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TO ADDRESS THE COMMISSION  
PLEASE STEP TO THE ROSTRUM &  
STATE YOUR NAME & ADDRESS  
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YUBA CITY PLANNING COMMISSION  
AGENDA

Regular Meeting  
March 23, 2005 - 7 p.m.  
City Hall Council Chambers  
1201 Civic Center Boulevard

Roll Call.

Pledge of Allegiance.

Approval of the minutes of the meeting held February 9, 2005.

Appearance of Interested Citizens\*

Correspondence:

1. Public Hearing: Variance VR 05-01, to reduce the required rear yard setback in conjunction with the proposed construction of an accessory building; Oak Hollow Subdivision, lot #3; R-1 Zone; A.P. No. 53-251-010/011; applicant Mike Tomlinson
2. Public Hearing: Tentative Map TM 05-02, to divide existing 18,809 sq ft parcel containing 3 homes into 3 homesites (Parcel 1 being 5,000 sq. ft., Parcel 2 being 5,969 sq. ft. and Parcel 3 being 7,840 sq. ft.); property located at 291 Second Street; R-1/SP/AI Zone; A.P. No. 03-310-003; applicant Ron Souza.
3. Commission Consideration: Expand Specific Plan area at the northwest corner of the City's Sphere of Influence.
4. Commission Consideration: Meritorious Awards
5. Report on Actions of the City Council.
6. Adjournment.

(over)

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.

March 18, 2005

TO: YUBA CITY PLANNING COMMISSION  
FROM: DENIS COOK, COMMUNITY DEVELOPMENT DIRECTOR  
SUBJECT: AGENDA REPORT – MEETING OF MARCH 23, 2005

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- PUBLIC HEARING: VARIANCE 05-01 IS A REQUEST FOR A 15-FOOT REDUCTION TO THE REQUIRED 25-FOOT REAR YARD SETBACK AND A 2-FOOT 9-INCH HEIGHT EXTENSION TO THE 20-FOOT MAXIMUM HEIGHT STANDARDS FOR AN ACCESSORY BUILDING PROPOSED IN A ONE-FAMILY RESIDENCE (R-1) DISTRICT – APPLICANT / PROPERTY OWNER, MICHAEL AND THERESA TOMLINSON**
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**Project Description:**

The applicant is requesting a 15-foot reduction to the required 25-foot rear yard setback and a 2-foot 9-inch height extension to the 20-foot maximum height standards for an accessory building proposed in a One-Family Residence (R-1) District. The accessory building would total 22 feet 9 inches in height and would be setback 10 feet from the south property line and 25 feet from the east property line.

**Property Description:**

The property is Lot #3 of the Oak Hollow subdivision located on the east side of Bunce Road, south of and adjacent to the Gilsizer Slough. The parcel is a trapezoidal shaped cul-de-sac lot and is 0.37-acres in size. The site is currently vacant.

**General Plan Designation:**

Low Density Residential (LDR).

**Zoning Classification:**

One-Family Residence (R-1) District and One-family Residence, Airport Influence Combining (R-1 AI) District.

**Surrounding Land Use:**

The area surrounding the subject property consists primarily of large lot single-family homes. Immediately adjacent to the site along the south property line is 1.18 acre parcel with a single-family home and an accessory building. Along the east property line is a single-family home with a rear setback of approximately 60 feet.

**Previous Commission Actions and/or Policies:**

SM 04-09: This is a lot within *Oak Hollow*, a private gated community consisting of 5 single-family residential lots and a common area, approved by the Planning Commission on November 10, 2004.

**Environmental:**

The proposed variance application has been determined to be exempt from the California Environmental Quality Act (CEQA) per §15305 Minor Alterations in Land Use limitations specifically citing Section A for minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcels.

