey reminded the Commissioners that there would not be a meeting on February 23, and possibly no meeting on March 9, 2005.

Other discussion ensued regarding the previous study session, Meritorious Awards Program and design guidelines.

6. REPORT ON ACTIONS OF THE CITY COUCIL: None

7. ADJOURNMENT: The meeting was adjourned at 8:05 p.m. to the City Council Study Session on Tuesday, February 15, 2005 at 4:00 p.m.

Respectfully submitted,

BRIAN TRUDGEON, Acting Secretary
YUBA CITY PLANNING COMMISSION