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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  
November 9, 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 October 12, 2005.

Appearance of Interested Citizens\*

Correspondence:

1. Continued Public Hearing: a) General Plan Amendment #GP 05-03 to change the designation from Medium/Low Density Residential to the Medium/High Density Residential and  
  
b) Tentative Map #SM 05-07 of Tuscan Towers; division of 25 proposed units into condominiums; R-3 Zone; 800 Clark Ave.; A.P. Nos. 52-160-025 thru -059; applicant, Circle H – LLC.
2. Public Hearing: Use Permit #UP 05-04 to allow the continued use of temporary modular office space at 901 N. Walton Ave.; M-1 Zone; A.P. No. 58-050-002; applicant, Sunsweet Growers, Inc.
3. Public Hearing: Use Permit #UP 05-03 for an amendment of Condition No. 2 applied to Use Permit #UP 01-05 which limits the hours of operation of the parish hall at 222 Clark Ave.; R-1 Zone; A.P. Nos. 53-040-004 & 53-040-005; applicant, St. Isidore's Church.
4. Public Hearing: Appeal of the Development Services Department's requirement for:
  - a) installation of a 6-foot high masonry wall along the full expanse of the west and south property lines in accord with Sec. 8-5.5905 B. 4. of the Zoning Regulations and
  - b) installation and planting of a 5-foot wide perimeter planter along the west and south property lines in accord with Sections 8-5.6003 B. 2. and 8-5.6004 B of the Zoning Regulations; in conjunction with a proposed 13,000 sq. ft. additional warehouse for SMC Cabinets; 800 Northgate Dr.; M-1 Zone; A.P. No. 51-490-002; appellant, Steve Long for SMC Cabinets.

(over)

5. Public Hearing: Zoning Code Amendment #ZC 05-04 regarding proposed amendments to Article 37 – Historical Combining District (H) of the Zoning Regulations.
6. Other Business.
7. Report on Actions of the City Council.
8. Adjournment.



Persons dissatisfied with any decision of the Planning Commission may appeal such action to the City Council. Appeals, accompanied by a fee of \$753 (\$363 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.

November 4, 2005

TO: YUBA CITY PLANNING COMMISSION  
FROM: PHIL O. CARTER, ASSISTANT CITY MANAGER  
SUBJECT: AGENDA REPORT - MEETING OF NOVEMBER 9, 2005

**1. CONTINUED PUBLIC HEARING:**

- A) **GENERAL PLAN AMENDMENT #05-03 TO CHANGE THE DESIGNATION FROM MEDIUM/LOW DENSITY RESIDENTIAL TO MEDIUM/HIGH DENSITY RESIDENTIAL AND**
- B) **TENTATIVE SUBDIVISION MAP #SM 05-07 OF TUSCAN TOWERS; 800 CLARK AVENUE - APPLICANT, CIRCLE H - LLC**

**Project Description:**

The proposal calls for the subdivision and subsequent construction of two new residential structures housing 25 condominium units which will augment an existing multi-story facility consisting of 34 condominium units. The current residential density on the property is 11.33 dwelling units per acre. The addition of 25 condominiums would raise that density level to 19.67 dwelling units per acre, exceeding the density allowed on Medium/Low Density Residential designated property which has a maximum of 14 dwelling units per acre. It is for this reason that the applicant has requested the redesignation of the property to the Medium/High Density Residential designation which allows up to 36 dwelling units per acre.

The project will also serve to initiate substantial changes to the property, including altering ingress and egress by limiting access to one entry/exit point located along Clark Avenue. This point will be gated. The remaining driveway area will be converted into additional parking. Improvements will include the undergrounding of utilities which run along the western edge of the property and the inclusion of on-site measures to address the storm drainage caused by increases to areas of impervious surfaces.

**Property Description:**

The subject property is located on the west side of Clark Avenue, south of Forbes Avenue. The 2.97 acre parcel is currently developed with a 34-unit condominium complex called Sugar House which is contained within one multi-story structure. Along with that facility the site is developed with the necessary parking as well as a pool. Along the western portion of the property run overhead utilities that continue across the property from Stafford Way.

**General Plan Designation:**

Existing: Medium/Low Density Residential.

This General Plan designation provides for a density ranging from 6 to 14 dwelling units per acre.

Proposed: Medium/High Density Residential

This General Plan designation provides for a density ranging from 12 to 36 dwelling units per acre.

**Zoning Classification:**

Multiple-Family Residence (R-3) District.

**Surrounding Land Use:**

The property is bounded on its northern and eastern boundaries by multi-family residential structures. Immediately west of the property along Stafford Way are a number of commercial/industrial uses. The property is bounded to the south by former railroad right-of-way, and some single family dwellings as well as a commercial structure (see Study Sketch).

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

In 1980, what was then known as the Sugar House, applied for the conversion of 34 units into condominiums. That application was granted and reflects the current situation.

**Environmental:**

A mitigated negative declaration has been prepared for this project and is attached for the Commission's review. Potential impacts such as air and water quality were identified and have been reduced to a classification of less-than-significant with the inclusion of mitigation measures and the conditions of approval listed below.

**Staff Comments:**

Staff supports both the applicant's request to subdivide and the redesignation of the property from Low/Medium Density Residential to the Medium/High Density Residential Designation. This project will result in the significant rehabilitation of the property. As was described above, the project will limit ingress and egress to one point along Clark Avenue which will be gated. What, is currently vacant undeveloped portions of the property will be occupied by new residential structures that will have to abide by multi-family design standards. The undergrounding of existing overhead utilities will also be part of the project. Also important is the development of this type of housing option in Yuba City, a market that is lacking to a great degree in our city. The development of this project will add a significant number of condos and enhance the overall aesthetic appearance of the property.

The General Plan Amendment is called for because with the additional 25 condominiums, the development density goes from 11.33 dwelling units per acre, which is within the acceptable range of the Low/Medium Density Residential (6-14 units/acre) to 19.67 dwelling units per acre. That level of development is only allowed in Medium/High Density Residential (12-36 units/acre). The former Medium Density Residential designation under the old General Plan provided for a density range of 7 to 30 units per acre. When discussions first started with the applicants this general plan designation and density was still in place. With the adoption of the new Yuba City General Plan and the modification to the density range of the Low/Medium Density Residential designation this general plan amendment was needed for the project to move forward.

**Recommended Actions:**

- A) Adopt the following recommended findings:
  - 1. Following review and consideration of the attached mitigated negative declaration along with the recommended mitigation measures and any comments received, find that with the mitigation measures, there is no substantial evidence that the project will have a significant impact on the environment, and

General Plan Amendment

- 2. The proposed amendment to the General Plan Land Use Diagram to change the designation for the property to Medium/High Density Residential as recommended is consistent with the Implementing Goals and Policies of the Yuba City General Plan.

Subdivision Map

- 3. The project density is consistent with the City's Housing Element and the Medium/High Density Residential designation of the Yuba City General Plan.
- 4. The approval of the subdivision map is consistent with and meets the minimum standards for the R-3 District.

