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

Regular Meeting
August 8, 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 July 11, 2007

Appearance of Interested Citizens*

Correspondence: - None

Public Hearings:

1. Continued Public Hearing: Subdivision Map #SM 06-10; Subdivision Map to subdivide one 2.97 acre parcel into 7 parcels; located at 2182 Blevin Road; APN 59-530-010; Owner/Applicant, Doug Gibbs.

Staff is requesting that this public hearing be continued to the September 12, 2007 Planning Commission meeting.

2. Public Hearing: Variance #07-02; Variance request to reduce the minimum lot size requirements; and Tentative Map #07-04; Tentative Map to subdivide one 16,222 square-foot parcel into two parcels of 11,122 square feet and 5,100 square feet; located on the east side of Live Oak Boulevard, south of Lynn Way; APN 51-540-091; Owner, Roger S. Gaither and Trustee Ruth E. Smikahl Estate; Applicant, Roger S. Gaither.

Commission Consideration:

1. Use Permit #UP 05-02; Request for a two-year extension of time for a use permit for Yuba City Charter School; located at 613 Bogue Road; APN 54-040-065; Owner, North Valley Calvary Chapel; Applicant, Yuba City Charter School.

Over

Commission Discussion: - None

Other Business: - None

Report on Actions of the City Council

Adjournment

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.



DATE: August 2, 2007
TO: Yuba City Planning Commission
FROM: Community Development Department
SUBJECT: Agenda Report – Meeting of August 8, 2007

PUBLIC HEARINGS

1. **PUBLIC HEARING: SUBDIVISION MAP SM 06-10 TO SUBDIVIDE ONE PARCEL INTO SEVEN PARCELS; 2182 BLEVIN ROAD; ASSESSOR'S PARCEL NUMBER: 59-530-010; APPLICANT/OWNER: DOUG GIBBS.**

Recommended Action:

Staff recommends that the Planning Commission continue this item to its September 12, 2007, meeting. The continuance will allow staff and the applicant to discuss the subdivision layout prior to bringing the map back for Planning Commission consideration.

2. **PUBLIC HEARING: VARIANCE VR 07-02 TO REDUCE THE MINIMUM LOT SIZE REQUIREMENTS AND TENTATIVE MAP TM 07-04 TO SUBDIVIDE ONE PARCEL INTO TWO PARCELS LOCATED ON THE EAST SIDE OF LIVE OAK BOULEVARD, SOUTH OF LYNN WAY; ASSESSOR'S PARCEL NUMBER: 51-540-091; PROPERTY OWNER: ROGER GAITHER, TRUSTEE RUTH E. SMIKAHL TRUST; APPLICANT: ROGER GAITHER**

Project Description:

The applicant requests approval of a previously-approved, expired variance and tentative map.

Property Description:

The 16,222 square-foot parcel is developed with two one-family residences located at 1255 and 1261 Live Oak Boulevard. Curb, gutter, and sidewalk exist along Live Oak Boulevard. (See Attachment 1, "Aerial Photo".)

General Plan Designation:

Medium Density Residential

Zoning Classification:

R-3, Multiple-Family Residence District

Surrounding Land Use:

Live Oak Boulevard and single-family homes are located to the west, multiple-family housing is located to the north, and a mobile home park is located to the east and south of the project site.

Previous Actions and/or Policies:

On June 9, 2004, the Planning Commission approved Variance VR 04-03 to allow for a reduction of the minimum lot size requirements for the R-3 District. At the same meeting, the Planning Commission subsequently approved Tentative Map TM 04-05. On June 9, 2006, both of the approvals expired. The applications presently before the Planning Commission are identical to the previously-approved VR 04-03 and TM 04-05. Attached for Commission review is the June 9, 2004, staff report.

Environmental:

Categorically Exempt per Section 15061(b)(3) pertaining to projects that have no potential for causing a significant effect on the environment.

