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

Regular Meeting
June 13, 2007 - 7 p.m.
City Hall Council Chambers
1201 Civic Center Boulevard

YUBA CITY PLANNING COMMISSION
AGENDA

Commissioner Satwant Takhar (Chair)
Commissioner Craig Starkey (Vice Chair) Commissioner John Sanbrook
Commissioner Preet Didbal Commissioner Mike Tomlinson
Commissioner John Dukes Commissioner Jose Flores

Roll Call

Pledge of Allegiance

Approval of minutes from meeting held on April 25, 2007

Appearance of Interested Citizens*

Correspondence: - None

Presentation of Meritorious Awards:

Present awards to River Valley Bank for Building Design and Percy Avenue Market for Outstanding Renovation. Proclamations for Honorable Mention to be presented to Gateway Center, 545 Garden Hwy., and Palisade's Plaza.

Public Hearings: - None

Commission Consideration:

1. Appeal of the Community Development Director's determination that a shed installed in the Home Depot parking lot is a permanent structure. Applicant: Tuff Shed, Inc.
2. General Plan Consistency of the 2007-2012 Capital Improvement Program.

Commission Discussion: - None

Other Business: - None

Report on Actions of the City Council

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 \$620, 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.



City of Yuba City
Planning Division Agenda Report
Planning Commission Meeting

June 13, 2007

DATE: June 6, 2007
TO: Yuba City Planning Commission
FROM: Brian Trudgeon, Principle Planner
SUBJECT: Agenda Report – Meeting of June 13, 2007

1. COMMISSION CONSIDERATION: APPEAL OF A DETERMINATION BY THE COMMUNITY DEVELOPMENT DIRECTOR; APPELLANT: TUFF SHED, INC.

Project Description:

The appellant has submitted the attached appeal of the determination by the Community Development Director that a 24' X 24' storage building installed on a permanent concrete foundation in the Home Depot parking lot is a permanent structure and not a temporary display in accordance with Section 8-5.5103(c) of the Zoning Regulations.

Background:

In May 2006, Tuff Shed representatives approached staff to request approval for a temporary outdoor display of storage sheds located in the Home Depot parking lot. Tuff Shed representatives presented staff with two site plans that showed the locations of 10 storage sheds in the parking lot (see Attachment 1). Staff reviewed the proposal and determined that Home Depot would still have enough parking to meet the requirements in the Zoning Regulations and that handicap accessible parking spaces would not be displaced. Staff did not conduct design review on any of the sheds because the proposal was considered a temporary outdoor display area in accordance with Section 8-5.5103(c) of the Zoning Regulations, not a permanent installation. Staff approved Tuff Shed's request for a temporary outdoor display on June 1, 2006.

On December 13, 2006, staff issued Tuff Shed a stop work order for constructing a permanent concrete slab and installing the largest storage building on the slab without obtaining the necessary building permit as required by the Uniform Building Code. On February 27, 2007, staff issued Tuff Shed a notice of violation for not responding to the stop work order. The Community Development Director determined that since the structure is installed on a permanent foundation, it may not be considered a temporary outdoor display area and must instead be

considered a permanent structure. As a permanent structure, the shed would be subject to the Building Code, the City's Zoning Regulations, and the City's Design Guidelines. Tuff Shed appealed the Director's determination on April 27, 2007 (see Attachment 2).

According to Section 8-5.7104 of the Yuba City Zoning Regulations, appeals of decisions made by the Community Development Director must be made to the Yuba City Planning Commission. If the appellant disagrees with the Planning Commission's action, the item may be appealed to the City Council for final action.

Staff Comments:

Staff recognizes the appellant's need to display this type of merchandise outdoors and therefore approved Tuff Shed's original request to display the sheds in the Home Depot parking lot. This approval was made in accordance with Section 8-5.5103(c) of the Zoning Regulations pertaining to temporary sidewalk and parking lot display areas. However, at the time of application, Tuff Shed did not indicate to staff that they intended to install a foundation in the parking lot to display its largest product. The applicant contends in their attached appeal letter that the concrete slab was installed in order to show customers all of the improvements that come with the subject storage building. The presence of a permanent foundation precludes staff from considering the sheds a temporary display as required by Section 8-5.5103.