- B) Adopt the mitigated negative declaration.
- C) Recommend to the City Council that it adopt a resolution for approval of General Plan Amendment 05-03 for 2.97 acres from Low/Medium Density Residential to Medium/High Density Residential (as shown on the Proposed General Plan Designation exhibit).
- D) Approve the tentative subdivision map subject to the following conditions of approval:

1. The approval of the tentative map shall not be in effect until the resolution to change the General Plan Designation from Low/Medium Density Residential to Medium/High Density Residential is adopted by the City Council.
2. The existing overhead utility lines located along the western edge of the property shall be under grounded as part of the first phase of this project and shall be shown on the improvement plans for the subdivision.
3. Sign and submit the Fugitive Dust Control Plan to the Feather River Air Quality Management District which mandates standard construction phase mitigation measures as well as fugitive dust control measures. A copy of the signed Plan approved by the Air Quality District shall be submitted to the Development Services Department with the improvement plans.
4. Sufficient on-site detention, based on a 10-year storm, shall be required in order to prevent the peak run-off flow from increasing as a result of the additional impervious area proposed. The means of providing this improvement shall be shown on the improvement plans for the subdivision.
5. The improvement plans for the development of the subject property shall include all measures required to ensure that no drainage runoff resulting from the development of the property flow onto the adjacent residential or commercial lands or impede the drainage from those properties. If retaining walls are required they shall be constructed of concrete or masonry block.
6. The current Homeowners Association shall be amended to include the new units created by this map and shall be approved by the City Attorney prior to recordation of Final Map.
7. The project shall be developed in accordance with Chapter 7 of the Yuba City Municipal Code.
8. The applicant shall submit the condominium project to the Planning Commission for review as a development plan in accordance with Section 8.7.03 of the Yuba City Municipal Code, prior to issuance of a building permit.

**2. PUBLIC HEARING: USE PERMIT #05-04 FOR THE CONTINUED USE OF MODULAR ADMINISTRATIVE OFFICES AS A TEMPORARY USE AT 901 NORTH WALTON AVENUE – APPLICANT, SUNSWEET GROWERS, INC.**

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**Project Description:**

The applicant is requesting a new use permit to continue utilization of 10,800 square feet of commercial coach office space on a temporary basis until a permanent administrative building can be constructed on-site. There is sufficient on-site parking available for the temporary office space.

**Property Description:**

The property is the 52.3-acre parcel located at the southeast corner of Colusa Avenue (SR 20) and North Walton Avenue. The site is developed with the company's main processing plant and grower's store. Street improvements (curb, gutter and sidewalk) already exist along North Walton Avenue. Access to the site will be through the main gate on North Walton Avenue.

**General Plan Designation:**

Manufacturing, Processing & Warehousing.

**Zoning Classification:**

Light Industrial (M-1) District.

**Surrounding Land Use:**

To the north across Colusa Avenue is City owned properties and a mixture of commercial uses, to the east are heavy commercial and light industrial uses, to the south is vacant land owned by Sunsweet Growers and to the west across North Walton Avenue is Sam's Club (see Study Sketch).

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

Use Permit #01-10 was approved on November 28, 2001. There have been several use permits approved in the past allowing commercial coaches such as these to be used as temporary office type uses, though to this date none have been of this size. On February 11, 2004, UP #03-06 was approved for the continued use of the modular office space for a two-year term which will expire on November 25, 2005.

**Environmental:**

Section 15303(C) Class 3 exempts projects similar to this when located in an urbanized area and the surrounding area is not environmentally sensitive.

**Staff Comments:**

The applicants have indicated in the attached letter that they have experienced two very low tonnage years in the areas prune crop and that this has had a severe impact on their short term financials resulting in an inability to spend money on a new office building. In addition they are also exploring the possibility of placing the building on the southern portion of the property near Sunsweet Blvd. As a result, with the approval of this use permit the applicant will have an additional two-year window in which to design and develop a permanent administrative office facility. Staff feels comfortable that a permanent replacement for this temporary use will be **forthcoming** and are therefore recommending approval of this use permit for a two year time extension. The Yuba City Fire Chief has reviewed the applicant's request and is also in support of the approval.

**Recommended Action:**

A. Adopt the following findings:

1. The proposed project will be continued use of commercial coaches for use as administrative offices in conjunction with an existing industrial use, which is consistent with the Manufacturing, Processing & Warehousing designation as shown on the Land Use Diagram of the Yuba City General Plan.
2. The site is of adequate size (52.3-acres) to accommodate the proposed uses. Accesses to the office complex will be from North Walton Avenue, which will make for convenient ingress and egress to and from the site.
3. The existing public improvements (e.g. street, curb and gutter) adjacent to the site along North Walton Avenue are adequate to carry the amount of traffic and drainage that is expected to be generated by this project.
4. The site design will provide adequate off-street parking, including handicap accessibility and compliment the existing neighborhood.
5. Approval of the use permit for the temporary use of commercial coaches for office space 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.

B. Approve the use permit for the continued use of the commercial coaches for administrative offices in the M-1 District subject to the following conditions of approval:

1. The use permit shall be valid for a two-year period expiring on November 28, 2007.

2. The site and the commercial coaches shall meet all applicable handicap access standards required by State and Federal law.
3. Each commercial coach shall meet the standards established in Section 8-5.5101 of the Yuba City Zoning Regulations.

**3. PUBLIC HEARING: USE PERMIT #05-03 FOR AMENDMENT OF CONDITION NO. 2 OF USE PERMIT #01-05 WHICH LIMITS THE HOURS OF OPERATION OF THE PARISH HALL; 222 CLARK AVENUE – APPLICANT/PROPERTY OWNER, ST. ISIDORE CATHOLIC CHURCH**

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**Project Description:**

The applicant has requested an amendment to the original use permit for the deletion of Condition No. 2 that was placed on the permit approval by the City Council which states:

2. Use of the church parish hall is limited to between the hours of 7 a.m. and 10 p.m., with the exceptions being Christmas and Easter. Both the north and south gates shall be closed every night after the close of operations.

Specifically, the applicant has requested that the portion of the condition regarding time limitation on the operation of the parish hall be removed.

**Property Description:**

The property is two Assessor's parcels comprising 15.67 acres developed with the existing parish hall, rectory, chapel, school, playground area and associated on-site parking lot. The property has fully improved frontage along its Clark Avenue frontage.

**General Plan Designation:**

Low Density Residential.

**Zoning Classification:**

One-Family Residence (R-1) District.

**Surrounding Land Use:**

Hunn Road, La Casa Avenue and Villa Vista Avenue terminate at the subject property's western edge and are developed with one-family residences, to the north one-family residences border the property along Marcia Avenue, to the east is Clark Avenue and commercial uses and to the south is the Gilsizer Slough which has one-family residences backing onto to it from Hillcrest Avenue (see Study Sketch).

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

In July 1999, the Commission approved a use permit (#UP 99-01) for the use of two portable coaches as classrooms for the St. Isidore School. On September 21, 2001, the Planning Commission approved the original use permit (#UP 01-05) for the parish hall that approval was appealed to the City Council which approved the use permit with additional conditions on October 16, 2001.

**Environmental:**

Categorically Exempt per Section 15061 (b) (3) of the California Environmental Quality Act.