**Staff Comments:**

Yuba City Zoning Code, Article 50, Section 8-5.5001C4 requires any accessory buildings with a maximum height of 20 feet to be located outside the required rear yard. In the applicant’s case, zoning would require the accessory building to have a rear yard of 25-feet, meaning the closest point of the structure could be no closer than 25 feet from the south property line and its height could not exceed 20 feet. The applicant wishes to construct a new home with a detached rear set garage and hobby building. The applicant also wishes to achieve an architectural style in the building and the home, which he considers to be of “Old World” or of European design where roof peaks are high and steep. He proposes a 12/12-pitch roof for both the residence and the accessory building. The applicant points out due to the existing topography, his proposed building would sit at an elevation approximately 2-feet lower than the south property owner’s existing 15-foot tall accessory structure, resulting in a 5 foot 9 inch difference between the two structures.

Listed below are the required findings to approve the variance, the applicant’s response to those findings and staff’s comments:

- A) There are special circumstances applicable to the size, shape, topography, location or surroundings of the property, and because of these circumstances, the strict application of the provisions of this chapter would deprive the property of privileges enjoyed by other properties in the vicinity and in the same zone district.

**Applicant’s Response:**

*The shape of this cul-de-sac lot with its triangular corner is such that placing the garage at the standard 25 feet from the rear property line will result in a great deal of wasted space that is not available for landscaping or enjoyment of the back yard of my proposed home. The south property owner has an existing 15 foot tall shop building placed very close (approximately three feet from my property line with no landscaping), leaving an*

*unused area between us. Placing my garage in this manner will help screen his shop side yard area from my view.*

**Staff's Comment:**

There are special circumstances existing with respect to surrounding properties, particularly those being that of the uninhabited 15-foot tall shop building belonging to the property owner to the south and set approximately 3-feet off the common property line and 5-feet off the rear. Because of its existence and its close proximity to the subject property, denial of a variance for a 10-foot setback and 2-foot 9 inch height increase would deprive the applicant of privileges enjoyed by the property owner to the south. Staff believes that because the existing building exists today with little effect on the surrounding properties, the proposed structure could also be integrated into the area with little or no effect on surrounding community.

- B) Approval of the variance will not be a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and in the same zone district.

**Applicant's Response:**

*There are other examples of buildings taller than 15 feet and located within the standard 25 foot setback throughout Yuba City, and therefore, granting this use permit is not a grant of special privilege. My southerly neighbor has a 15 foot tall building located within the 5 feet of his rear yard and 3 feet from my rear yard (his side yard). I am able to place this building at least 25 feet from my easterly neighbor's property line and therefore am in compliance with existing codes when considering his interests. The lot to the west is currently under my ownership and vacant. It will be built as a single-family residence.*

**Staff's Comment:**

The existing uninhabited 15-foot tall accessory building directly adjacent to and south of the proposed site is located approximately 3-feet from the common property line and 5 feet away from the rear property line. According to zoning standards, such a structure should have a rear yard setback of at least 10-feet and a side yard setback of at least 5 feet. Because of this existing situation directly adjacent to the location of the proposed building, the applicants request for a 10-foot rear yard setback and a 2-foot 9 inch height increase cannot be considered a grant of special privilege.

- C) The variance does not authorize a use not otherwise permitted by the zone district in which the property is located.

**Applicant's Response:**

*There are many other examples of an accessory building such as the one in my application built in Yuba City, the best example being the neighbor on my southerly boundary.*

**Staff's Comment:**

The variance will not authorize a use not otherwise permitted by the One-Family Residence (R-1) District. The accessory building is proposed as a garage/hobby shop with available attic and storage space. Such uses are permitted in the R-1 District.

- D) Approval of the variance will not be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the neighborhood of such use or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the City.

**Applicant's Response:**

*This is a garage/hobby shop, which will not create any additional traffic, noise, noxious odors, dust or other detrimental issues for the area. It is located north of and therefore will not shade my southerly neighbor.*

**Staff's Comment:**

The closest habitable structure, a single-family home fronting on Sherwood Drive, is approximately 60 feet from the applicant's east property line. In designing the proposed accessory building the applicant is able to successfully comply with a 25-foot setback along the east property line taking into consideration the privacy of this home. The combination of these two distances results in approximately 90 feet of separation between the closest portions of these two buildings.