Recommended Action:

Uphold the determination of the Community Development Director that the shed with a foundation is not a temporary display in accordance with Section 8-5.5103(c) of the Zoning Regulations and require the concrete foundation to be removed.

2. COMMISSION CONSIDERATION: GENERAL PLAN CONSISTENCY OF THE 2007-2012 CAPITAL IMPROVEMENT PROGRAM

Project Description:

Planning Commission annual consideration and review for consistency with the General Plan of the draft Capital Improvement Program (CIP) for the years 2007 through 2012.

Background:

The CIP is the City's comprehensive multi-year plan for the development and improvement of the City's capital facilities. The plan outlines the capital projects that may take place over the next five years. The CIP is updated annually; it is most accurate for the upcoming year and is staff's best estimate for the remaining four years. Although the City is adopting a two-year budget, the Planning Commission will review the CIP again prior to its adoption next fiscal year.

The Planning Commission annually reviews the CIP and determines whether the plan is consistent with the Yuba City General Plan. Section 65401 of the California Government Code requires each agency that proposes public improvement projects to annually submit a list of projects to the community's planning agency for review as to conformity with the adopted general plan. Further,

Section 65402 prohibits the purchase of properties or the commencement of work on public projects until the Planning Commission has reviewed the projects for consistency with the general plan.

Staff Comments:

In recent years, general fund capital projects were scaled back due to lack of sufficient funding. This next budget year reflects an effort to provide funding for high priority projects. Total expected capital expenditures for 2007-2008 is \$47,947,000. Of this amount, \$8,408,000 are carry-over funds and \$39,359,000 are current appropriations. The majority of this funding comes from a variety of sources, including sewer and water funds (\$14,902,000), development impact fees (\$11,217,000), and the General Fund (\$9,703,000).

The majority of projects are improvements to existing infrastructure that do not directly pertain to the General Plan, including improvements to the wastewater treatment plant, street overlays, and improvements to parks and other city facilities for safety reasons or to bring them into compliance with the American Disabilities Act.

Large projects proposed for next year's budget that are addressed by the General Plan include the projects listed below. So they may be easily located, the projects highlighted in this staff report are printed on green paper in the CIP.

Gauche Park Improvements – The General Plan designates this property as Parks, Recreation & Open Space, and the project is consistent with that designation.

Relocation of Fire Station #4 – The relocation of the station to the west of its present location is better suited to meet Response Time Standards as described in the General Plan.

Plumas Street Improvements – Funds to improve Plumas Street in accordance with the Central City Specific Plan.

Arterial Widening – Funds to develop conceptual and implementation plans for Walton Avenue, Bridge Street, Franklin Road, and Lincoln Road. Construction will follow the recommendations outlined in the implementation plans. The General Plan designates these streets as major arterials.

Queens Avenue/State Route 99 Interchange Modification – Funds to study and choose alternatives with construction of the modification in Year 3. The General Plan designates Queens Avenue as a minor arterial.

Garden Highway Improvements – Funds to widen and reconstruct Garden Highway from Second Street to Lincoln Road. The General Plan designates Garden Highway as a major arterial.

After reviewing the proposed document and comparing it with the adopted General Plan, it is staff's opinion that the proposed CIP is consistent with the General Plan.

Recommended Action:

Find that the proposed Capital Improvement Program is consistent with the Yuba City General Plan.

YUBA CITY PLANNING COMMISSION
MINUTES

Regular Meeting
June 13, 2007
City Hall Council Chambers

The meeting was called to order by Vice-Chairman Starkey at 7:00 p.m. Members present were as follows:

PRESENT

Vice Chairman Craig Starkey
Commissioner Mike Tomlinson
Commissioner Jose Flores
Commissioner John Sanbrook
Commissioner John Dukes

ABSENT

Chairman Satwant Takhar (*Excused*)
Commissioner Preet Didbal (*Excused*)

Also present were Brian Trudgeon, Principle Planner; Katie Ertmer, Associate Planner; Paulla Hyatt-McIntire, Deputy City Attorney; and Roberta Kyle, Recording Secretary.

The Pledge of Allegiance was led by Commissioner Flores.

The meeting minutes of April 25, 2007, were approved as written.