**Staff Comments:**

Staff recently contacted the Police Chief to determine if the parish hall had operated within the parameters set forth by the conditions of approval over the last few years. The Chief reported that though the church staff had reported incidents such as vandalism there have been no complaints related to the church's operation of the parish hall over that same time span.

As stated in the "Supplement To Project Application" (attached) submitted by the applicant for your consideration, the City Municipal Code already prohibits raucous noise between the hours of 10 p.m. and 7 a.m. without the condition in place and the current time limitation condition placed on the operations of the parish hall is not in place on any other church facility in the City. Also, the screen landscaping has had three years to mature along the south and west property lines. Prior to submitting the amended use permit application the church sent a letter (attached) to the surrounding property owners informing them of the church's intent to modify the use permit and expressed a willingness to meet and discuss the matter with the neighborhood.

Given the facts that there has been no complaints lodged by the neighbors concerning the operation of the parish hall with the police department, the Municipal Code already address potential noise issues, no other church in the City operates under this type of condition and the landscaping has matured staff supports the applicant's request for the deletion of the time limitation stated in Condition No. 2. We would however recommend that the portion of the condition requiring the gates to be closed each night after the close of daily operations be retained.

**Recommended Action:**

A. Adopt the following findings:

1. The existing church and parish hall are uses that are consistent with the Low Density Residential designation as shown on the Land Use Diagram of Yuba City the General Plan.
2. The site is of adequate size (15.67 acres) to accommodate the proposed use.
3. The existing public improvements (e.g. street, curb and gutter) adjacent to the site along Clark Avenue are adequate to carry the amount traffic and drainage generated by this development.
4. The church and parish hall have coincided with the surrounding neighborhood for over three years with no complaints related to the operation of the parish hall activities and the improvement has complimented the existing neighborhood.

5. With the recommended conditions the operation of the church and parish hall 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.
  
- B. Approve the use permit for the amendment of Condition No. 2 of #UP 01-05 to read as follows keeping all other conditions in place as previously approved by the City Council on October 16, 2001:
  
- C. Both the north and south gates providing access to the rear of the property shall be closed every night after the close of operations.

**4. PUBLIC HEARING: APPEAL OF THE DEVELOPMENT SERVICES DEPARTMENT'S PLACEMENT OF DEVELOPMENT STANDARDS REQUIRING A 6-FOOT MASONRY WALL AND LANDSCAPING IN CONJUNCTION WITH A PROPOSED 13,000 SQUARE FOOT EXPANSION OF SMC CABINETS; 800 NORTHGATE DRIVE – APPELLANT, STEVE LONG FOR SMC CABINETS**

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**Background:**

On April 15, 2005 the appellant filed an application for a 13,000 square foot addition to the existing cabinet shop. The addition as indicated on the attached site plan is located on the northwest corner of the building adjacent to the single-family residences to the west and Northgate Drive.

On June 17, 2005, Associate Planner Jason Goff completed staff comments (attached) which related the requirements for the placement of a 6-foot high masonry wall along the west and south property lines adjacent to the existing single-family residential in accord with Article 59 and the street and perimeter landscape improvements in accord with Article 60 of the Zoning Regulations.

On August 18, 2005, City staff and the appellant met to discuss the required development standards and the appellant was informed that the standards were required by the Zoning Regulations and that it was not in staff's purview to waive the requirements but that an appeal of staff's determination could be made to the planning Commission.

On September 29, 2005, the appellant submitted a letter of appeal (attached) requesting that they be relieved of all development standards requirements.

**Zoning Classification:**

Light Industrial (M-1) District.

**Surrounding Land Use:**

Single-family homes to the west, Northgate Blvd. and the City's Water Treatment Plant to the north, a plaster contractor and a mixed industrial use to the east and a mobile home park to the south (see Study Sketch).

**Staff Comments:**

The appellant has appealed the application of development standards for the masonry wall and landscape improvements as a condition of the expansion of his existing non-conforming cabinet operation located in the M-1 District. The development improvements are required at the time a new project is proposed, an existing non-conforming property is proposed to be expanded or for a use that has been vacant for over one-year and does not meet current standards.

As stated in the appellants letter they have occupied the site since 1994 and that at the time of their original occupancy they conformed to the standards in place at that time. In 1995 the current Zoning Regulations were adopted by the City Council and have been used in development of new projects, expansion of existing non-forming businesses and the reactivation of previously unoccupied businesses. Examples of the application of the development standards include the new Tower Market project at Garden Highway and Bogue Road where an 8-foot high masonry wall and 15-foot landscape planter borders residences to the south and west currently under construction, the current expansion of the Percy Avenue Market where a 6-foot high masonry wall and 5-foot planter are being constructed adjacent to a single-family home and the re-occupancy of a former gas station at 101 Clark Avenue for use as a coffee shop where again a 6-foot masonry wall and 5-foot planter were installed. In each of these examples street landscape planter were also included to improve the streetscape along the different streets as well as the masonry wall and perimeter landscape buffers.

It is not nor has it ever been staff's intent for the application of the development standards contained in the Zoning Regulations to overburden a project with unnecessary improvement costs but with the adoption of the Regulations in 1995 the City Council recognized that these improvements were necessary for the betterment of the community as a whole and should be applied equally to all properties.

**Recommended Finding:**

The approval of the appeal would be contradictory to the purpose of the Zoning Regulations in that it would not promote and protect the public's peace and comfort nor would it provide aesthetic values or protect the private improvements and social activities of the existing residential development adjacent to the project site.

**Recommended Action:**

Adopt the recommended finding and deny the appealed staff determination.

**5. PUBLIC HEARING: ZONING CODE AMENDMENT #ZC 05-04 REGARDING PROPOSED AMENDMENT OF ARTICLE 37 – HISTORICAL COMBINING DISTRICT OF THE ZONING REGULATIONS**

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**Background:**

In February of 2003 the historic Onstott House was razed bring the ire of many residents. The outfall of that action was a lawsuit that was brought about by Sutter Heritage that included the City. The June 3, 2004, Settlement Agreement from the suit required that the City Council review and consider an historic preservation ordinance no later than the calendar year of 2005. For that reason we are bring this Zoning Code amendment before you so that the City Council can consider the matter next month as required by the Settlement Agreement.

**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:**

Following the Commission Study Session on the County's adopted Preservation Ordinance in September of this year staff started putting a Code amendment together that could be put in place until the new Zoning Regulations are completed. For that reason we have modified the ordinance by not including the Mills Act provisions as we do not have the necessary Resource Preservation Rules of Procedure in place at this time. It is also our hope that a more updated ordinance including the rules and procedures can be included when the new Zoning Regulations are completed.

The Code amendment is shown with new wording underlined (XXXXXX) and the deleted portions are stricken through (ZZZZZZ).