Where the variance is being requested for a setback reduction along the south property line there also exists an uninhabited structure used primarily as a garage and shop. This building is approximately 3 feet away from the adjoining property line. The neighbor's single-family home will be approximately 130 feet away from the closest portion of the proposed building. The development standards found in the Yuba City Zoning Code would essentially allow two structures, i.e. a single-family home and an accessory building, to be placed as close as 50 from each other. Because of such a significant distance between the proposed accessory building and the two homes (130 feet and 90 feet), staff finds that the approval of the variance will not be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the neighborhood of such use or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the City.

**Recommended Action:**

- A. Adopt the following findings for the variance:
  - 1. Approval of the variance will not be detrimental to the health, safety, peace, comfort or the general welfare of persons residing or working in the neighborhood of such use or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the City.
  - 2. The proposal is consistent with the Low Density Residential designation of the General Plan. The One Family Residence (R-1) District is the appropriate zoning for the Low Density Residential General Plan designation, and that district allows for accessory buildings.
  - 3. There are special circumstances applicable to the surroundings of the property, notably the reduced setback between the existing accessory building and the proposed site.
  - 4. Approval of the variance will not be a grant of special privilege inconsistent with the limitations upon other properties in the vicinity.
  
- B. Approve the variance subject to the following condition of approval:
  - 1. The accessory building shall not exceed 22 feet 9 inches in height as measured from finished grade to the top of the highest portion of the structure.
  - 2. The accessory building shall maintain a minimum 10-foot setback from the south property line, a minimum 25-foot setback from the east property line and a minimum 5-foot interior side setback along Parcel 4 of the Oak Hollow tentative subdivision map.

**2. PUBLIC HEARING: TENTATIVE PARCEL MAP 05-02 OF RON SOUZA  
– EAST SIDE OF SECOND STREET SOUTH OF SECOND STREET  
GARDEN HIGHWAY INTERSECTION – SUBDIVIDER / PROPERTY  
OWNER, RON SOUZA**

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**Project Description:**

A request to subdivide a single parcel with a total site area of 0.42 acres into three residential lots. There are currently three structures which exist on the single parcel, two duplexes and a single family dwelling. Each of the three new parcels will contain one existing structure, parcels one and two accommodating each of the existing duplexes and parcel three accommodating the single family dwelling. The existing density is 11.98 dwelling units per acre. Project standards will accommodate curb, gutter, six foot planter strip and five foot detached sidewalk improvements along the west edge of the property on Second Street. The abandonment of all existing septic tanks and leach fields will also occur per 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. 03-310-003. The .42 acre parcel is located on the east side of Second Street, south of the Second Street/Garden Highway intersection. The subject property is presently developed with two duplexes and a single family dwelling. The property is located in an area with residential development. There are currently no street improvements (curb, gutter, sidewalk) in place in this particular area of Second Street.

**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. As stated above the existing on-site development exceeds the maximum density permitted in the LDR.

**Zoning Classification:**

The subject property has a zoning classification of One-Family Residence, Airport Influence Combining, Specific Plan Combining (R-1 AI SP) Districts due to its location within the Central City Specific Plan area and its proximity to the Sutter County Airport.

**Surrounding Land Use:**

Land use to the north, south, and west, are similar to the project site, though they are all single family dwellings. The eastern edge of the property runs adjacent to the levee. (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. 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. As a condition of the division, the newly created parcels will connect to city water and sewer. The City will also benefit by street improvements along Second Street with the inclusion of curb, gutter, landscaping, and sidewalk.

The lots surrounding the project site are similar in character and size. In no way would the division disrupt or divide an established neighborhood. Density standards for the Low Density Residential Designation indicate that no more than 8 dwellings per acre should exist. The current location and distribution of structures exceeds that ratio. Staff is content to allow the existing uses and densities to be maintained.

**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. (Though the density standards for the LDR have been exceeded the properties are presently fully developed and have existed in this present configuration for many years.)
  - 2. The tentative map is consistent with and meets the minimum standards for the R-1 SP AI Districts.

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

1. Prior to the recordation of the parcel map 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 and the properties shall be connected to city water and sewer services.
2. Prior to the recordation of the parcel map provisions shall be made for the construction of required street improvements along the Second Street frontage of the property to include curb, gutter, landscaping, street trees, street lights and sidewalk.
3. Prior to the recordation of the parcel map provisions shall be made to address off-street parking requirements per City Code for parcels 2 and 3.