Appearance of Interested Citizens: - None

Correspondence: - None

Presentation of Meritorious Awards:

Vice Chairman Starkey, and Commissioners Sanbrook, Dukes, Tomlinson and Flores presented Honorable Mention Proclamations to Gateway Center, 545 Garden Hwy., and Palisade's Plaza, and Plaques to River Valley Community Bank for Building Design and to Percy Avenue Market for Outstanding Renovation.

Public Hearings: - None

Commission Consideration:

- 1. COMMISSION CONSIDERATION: APPEAL OF A DETERMINATION BY THE COMMUNITY DEVELOPMENT DIRECTOR; APPELLANT: TUFF SHED, INC.**

Katie Ertmer, Associate Planner, presented a staff report.

Commissioner Dukes asked what the appellant's response was to the stop order.

Ms. Ertmer said the structure was completed subsequent to the stop order.

Vice Chairman Starkey asked if there was a time frame associated with the Tuff Shed approval.

Ms. Ertmer said the approval was intended to be a display only, not a permanent structure, so there are no time restrictions.

Commissioner Sanbrook stated that appeals have a 10 day time frame for submission, and that this appeal wasn't filed until several months (April 2007) after the stop order.

Paulla Hyatt-McIntire stated that the code does in fact state that appeals must be filed within 10 days of a determination.

Commissioner Tomlinson stated he feels the Planning Commission should hear the appeal since the appellant had been working with the Community Development Director during those months before the appeal was filed.

Ms. Ertmer said the Community Development Director had intended for this issue to be resolved at staff level.

John Weinheimer, Tuff Shed, Inc., spoke about what they had applied for, and said the displays were approved and the stop order was issued after the garage was fully built. Mr. Weinheimer said he had been working with Aaron Busch and Paul Klein to try to resolve the issue. Mr. Weinheimer asked if there had been any complaints on the garage, and stated he would like to continue business as is. Mr. Weinheimer asked for an extension of time if the garage has to be removed.

Commissioner Sanbrook asked Mr. Weinheimer if it was specified on the plans submitted, that there would be a concrete foundation.

Mr. Weinheimer said no.

Commissioner Sanbrook asked if the customer would be buying the garage as a package deal with the concrete foundation, and Mr. Weinheimer said that was correct.

Commissioner Dukes asked if the pad was poured to make the building level and show the customer how it looks, and asked Ms. Ertmer if the project was completed when it was red tagged.

Ms. Ertmer stated she understood that the garage was not complete when it was red tagged.

Kevin McDonald, Tuff Shed, Inc., stated that he was made aware of the violation after the garage had already been constructed.

Commissioner Dukes asked if it is possible that Home Depot did not notify Tuff Shed in a timely manner.

Mr. McDonald stated that Home Depot is pretty prompt and that the garage was already completed.

Mr. Weinheimer said the garage is constructed within 2 days, and that it was complete in November of 2006.

Commissioner Dukes asked if a stucco finish was applied to the garage, would it meet the City's Design Guidelines.

Ms. Ertmer stated that a building of this size would require a building permit and would not meet the City's Design Guidelines.

Commissioner Sanbrook asked Ms. Ertmer if she understood that any of these buildings were going to be constructed on a foundation.

Ms. Ertmer stated she did not see any indication of a foundation.

Commissioner Tomlinson stated he can see staff's point of view, but that the problem is determining if this garage is a permanent structure or not, and asked if there is anywhere in the zoning code that defines a structure or foundation.

Ms. Ertmer said Section 8-5.8061 of the Zoning Code defines structure.

Commissioner Tomlinson asked if the use of this project requires the garage to be attached to the ground, and said in this particular use, probably not, but it's intended use, yes it does need to be attached to the ground.

There was further discussion of what the definition of a structure is and if the garage is on a permanent foundation or not.

Commissioner Dukes asked the appellant if the other sheds are on wood pallets.

Mr. Weinheimer said they are built with a steel joist foundation and a wood floor and leveled with wood shims.

Commissioner Dukes asked if the garage and concrete foundation were to be removed, would the parking lot remain normal as it was before the garage was there.

Mr. Weinheimer said it would be back to normal as it was before.

There was further discussion about the use of the structure.