**Article 37. Historic Combining District (H)**

**~~Sec. 8-5.3702. Uses.~~**

~~All uses permitted by the respective district with which this district is combined.~~

**~~Sec. 8-5.3703. Building Alterations – Need for a Use Permit.~~**

~~Any construction, change, alteration, modification, remodeling, removal or demolition of any historic building or structure to the extent that such modification requires a building permit pursuant to Title 7 of the Municipal Code shall first obtain a use permit (Sec. 8-5.7003). This section shall not apply to alterations, rehabilitation, restoration or remodeling which does not~~

~~alter any improvement, building, structure, landmark or landmark site as to its exterior appearance.~~

**~~Sec. 8-5.3704. Findings.~~**

~~The Planning Commission shall not approve a use permit for any proposed work in a Historic Combining District unless it determines that:~~

- ~~A. The special interest of the structure, site or area has been identified.~~
- ~~B. The proposed work will not detrimentally alter, destroy or adversely affect any architectural or special feature.~~
- ~~C. The proposed work conforms with the purpose of this article.~~
- ~~D. The exterior of the work will not adversely affect and will be compatible with the external appearance of existing improvements, buildings and structures on or adjacent to the work site.~~
- ~~E. The new use will not adversely impact the area or alter its character.~~

**~~Sec. 8-5.3705. Standards and Conditions.~~**

- ~~A. All standards and conditions of development in regards to density, lot area, lot width, yard requirements (front, side, rear) and height shall be the same as in the base district.~~
- ~~B. All necessary Uniform Building Code requirements for the particular occupancy shall be met.~~

**Sec. 8-5.3701. Purpose**

The Historic Combining District is established to implement the Historic and Archaeological Resources policies of the General Plan; to promote the preservation, rehabilitation, restoration, reconstruction, and protection of historic and cultural resources; to encourage and promote public knowledge, understanding, and appreciation of the City's history; to promote appreciation and use of historic resources; to encourage preservation of resources, which may potentially be considered eligible for historic preservation zoning; to promote public awareness of the benefits of preservation; and to encourage public participation in identifying and preserving historic resources, thereby increasing community pride and awareness of the City's cultural and historical heritage.

**Sec. 8-5.3702. Definitions**

(a) Historic Building or Structure – A building or structure that is located on property that has been recognized by the City Council by being rezoned to the Historic Combining District classification.

(b) Qualified Historical Property:

1. A property listed in the National Register of Historic Places or located in a registered historic district, as defined in Section 1.191-2(b) of Title 26 of the Code of Federal Regulations; or

2. A property listed in any state, city, county, or city and county official register of historical or architecturally significant sites, places, or landmarks.

(c) Qualified Professional – An individual meeting the Secretary of the Interior’s Professional Qualifications Standards (36 CFR Part 61 Appendix A) in history, architectural history, and historic architecture or an individual determined by the Development Services Director, or their designee, to have the necessary qualifications equivalent to the above standards based on demonstrated experience in history, architectural history, and historic architecture.

**Sec. 8-5.3703. Establishment of Historic Combining District Designation**

The Historic Combining District classification may be combined with any other zoning district classification and can be applied to land to satisfy the purposes of this Ordinance pursuant to approval of a rezoning application. Requests to establish a Historic Combining District designation on a property shall be accomplished by submitting a rezone application to the Development Services Department together with the following information:

(a) Property owner(s) proposing to designate a property Historic Combining District shall submit the following information together with a rezone application to the Development Services Department:

1. A statement of the current and proposed usage of the property or site.
2. A site plan, drawn to scale, showing:
  - a. The boundaries of the property.
  - b. The location of all improvements on the site.
3. A statement explaining why the property should be designated for historic preservation and how it is intended to preserve the building or site.
4. Photographs depicting the historic building or structure.
5. Applications shall be accompanied by a fee as established by resolution by the City Council.

(b) Following the submittal of an application to rezone property to the Historic Combining District, the proposal shall be forwarded to the Historic Preservation Review Committee for review, consistent with Section 8-5.3708(b), to determine if the historic resource is a candidate for the Historic Combining District designation and what character defining features exist on the structure that should be preserved.

Rezone applications shall be processed as set forth in the Yuba City Municipal Code.

**Sec. 8-5.3704. Disestablishment of a Historic Combining District**

(a) Requests to rezone property from the Historic Combining District classification shall be accomplished by submitting a rezone application to the Development Services Department along with the following items:

1. A statement of the current and proposed usage of the property or site.
2. A site plan, drawn to scale, showing:
  - a. The boundaries of the property.
  - b. The location of all improvements on the site.
3. A report prepared by a qualified professional, detailing why the site, building, or structure is not or is no longer of cultural or historical significance to the history of Yuba City.
4. Photographs depicting the historic building or structure.
5. Applications shall be accompanied by a fee as established by resolution by the City Council.

Rezone applications shall be processed as set forth in the Yuba City Municipal Code.

**Sec. 8-5.3705. Development Standards**

(a) All uses and development standards which are permitted and applicable in the base district to which the Historic Combining District is applied, including uses which are only allowed by Use Permit, shall be permitted providing it is demonstrated that those uses do not adversely affect the historic or cultural site or building involved.

(b) Towers, spires, chimneys, machinery penthouses, scenery lofts, cupolas, water tanks, and similar architectural structures may be built and used to a height not more than twenty-five (25) feet above the height limit established for the district in which the historic building or structure is located, provided, however, photographs or other documentation, acceptable to the Development Services Director, is submitted demonstrating that the architectural feature or structure in question was originally a part of the historic building or structure. The above height limitations shall be subject to laws and regulations of the State and Federal Government.

**Sec. 8-5.3706. Historic Preservation Incentive Program**

The City Council may provide incentives to properties designated Historic Combining District. The incentives shall be identified, and made available through a resolution approved by the City Council and modified from time to time, as the Council deems appropriate.

### **Sec. 8-5.3707. Removal and Relocation Permitting Requirements**

Prior to the removal and/or relocation of a historic building or structure on property that is designated Historic Combining District, a Use Permit shall first be approved together with an appropriate environmental document by the Planning Commission.

Prior to relocating a historic building located on land designated Historic Combining District; a property owner shall first successfully rezone the property where the historic building will be relocated to the Historic Combining District. In addition, the property owner shall secure all required permits necessary to transport the building on local roads and State Highways.

At the time the City considers rezoning a property to the Historic Combining District for the purposes of relocating a historic building to it, the City Council may consider removing the Historic Combining District classification from the property where the historic building will be relocated from. This action may be accomplished by filing a single rezone application to the Development Services Department that includes both properties that are to be considered.

### **Sec. 8-5.3708. Historic Preservation Design Review Requirements**

#### (a) Applicability

Exterior modifications that require a building permit to a recognized historic building within the Historic Combining District shall be subject to Administrative Design Review to be evaluated by the Community Development Division. Applications for Administrative Design Review shall be accompanied by a fee as established by resolution of the City Council and collected with Building Permit fees.

#### (b) Design Review Process

Applicants requesting a building permit on property that is designated Historic Combining District shall provide elevation views for all portions of the recognized historic structure that is subject to alteration. The elevation views shall clearly depict all proposed changes to the exterior of the historic building or structure.

Staff shall review the proposed alterations to a historic building or structure against the report prepared by a qualified professional at the time the historic building was rezoned to the Historic Combining District. In addition, the proposed alterations shall be reviewed against the Secretary of the Interior's Standards for the Rehabilitation of Historic buildings. Implementation of the Secretary of the Interior's Standards for the Rehabilitation of historic buildings shall not conflict with the permitted uses specified in the underlying zoning of the property. If architectural features identified as historically significant are proposed to be altered, all proposed changes shall maintain the character defining features as discussed or depicted in the report that has been previously prepared for the historic structure.