YUBA CITY PLANNING COMMISSION  
MINUTES

Regular Meeting  
March 23, 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 Melia Campbell  
Commissioner Tej Maan

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 Maynard Dunn

The Pledge of Allegiance was led by Commissioner Campbell.

The minutes of the February 9, 2005, meeting were approved as submitted.

APPEARANCE OF INTERESTED CITIZENS: None.

CORRESPONDENCE: None.

Prior to introduction of Agenda Item number 1, Chairman Starkey recused himself from the item, citing a business relationship with the applicant. Chairman Starkey left the dais and Vice Chairman Cartoscelli proceeded with the introduction of Agenda item number 1.

- 1. PUBLIC HEARING: VARIANCE 05-01 IS A REQUEST FOR A 15-FOOT REDUCTION TO THE REQUIRED 25-FOOT REAR YARD SETBACK AND A 2-FOOT 9-INCH HEIGHT EXTENSION TO THE 20-FOOT MAXIMUM HEIGHT STANDARDS FOR AN ACCESSORY BUILDING PROPOSED IN A ONE-FAMILY RESIDENCE (R-1) DISTRICT – APPLICANT / PROPERTY OWNER, MICHAEL AND THERESA TOMLINSON**
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Senior Planner Trudgeon briefly reviewed the staff report. Prior to opening of the public hearing, Commissioner Spencer and Commissioner Campbell questioned staff about the intended use of the accessory structure and why it could not be built within current City guidelines. The public hearing was then opened.

Mike Tomlinson, of 1151 Hillcrest Avenue, applicant for the project, addressed the questions of why the accessory structure could not be built within current City guidelines. Since the style of house he intends to build is 'Old World' and requires a steep pitch to the roof, that is the reason for the extra height on the accessory building.

Commissioner Spencer questioned Mr. Tomlinson about the possibility of lowering the grade of the site in order to lower the height of the accessory building. Mr. Tomlinson responded that he may be able to lower the grade somewhat, but probably not enough to alleviate the need for the variance.

Mike Aldrich of 410 Bunce Road, which is the property to the south of the parcel in question, spoke in opposition of the proposed variance. Mr. Aldrich's concerns were mainly regarding the accessory building appearing to be a two-story structure and overlooking his property. In previous discussions with Mr. Tomlinson, Mr. Aldrich understood that the accessory structure would be single-story. Mr. Aldrich also disputed various parts of the staff report in regards to the use of the phrase "special privileges" as well as the distance of structures on his property in relation to the proposed accessory building.

Bill Walker of von Geldern Engineering, 430 Second Street, the engineer for the project, was questioned but admitted that he was unprepared to answer any questions regarding the issues presented.

Discussion continued between Mr. Tomlinson, Mr. Aldrich, Staff and Commissioners regarding the issues raised during the public hearing.

The public hearing was then closed and discussion began among the Planning Commissioners.

Commissioner Spencer suggested the addition of another condition limiting the use of the attic space in the accessory structure to office/hobby only, thereby eliminating any future possibility of it being turned into livable space. He also suggested that Mr. Tomlinson work with the engineer to explore the possibility of lowering the grade of the site.

The public hearing was re-opened to allow Mr. Tomlinson to comment further. Mr. Tomlinson offered to remove the gable and one window on the south side of the building.

Commissioner Campbell expressed concern over the granting of a variance at all. She felt that the codes and setbacks in effect should be enforced, and that approving the variance would be setting a precedent and could be cited in the future as reason to grant similar applications.

Commissioner Maan stated that his experiences with variances were limited to what he encounters as Director of Environmental Health for Yuba County, but that they are normally granted under hardship circumstances. He was at a loss to see what the hardship is in this case to approve the variance request. Even if it means that the end product is not what was originally intended, the setbacks and codes should be adhered to.

Commissioner Takhar indicated that he felt the Oak Hollow project will be an asset to the community, but he was not convinced as to the need for the setback and height variance.

Vice Chairman Cartoscelli spoke to the issue of how infill projects can be difficult to blend with older, established neighborhoods. He indicated he was in favor of the project and was supportive of the variance.