Vice Chairman Starkey suggested the Planning Commission overrule the appeal and have the Zoning Code changed.

Brian Trudgeon, Principle Planner, stated that the Zoning Code cannot be changed for one item. Mr. Trudgeon went on to explain that this garage is a structure, is 570 sq. ft. and is considered permanent because it is attached to something on the ground.

Vice Chairman Starkey asked for action on the matter.

Commissioner Sanbrook moved to uphold the determination of the Community Development Director and to give an extension of time to remove the foundation.

Commissioner Tomlinson seconded the motion.

Mr. Trudgeon suggested a 30 day extension.

Vice Chairman Starkey asked Mr. Weinheimer if it would be inconceivable to remove the concrete and replace with wood.

Mr. Weinheimer said it would not be inconceivable to do that.

Commissioner Sanbrook indicated a 45 day extension would be appropriate.

Vice Chairman Starkey stated to the appellant that if they wish to appeal to the City Council, it would need to be done within 10 days.

By a unanimous voice vote, the motion passed to uphold the determination of the Community Development Director and to give the appellant 45 days to remove the concrete foundation.

2. COMMISSION CONSIDERATION: GENERAL PLAN CONSISTENCY OF THE 2007-2012 CAPITAL IMPROVEMENT PROGRAM

Ms. Ertmer presented a staff report.

Commissioner Sanbrook asked if the property has been acquired for the proposed relocation of Fire Station #4.

Ms. Ertmer said it has.

Commissioner Dukes asked what happens to the property that the Fire Station is currently located on.

Ms. Ertmer said she assumes the City will retain ownership.

Commissioner Tomlinson stated the Plumas Street Improvement costs appear to be high.

Commissioner Flores asked why there are no funds for flood control.

Ms. Ertmer stated a joint task force was recently formed to find ways to raise funds for flood control.

Commissioner Flores suggested the City loan money to the County to have them fix the levees.

Mr. Trudgeon said he doesn't think the City has the funds to do that.

Commissioner Tomlinson said the flood issue is being worked on and is in the early stages.

Commissioner Flores talked about the need for jobs in the City.

Ms. Ertmer said the City Council would agree with Commissioner Flores' point, and that an Economic Development position is coming forth.

Commissioner Dukes asked if equipment and furnishings are included with the relocation of Fire Station #4.

Mr. Trudgeon said they are all combined.

Commissioner Sanbrook stated he doesn't see acquisition for the right-of-way for the arterial widening of Bridge Street.

Ms. Ertmer said the scope is to first provide funds to develop a conceptual and implementation plan.

Mr. Trudgeon stated this is the prelude to moving forward and to start setting money aside for the ultimate acquisition and actual construction, and is just the beginning.

Commissioner Sanbrook asked about the Queens Avenue interchange and asked if it is a visibility problem that the City is trying to address or a site problem.

Mr. Trudgeon stated that it is more a congestion problem, and explained.

Vice Chairman Starkey asked about General 1004 and Public Safety 1048 regarding the remote location wireless network upgrade, and said they appear to be very similar.

Mr. Trudgeon stated one is for the Littlejohn House and one is Station 4's new location & Station 7.

Ms. Ertmer said she will ask Devin Barber, and said it might be paid for out of two separate funds and two different sources of revenue.

Commissioner Tomlinson asked if there was anything on the Pease Road interchange.

Commissioner Dukes said there is 3.5 million available funding and \$39 million for future, and asked if money was being set aside each year for the project out of impact fees.

Mr. Trudgeon said they were directed by the previous City Council for money to go into one fund and started out with the quadrant system.

There was further discussion on how the quadrant system disappeared then Council was directed to make specific designated projects of where the money went to rather than the quadrants.

Vice Chairman Starkey said the Capital Improvement Plan appears to meet all the guidelines of the General Plan.

Commissioner Dukes moved to find that the proposed Capital Improvement Program is consistent with the Yuba City General Plan, was seconded by Commissioner Sanbrook, and was agreed upon by a unanimous voice vote.

Commission Discussion: - None

Other Business: - None

Report on Actions of the City Council: - None

Adjournment: The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Roberta Kyle, Secretary
YUBA CITY PLANNING COMMISSION