If after reviewing a proposal, staff determines that proposed changes to a historic building or structure, located on property that is zoned Historic Combining District, will maintain the

character defining features of the historic building or structure, the Development Services Director, or their designee, may approve or conditionally approve the proposal.

If after reviewing a proposal, staff determines that proposed changes to a historic building or structure may not maintain the character defining features of the historic building or structure, the proposal shall be forwarded to the Historic Preservation Review Committee for review and determination.

#### **Sec. 8-5.3709. Historic Preservation Review Committee**

The Historic Preservation Review Committee shall consist of three persons, appointed by and serve at the pleasure of the City Council. In addition, three alternate Committee members shall be appointed by the City Council and serve in the absence of a regular Committee member. Committee members shall have knowledge of architecture, historic preservation, history, or a combination of knowledge determined by the City Council as acceptable for providing recommendations regarding historic preservation issues. A quorum shall consist of three Committee members being present.

##### (a) Committee action regarding historic structure modifications

If a quorum of Committee or alternate Committee members cannot be convened within a two-week period from the time a meeting is determined to be necessary, the Development Services Director, or their designee, may convene the meeting with those available Committee members. After reviewing the information and receiving input from the Committee members present, the Development Services Director, or their designee, shall determine proposed actions the applicant can take in order to maintain the character defining features of a historic structure and may approve or conditionally approve the proposal.

The Committee shall meet as necessary to review and provide determinations to applicants and staff regarding proposed changes to historic structures.

All pertinent information deemed necessary by the Development Services Director, or their designee, shall be supplied by the building permit applicant and forwarded to the Committee members by staff for review prior to Committee meetings.

The Committee shall review and discuss with the applicant and staff the issues associated with modifying a recognized historic structure. The Committee shall determine proposed actions the applicant can take in order to maintain the character defining features of a historic structure.

All determinations made by the Committee shall be transmitted to the property owner in writing. Any determination made by the Historic Preservation Review Committee, or the Development Services Director, or their designee, shall be subject to appeal to the Planning Commission pursuant to the Yuba City Municipal Code.

##### (b) Committee action for application to the Historic Combining District

Prior to the submittal of an application to rezone property to the Historic Combining District, the proposal shall first be reviewed by the Historic Preservation Review Committee and a report shall be prepared by the Community Development Division based upon the Committee's determinations.

The Committee shall meet as necessary to review and provide determinations detailing why a potential historic building or structure is a candidate for the Historic Combining District designation and what the character defining features are of the historic building or structure that should be preserved.

A quorum of the Committee shall consist of three members being present and all Committee determinations shall be made by at least two of three Committee members.

Based upon the Committee's determination regarding why a historic resource is a candidate for the Historic Combining District designation and what the character defining features are of the building that should be preserved, Community Development Division staff shall prepare a report of this information.

The report shall be transmitted to the property owner(s) in writing within 20 days of the date the Committee makes its determination. Any determination made by the Historic Preservation Review Committee shall be subject to appeal to the Planning Commission pursuant to the Yuba City Municipal Code.

#### **Sec. 8-5.3710. Historic identification plaques**

Regardless of any other provision of this Chapter to the contrary, non-illuminated historic identification plaques as approved by the Planning Commission not exceeding two (2) square feet in size are permitted to be installed on structures located on property that have been zoned to have the Historic Combining District designation.

#### **Sec. 8-5.3711. Appeals**

Decisions of the Development Services Director, Planning Commission, and Historic Preservation Review Committee may be appealed by an applicant or any aggrieved person. A person includes, but is not limited to, a City officer, as defined by California Government Code Section 24000.

#### **Recommended Action:**

- A. Adopt the following finding:
  - 1. The amendment of Article 37 Historic Combining District (H) will help to preserve and protect buildings, landmarks and areas in the community that have historic or other significant value to the City because of their cultural, artistic, social, economic, political, architectural, engineering or other heritage.
- B. Recommend that the City Council adopt an ordinance amending the Article 37 Historic Combining District of the Zoning Regulations as recommended by the amendment in this report.

YUBA CITY PLANNING COMMISSION  
MINUTES

Regular Meeting  
November 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 Melia Campbell  
Commissioner Mike Cartoscelli

Commissioner Maynard Dunn  
Commissioner Tej Maan

Chairman Craig Starkey

Also present were Senior Planner Brian Trudgeon and Administrative Clerk Cassie Dunbar

ABSENT

Commissioner Jeffrey Spencer

Commissioner Satwant Takhar

It was reported that Commissioners Spencer & Takhar had excused absences.

The Pledge of Allegiance was led by Commissioner Cartoscelli.

The minutes of the October 12, 2005, meeting were approved as submitted.

APPEARANCE OF INTERESTED CITIZENS

John Lanigan of 1727 Williamsburg Drive spoke regarding housing development in West Yuba City. Mr. Lanigan stated that his concern is the density of housing and the type of housing being constructed in this area (small lots and two story structures). Mr. Lanigan further stated that it started with the development of the Walnut Park subdivision which is now nice and new; however, he feels that with the density of housing this area will deteriorate in appearance. He provided an example using the apartments on Gray Avenue, north of Queens stating that they were once new but are not anymore.

Mr. Lanigan also stated that the density of housing has an inner city feel and he believes that the residents of Walnut Park will not be happy due to the density. He also stated that in a modern family, there is more than one car per family plus ATVs and boats and as most of the homes in Walnut Park only have two car garages it is inevitable that residents will park on the street. Mr. Lanigan also stated that the Walnut Park subdivision is located on the bike trail and greenbelt.

He closed by stating that from the outside looking in, this is not very appealing. He urged the Commission to listen to his message and make Yuba City, which is a nice place to live, even better. Chairman Starkey commented that Mr. Lanigan echoes the sentiment of many Yuba City

residents and that the Commission is doing what they can to ensure that the City is improved upon.

CORRESPONDENCE: None.

1. **CONTINUED PUBLIC HEARING:**
  - A) **GENERAL PLAN AMENDMENT #05-03 TO CHANGE THE DESIGNATION FROM MEDIUM/LOW DENSITY RESIDENTIAL TO MEDIUM/HIGH DENSITY RESIDENTIAL AND**
  - B) **TENTATIVE SUBDIVISION MAP #SM 05-07 OF TUSCAN TOWERS; 800 CLARK AVENUE - APPLICANT, CIRCLE H – LLC**

Senior Planner Trudgeon briefly reviewed the staff report and the public hearing was opened.

Bill Walker from von Geldern Engineering located at 430 Second Street spoke stating that he is happy to answer any questions the Commission may have. No questions were asked; however, Commissioner Dunn did speak, stating he was assured by Staff that the improvements to the bike path would be addressed during the DRC meeting.

Upon motion by Commissioner Cartoscelli, second by Commissioner Maan and a roll call vote of those members present, the Commission unanimously voted to approve the general plan amendment and tentative map.

2. **PUBLIC HEARING: USE PERMIT #05-04 FOR THE CONTINUED USE OF MODULAR ADMINISTRATIVE OFFICES AS A TEMPORARY USE AT 901 NORTH WALTON AVENUE – APPLICANT, SUNSWEEET GROWERS, INC.**

Senior Planner Trudgeon briefly reviewed the staff report and the public hearing was opened.