Commissioner Spencer moved to continue the hearing on this project so that the parties could address the contentious issues, research the questions regarding grading with the engineer and perhaps come back with some kind of compromise agreeable to everyone.

Mr. Tomlinson indicated he would be willing to try to drop the grade approximately 2 feet and then the variance would only be for 9 inches only.

Mr. Aldrich stated that he was under the impression that the grade should be the same for both his shop and Mr. Tomlinson's accessory structure, based on a previous staff report. Commissioner Spencer clarified that Mr. Tomlinson's property could not be higher and therefore drain onto the existing property of Mr. Aldrich. Senior Planner Trudgeon also clarified that the report which Mr. Aldrich referred to was a condition for a subdivision map which was approved in November 2004 and was standard verbiage placed on any new subdivision which is adjacent to existing residences. Mr. Aldrich reiterated that his opposition was to not just the height of the structure, but the possible variance for the setback of the structure.

Commissioner Campbell stated that she felt there was no benefit to continuing the hearing. It was clear that the issue had become an emotional one for both parties, and continuing the hearing would only add to the frustration for both parties. Commissioner Campbell then moved to deny the variance. Commissioner Takhar seconded the motion and a roll call vote was taken. With Commissioners Campbell, Takhar and Maan voting in favor of the motion, and Commissioner Spencer and Vice Chairman Cartoscelli voting against the motion, the motion to deny the variance was approved. Vice Chairman Cartoscelli reviewed the appeal procedures.

Chairman Starkey returned to the dais and the meeting continued.

**2. PUBLIC HEARING: TENTATIVE PARCEL MAP 05-02 OF RON SOUZA – EAST SIDE OF SECOND STREET SOUTH OF SECOND STREET GARDEN HIGHWAY INTERSECTION – SUBDIVIDER / PROPERTY OWNER, RON SOUZA**

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Assistant Planner Vicrim Chima briefly reviewed the staff report. Following some questions from Commissioners to clarify sidewalk and parking issues, the public hearing was opened.

Bill Walker of von Geldern Engineering, 430 Second Street, engineer for the project stated that he and the applicant have reviewed the conditions and they are in agreement.

Ron Souza of 814 Rameriz Road, Marysville, applicant for the project stated that he wanted to divide the property in order to improve it from its current condition.

Seeing no opposition to the project, the public hearing was closed.

Commissioner Spencer moved to approve the recommended findings and tentative map subject to the conditions outlined in the staff report. The motion was seconded by Commissioner Campbell and passed by unanimous roll call vote of those members present.

**3. COMMISSION CONSIDERATION: EXPAND SPECIFIC PLAN AREA AT THE NORTHWEST CORNER OF THE CITY'S SPHERE OF INFLUENCE.**

Senior Planner Trudgeon briefly reviewed this item. Upon motion from Commissioner Cartoscelli, second by Commissioner Spencer and unanimous voice vote of those members present, the Planning Commission approved the expansion of the specific plan area at the northwest corner of the City's sphere of influence.

**4. COMMISSION CONSIDERATION: MERITORIOUS AWARDS**

Assistant Planner Chima gave a Power Point presentation showing approximately 15 commercial properties which were completed in 2004. Commissioner Spencer moved to award the Washington Mutual Bank project on Colusa Avenue the meritorious award for 2004. The motion was seconded by Commissioner Campbell and carried by unanimous voice vote of those members present.

Commissioner Campbell suggested that the Commission review some residential developments as well and perhaps issue some sort of certificate of merit to the developer. Commissioners Spencer and Maan stated that in light of the Commission's ongoing endeavor to create design guidelines for residential development, it might be helpful to commend the developers who create projects that the Commission feels are in keeping with the vision for development.

**5. REPORT ON ACTIONS OF THE CITY COUCIL:**

Senior Planner Trudgeon briefly reviewed the City Council's recent decision to proceed with Master Plans or Specific Plans only for pre-annexation zoning.

**6. ADJOURNMENT:** The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

BRIAN TRUDGEON, Acting Secretary  
YUBA CITY PLANNING COMMISSION