Chairman Starkey asked Senior Planner Trudgeon if two years was a sufficient period of time for the extension, at which time Senior Planner Trudgeon commented that two years was the maximum allowable period of time.

Upon motion by Commissioner Dunn, second by Commissioner Campbell and a roll call vote of those members present, the Commission unanimously voted to approve the use permit extension.

**3. PUBLIC HEARING: USE PERMIT #05-03 FOR AMENDMENT OF CONDITION NO. 2 OF USE PERMIT #01-05 WHICH LIMITS THE HOURS OF OPERATION OF THE PARISH HALL; 222 CLARK AVENUE – APPLICANT/PROPERTY OWNER, ST. ISIDORE CATHOLIC CHURCH**

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Senior Planner Trudgeon briefly reviewed the staff report and the public hearing was opened.

Commissioner Dunn asked for clarification on the staff report. Senior Planner Trudgeon confirmed that there was an error in the staff report listing the condition as “C” instead of condition “2”.

Commissioner Maan stated that he could not locate the exits for the property from the provided study sketch. Senior Planner Trudgeon reviewed the study sketches and explained that the gates are closed after hours.

Chairman Starkey asked what hours of operation the church is proposing and Senior Planner Trudgeon confirmed that they are asking to remove the restriction on hours altogether.

Commissioner Campbell asked if a time limit was placed on the hours of operation for Victorian Manor and Senior Planner Trudgeon stated that there was no time limit placed on the Manor and that the Yuba City noise ordinance limits noise after 10:00 PM. Senior Planner Trudgeon further stated that residents should notify the police department if there is a violation of this ordinance.

Bert Ithurnburn of 1043 Villa Vista Avenue (located behind the St. Isidore’s soccer field) spoke, stating that he filed the application on behalf of St. Isidore’s Church. Mr. Ithurnburn stated that two years ago, this use permit was approved by the Planning Commission without a time restriction; however, the City Council placed this time restriction on the use permit during their review.

Mr. Ithurnburn stated that St. Isidore’s holds several events at the parish hall and also rents the hall to other organizations to hold events. He further stated that the 10:00 pm time restriction makes evening events difficult and that he knows of no other churches in Yuba City that have this time restriction. Mr. Ithurnburn stated that they are looking at 12:00 am as a closing time, if a time must be given.

He closed by stating that they have landscaped the area as requested to reduce light, noise, etc. and that he is here to answer any questions that the Commission may have, further stating that he would like the chance to rebut if necessary.

Commissioner Dunn stated that he would like to see the gates left open as there is a possible safety concern late at night with people getting out to close the gate. Mr. Ithurnburn stated that he has not given this issue much thought and that the Fire Department may be better suited to address this concern.

Joseph Savedra, a parishioner of the church, residing at 1925 Briarwood Court spoke stating that he was concerned with the time limit when it was originally imposed but agreed to this condition

as it was the only way to get the parish hall approved. Mr. Savedra stated it is his belief that the community has benefited from the hall as organizations such as the United Way and the Cancer Society have all held events at the hall. At events such as these the 10:00 PM time restriction has created problems. He further stated that at the last large event held at the hall, the event had to be ended at 9:00 PM to allow time for the guests to leave, to clean up and have the gates closed at the appropriate hour.

Mr. Savedra stated that he understands the concerns of neighbors voiced two years ago when the use permit was granted but he feels that the church has been a good neighbor over the past two years, planting the landscaping as requested to provide a privacy barrier. He closed by requesting that the Commission consider the church's request to remove the 10:00 PM time restriction.

John Guth of 475 S. Barrett Road stated that he is also a parishioner of the church. Mr. Guth stated that his daughter was recently married and as a parishioner of St. Isidores he would have liked to have the wedding reception at the parish hall, thus generating revenue for the church. Due to the time restriction; however, having the reception at the hall was not possible. Mr. Guth closed by stating that he is concerned for the youth of this community and believes that a church facility, such as the hall, is an excellent place for the youth to hold dances, etc; however the 10:00 pm time restriction is not conducive to these activities.

Anne Whyler of 985 Hillcrest Avenue spoke against removal of condition #2 stating that the parking lot for the parish hall is located directly behind her home. Ms. Whyler presented a booklet to the Commission including pictures of the view from her home as well as the view from the homes of several of her neighbors.

Ms. Whyler stated that the hall is 16,348 square feet and is approximately 32 feet tall if not taller. She also commented that there are 250 parking spaces behind the hall and that the road connecting the hall to Clark Avenue runs directly along their properties. Ms. Whyler also stated that the elevation of the hall is several feet higher than their back yards and as the landscaping is still immature, it does not block car lights, car doors closing, voices nor does it block amplified music.

Ms. Whyler stated that the church is zoned R-1 and is surrounded on three sides by homes zoned R-1. She further stated that the church did plant trees and shrubs; however, it does not block the view of the hall nor does it block out the headlights of cars that must turn south to exit the parking lot, which leaves light running through her living room and bedroom. Ms. Whyler further stated that trees do not block noise and on Sunday afternoons she has had to deal with loud, amplified music which does not include hymns and patriotic music. Ms. Whyler stated that neighbors on Trinity can also hear the music.

Ms. Whyler confirmed that prior to the building of the parish hall, Father Roja met with the neighbors regarding events to be held at the hall such as receptions, Quinceñas and dances, and at that time she advised Father Roja that she did not want to see the parish hall become a substitute for Franklin Hall. Ms. Whyler also stated that when the issue was presented to the City Council, the church listed sponsored events such as bake sales and fundraisers, not wedding receptions and dances and she believes that the public and the City Council was misled into believing that the hall would be used for church related functions. Ms. Whyler stated she feels

that money is the driving force here and believes that the church's mission is to community service and that rental halls should be limited to city and county facilities.

Ms. Whyler stated it is her belief that music, noise, lights and alcohol will create problems and these disruptions to privacy should not be allowed by the church as it would not be tolerated by any other neighbor. Ms. Whyler stated that she not only opposes the lifting of the time restriction, but she is also requesting that the following two conditions be added to the existing use permit:

1. No use of alcoholic beverages with the exception of communion wine
2. No use of amplified music on the grounds of the church and school

Ms. Whyler closed by stating that she is passionate about her right to privacy and is confident that the Planning Commission will make the right decision.

Jerome Circo of 963 Hillcrest Avenue spoke against the church's request stating that he is new to the neighborhood, only purchasing his home in April. Mr. Circo stated the he understands there have been no complaints for the past three years and he believes that this means the time restriction is working. He further stated that as good neighbors, they have lived with the noise and lights and that during the day, he enjoys hearing the children outside, making the neighborhood feel alive.

Mr. Circo stated that due to the placement of the hall, the noise and disruption is only affecting those who live on Hillcrest Avenue. He feels that if the building was running south it would act as a barrier; however, they are not asking to move the hall simply to abide by the time restriction. Mr. Circo closed by stating that he believes a 9:00 pm closing time would be reasonable but feels that to push the closing time past 10:00 pm would be unreasonable as a neighbor.

Fred Jakes of 934 Hillcrest Avenue spoke stating that he is in support of Ms. Whyler and Mr. Circo and feels that the 10:00 pm closing time is working.

Commissioner Dunn spoke stating that he can appreciate the concern the neighbors have expressed regarding the noise factor. He further stated that when the erection of the hall was first discussed that he did not feel it had the best architectural character. Commissioner Dunn stated that he happens to live in an extremely noisy area and that if you choose to live in an urban area that you have to deal with the problems that urban areas experience.

Commissioner Dunn confirmed that they have had little if no complaint since the erection of the hall and that it seems unusual that the city has not heard the complaints before. Commissioner Dunn stated that he drove the church property today and that the church has been compliant with everything that the City has asked. He further stated that the redwood trees planted by the church will grow and act as a barrier to the neighboring homes. He closed by stating that churches have a right to be established and built and that there is a Federal law establishing that.

Commissioner Campbell asked Senior Planner Trudgeon if it is unusual for churches to be built in a R-1 zone and Senior Planner Trudgeon confirmed that most churches are located in a R-1 zone. Commissioner Campbell then asked if there was a reason why no fencing was required and Senior Planner Trudgeon stated that no one located west of the church spoke against construction of the hall.

Commissioner Maan spoke stating that he believes Commissioner Dunn said it well, that these are urban issues you must deal with in an urban area.

Commissioner Cartoscelli spoke stating that Ms. Whyler's presentation was very well done and that it shows just how well the landscaping will fill in and provide a screen to the neighboring properties.

Chairman Starkey spoke stating that there is a problem with Commissioner Dunn's argument as many residents purchased their homes prior to construction of the hall and he believes that the residents have made a good argument for keeping status quo.

Commissioner Campbell asked if there were any restrictions on similar use permits within the city. Senior Planner Trudgeon stated that there are no similar projects; however, there are no hour limitations on any church within city boundaries.

Commissioner Cartoscelli stated that he would vote "no" if the additional two conditions are brought forward. Commissioner Dunn asked Commissioner Cartoscelli if he would accept it "as is" and he confirmed "yes".

Upon motion by Commissioner Dunn, second by Commissioner Maan and a roll call vote of those members present, the Commission voted to remove condition #2 of the previously approved use permit #01-05 by a 3-2 vote with Commissioner Cartoscelli and Chairman Starkey voting no.

Jerome Circo of 963 Hillcrest Avenue asked for clarification on the vote and was advised by Chairman Starkey that at as it stands now; there is no time restriction on the hall.

**4. PUBLIC HEARING: APPEAL OF THE DEVELOPMENT SERVICES DEPARTMENT'S PLACEMENT OF DEVELOPMENT STANDARDS REQUIRING A 6-FOOT MASONRY WALL AND LANDSCAPING IN CONJUNCTION WITH A PROPOSED 13,000 SQUARE FOOT EXPANSION OF SMC CABINETS; 800 NORTHGATE DRIVE – APPELLANT, STEVE LONG FOR SMC CABINETS**

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Senior Planner Trudgeon briefly reviewed the staff report and the public hearing was opened.

Commissioner Dunn requested to correct the spelling of the word development in the header from “developmenr” to “development”. Commissioner Dunn then stated that he reviewed the area of SMC and made note of the construction at the Yuba City Water Treatment plant. He asked if there was a new building being constructed at the plant. Senior Planner Trudgeon stated that they are adding a 4 million gallon water tank and also plan to change the fence size and put landscaping in the front of the plant.

Steve Long of 800 Northgate Drive spoke in favor of the appeal. Mr. Long stated that they have been good neighbors since 1994 when SMC Cabinets was first constructed. Mr. Long sited instances where they allowed the maintenance crew for the mobile home park behind their facility to come onto their property to trim trees that were not accessible from their side. He also noted that when the duplexes located adjacent to them had new heating and air conditioning units installed, SMC allowed them to bring cranes onto their property to lift the units onto the roof of the duplexes.

Mr. Long further stated that the proposed planter and new fence in front of planter would be located in the middle of an existing building. He also stated that if the fence is moved behind the planter, he believes that the public waiting at the existing bus stop would use the planter as a bench destroying the plants and vegetation. Mr. Long stated it is his opinion that the planter will not enhance the “street scape” of the property as indicated by the Development Services Department.

Mr. Long went on to state that the comparisons used by Staff, Percy Avenue Market which is located on a corner in a residential area, and the new Tower Market on Bogue Road which is new construction on a heavily traveled road, are not comparable to his business location which is primarily an industrial area. Mr. Long also stated that the new building will be an enhancement to the property as it will be insulated and newly constructed which will cut down on noise and will be more aestically appealing.

Mr. Long stated that the business started with 25 employees, they currently have 75 employees, and they hope to grow their business to over 150 employees bringing jobs to the area. Mr. Long also noted that the least expensive fence quote they received was \$70,000.00 which would diminish their ability to make this improvement. Mr. Long closed by stating that he needs the help of the Planning Commission to grow his business and asks that they grant him the variance.

John Long, patriarch of the company located at 800 Northgate Drive brought up two points:

1. Why commerce that is different from his was used as comparison by staff for denying their appeal?
2. Staff is requesting a concrete wall next to the duplexes and mobile home park which would give a prison feel to the area as they would need to place barbed wire on top the fence to protect the plant.

Chairman Starkey commented that this is a difficult situation and said that zoning ordinances are in place for this reason. Further, Chairman Starkey asked what the point is of having these ordinances in place if they are not enforced?

Senior Planner Trudgeon stated that there are not many instances where industrial properties are adjacent to residential areas. He further stated that SMC Cabinets was built in 1994 which is one year prior the development of the current zoning ordinance. Senior Planner Trudgeon stated that if the Commission decides to withhold the appeal then findings will be required.

Commissioner Maan asked if Staff was requesting landscaping on Northgate or along the proposed wall. Senior Planner Trudgeon commented that Staff is requesting landscaping in both areas. Commissioner Maan then commented that he believes there is a need for landscape approval but is unsure about the need for a wall separating the mobile home park from SMC Cabinets.

Commissioner Dunn indicated that he understands Mr. Long's dilemma and feels that common sense must be used in this case. Commissioner Dunn stated that the wall is an expensive proposition but also feels that the applicant should not be given a "free pass". Commissioner Dunn closed by stating that bringing jobs to Yuba City is important and he would like to see Staff work with the applicant to develop a reasonable landscape plan.

Chairman Starkey asked how we can ask the applicant to work with Staff when the ordinance clearly states that these landscape items are required and Commissioner Dunn commented that variances are possible for this reason. Senior Planner Trudgeon stated that if the Planning Commission approves the appeal then it goes back to Staff. Commissioner Dunn stated that he is in favor of approving the appeal with the condition that it goes back to Staff to work out a reasonable landscape plan. Senior Planner Trudgeon agreed, stating that planting a quick growing vine to help with the view would be a reasonable alternative and Commissioner Cartoscelli stated that he is also comfortable with this.

Senior Planner Trudgeon asked if the Commission would like staff to bring the landscape plan back before the Commission or if they would prefer that staff work directly with the applicant to come up with an acceptable landscape plan. Chairman Starkey advised Senior Planner Trudgeon to work directly with staff to come up with an acceptable plan. Senior Planner Trudgeon then asked the Commission to bring a motion to delete the masonry wall and use vegetation as a landscape barrier for the adjacent properties.

Upon motion by Commissioner Maan to remove the condition requiring a wall, making a finding that the utilization of vegetation will act as a screen to the adjacent development, second by Commissioner Cartoscelli and a vote by acclamation, the Commission voted to approve the appeal with the condition that the applicant will work with staff to develop an acceptable landscape plan.

**5. PUBLIC HEARING: ZONING CODE AMENDMENT #ZC 05-04 REGARDING PROPOSED AMENDMENT OF ARTICLE 37 – HISTORICAL COMBINING DISTRICT OF THE ZONING REGULATIONS**

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Senior Planner Trudgeon briefly reviewed the staff report and the public hearing was opened.

Commissioner Dunn spoke stating that he received a phone call from a concerned citizen asking if cultural resources can be included in this code amendment. If this is possible, Commissioner Dunn asked that it be included in the new amendment.

Chairman Starkey asked if it would be appropriate to include cultural resources and Senior Planner Trudgeon said that zoning regulations are not generally a place where resources are included; however, it can be included as an addendum or appendix. City Manager Foltz also confirmed that this could be added as an addendum if needed.

Phyllis Smith at 1054 Maple Street with Sutter County Heritage and Sutter County Historical Society spoke. Ms. Smith asked for clarification on the existing ordinance and Senior Planner Trudgeon provided the clarification she was requesting. Ms. Smith also asked for a completion date for the new Zoning Regulations. Jeff Foltz confirmed that they hope to have them completed by the first quarter of 2006. Ms. Smith then asked if any incentives are being considered; for example, waiving or reducing permit fees, and/or allowing people to use historic building code. Senior Planner Trudgeon stated that this portion of the existing codes is being left in.

Ms. Smith then asked if the list that did not get included in 1986 General Plan is going to be added as an amendment to the new General Plan. Ms. Smith then stated that the list is old. As a result, some of the properties no longer exist and some properties have been recognized since then and are not on the list. Ms. Smith confirmed that the Sutter County Historical Society has hired a consultant to do a survey of historic properties in Sutter County. They expect to have a new, up to date, well defended list within one year. They would then like to replace the list that is being used now, with the new list once it is completed.

City Manager Foltz, said that he is not proposing that it be added to the Zoning Code. However, it can be brought before City Council once the new list is established. Her concern is that if it takes a year to develop a list and in the meantime there is no list, then there is no protection to the existing properties. Ms. Smith requested that the existing list be used until the new list is developed.

Senior Planner Trudgeon stated that the list was contained within the 1986 General Plan and was not completed by a qualified architect or historian who reviewed properties that were brought to the attention of staff. The purpose of this list at the time was to provide a historical tour of Sutter County. Senior Planner Trudgeon then stated that this was listed as Cultural/Historical in the General Plan. There is no "official" list as Ms. Smith pointed out and until an official list is completed by a professional we do not have list to use. Senior Planner Trudgeon then stated that once the new list is developed, the City can make it an addendum to the General Plan itself., not a change to the Zoning Regulations.

Chairman Starkey spoke, asking for clarification about adding your property into the district and also removing your property should the homeowner choose. Senior Planner Trudgeon confirmed that it is in fact up to the property owner.

Robert Mackenson of 1524 Grouse Way spoke stating that this is a good start. Mr. Mackenson wanted to point out that there are many helpful tools available in putting these ordinances together. Mr. Mackenson also stated that he believes that Yuba City is the only major, local city without one. He pointed out that this is only a start and hopes that the City recognizes this and calls on professionals in the State who work with ordinances to draft an ordinance that fits the needs of the city. Mr. Mackenson closed by asking for a commitment from staff to work toward that end.

Chairman Starkey said that we all want what is best for the City and the county and that the Commission will do whatever is necessary to get there. Commissioner Cartoscelli commented that this is a big step in the right direction

Upon motion by Commissioner Cartoscelli, second by Commissioner Maan and a vote by acclamation, the Commission voted to recommend approval of the zoning code amendment to the City Council.

## **6. OTHER BUSINESS**

ZONING CODE UPDATE/FORM BASED CODES - City Manager Jeff Foltz spoke stating that the City has retained Dyett and Bhatia to update the zoning codes. Based on the recent tour, the consulting team is incorporating feedback from the Planning Commission and City Council regarding residential design standards and the overall implementation of the General Plan. The Council asked that it be added as an addendum for the consultants to update and also form them to address form based codes that specify how residential and commercial properties are layed out. Currently in the General Plan there are no specifics regarding street layout, street widths, etc. The first scope of work for the consultants includes street widths, parking, landscaping, biplanes, street trees and sidewalks. City Manager Foltz confirmed that they will establish street standards consistent with urban form and that they will also review mixed land use and lot types.

City Manager Foltz confirmed that the consulting team will come back with more comprehensive form based codes including building form standards which will implement community design goals of the general plan and will include architectural standards for each of the building types. These codes will relate to building heights, set

backs, lot coverage, entry ways, roof articulation, etc. As these updates come forward, the City will meet with stake holders in the communities, the City Council, the Planning Commission and will then having public hearings regarding the matter.

Pam Johns Planner with PMC will be assisting the City and will be the City's representative with Dyett and Bhatia. City Manager Foltz confirmed that these changes being geared toward implementation of the General Plan. The consulting team is also reviewing sign codes that will be incorporated into the Zoning Code. In the end, there will be a handbook that can be provided to builders to assist with building without going through extensive zoning codes. City Manager Foltz closed by stating that he hopes this will help ensure that subdivisions, etc are set up with a good design and will address the concerns of residents such as Mr. Lannigan who spoke earlier in the evening regarding building density.

CITY OF YUBA CITY PERSONAL CODE OF ETHICS – City Manager Foltz confirmed that this code is for City Council, Boards and Commissions and was recently adopted by the City Council. City Manager Foltz discussed Bill AB 1234 which addresses the local government Sunshine Bill regarding Ethics and Local Government. A condition of this new bill is that all need ethics training beginning in 2006. Also part of that process addresses reimbursement/compensation guidelines, practices, individual receipts, mileage, and travel policy which has to be done through the public process by the end of the year. The latter needs to be completed as soon as possible so that staff can travel at the beginning of the year.

City Manager Foltz reviewed the Ethics policy and commented on it, stating that we are the stewards of the public interest and we must think of the common good of the citizens of Yuba City. He further stated that we are here to ensure the fair and ethical treatment of all citizens and that we need to make sure that all regulations are upheld and that as members are above reproach. City Manager Foltz then stated that he believes that civility has gone out of this country and we need to get it back.

Chairman Starkey asked how many hours of continuing education would be required and City Manager Foltz stated that it is a minimum of 2 hours every two years. Chairman Starkey asked that the Commission be scheduled as soon as possible and City Manager Foltz stated that as soon as the training program is developed and received then the Commission will be notified.

## **REPORT ON ACTIONS OF THE CITY COUNCIL**

**7. ADJOURNMENT:** The meeting was adjourned at 9:07 PM.

Respectfully submitted,

BRIAN TRUDGEON, Secretary Pro Tem  
YUBA CITY PLANNING COMMISSION