Staff Comments:

According to Section 66452.6 of the Subdivision Map Act and Section 8-2.610 of the Yuba City Municipal Code, a map shall expire two years after its approval if the final map is not recorded. The Subdivision Map Act states that after a tentative map expires, recordation of a final map shall not take place until a new tentative map is approved by the Planning Commission. Section 8-5.7106 of the Municipal Code states that variances and other permits granted by the Planning Commission shall expire after a two-year period of inactivity.

Nothing has changed with respect to the subject property since the original approval. Therefore, it is still possible to make the necessary findings to approve both the variance and the tentative map. (For detailed information on the project as it relates to the required findings, please see Attachment 2, "June 9, 2004, Staff Report".) Staff recommends that the Planning Commission approve Variance VR 07-02 and approve Tentative Map TM 07-04 subject to the conditions of approval contained in this staff report. The first four conditions of approval are the original conditions adopted by the Planning Commission in 2004. Condition number 5 has been added to provide clarification regarding expiration of the entitlements.

Recommended Action:

A. Adopt the following findings:

1. VR 07-02 and TM 07-04, in accord with Section 15061 of the California Environmental Quality Act, are exempt from further environmental review since they have no potential to cause a significant effect on the environment.

Variance:

2. There are special circumstances applicable to the size, shape, topography, location, or surroundings of the property, and because of these circumstances, the strict application of the provisions of this chapter would deprive the property of privileges enjoyed by other properties in the vicinity and in the same zone district.
3. Approval of the variance will not be a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and in the same zone district.
4. The variance does not authorize a use not otherwise permitted by the zone district in which the property is located.
5. Approval of the variance will not be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the neighborhood of such use or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the City.

Tentative Map:

6. The approval of TM 07-04 is consistent with the goals, policies and objectives of the Medium Density Residential designation of the Yuba City General Plan.
7. The approval of TM 07-04 is consistent with the standards for the R-3, Multiple-Family Residence District with the approval of Variance VR 07-02.
8. The project site is adequate in size and shape to accommodate the subdivision.
9. The design of the subdivision and improvements will not be detrimental to the health, safety, and welfare of the public.

B. Approve Variance VR 07-02 and Tentative Map TM 07-04 subject to the following 5 conditions of approval:

1. Provisions shall be made for a 6-foot wide sidewalk to be constructed as required by Standard City Details along the frontage of Parcel 1 prior to the recordation of the map.
2. Prior to recordation of the map, provisions shall be made for the residence on Parcel 1 to be connected to the City water system if not already in place (this may be accomplished by bonding for the service).

3. The well shown on Parcel 2 shall not be used for potable water purposes. It may be used for irrigation purposes in the future with the installation of a City-approved backflow preventer on the City services to that parcel as required by the Public Works Department.
4. In the event the septic system fails, connection to City sewer is required.
5. The applicant shall dedicate in fee the Live Oak Boulevard right-of-way from the back of the new sidewalk to the center of the street.
6. Variance VR 04-03 and Tentative Map TM 07-03 shall expire two years from the date of this approval. Extensions may be granted as provided by the Municipal Code and the Subdivision Map Act.

COMMISSION CONSIDERATION

1. **COMMISSION CONSIDERATION: EXTENSION OF USE PERMIT UP 05-02 OF YUBA CITY CHARTER SCHOOL; NORTH SIDE OF BOGUE ROAD BETWEEN RAILROAD AVENUE AND GARDEN HIGHWAY; APPLICANT: THIESSEN CONSTRUCTION.**

Project Description:

On July 13, 2005, the Planning Commission approved Use Permit UP 05-02 to allow the applicant to use 11 modular units for classrooms administered by the Yuba City Charter School. The conditions of approval for UP 05-02 limited the use of the modular units to a period of two years. The applicant has requested an extension of the use permit. (See attached letter.)

Section 8-5.7106 of the Yuba City Zoning Regulations allows the Planning Commission to grant 2-year extensions for any permit. The Planning Commission may grant an extension provided that the following conditions are met:

1. The applicant must file a written request prior to the expiration date of the permit.
2. Conditions pertaining to the use of the property have not changed to the extent that would warrant denial of the extension.

The applicant requested an extension prior to close of business on the day that the original approval would have expired. The facility has not been modified, and conditions pertaining to the use of the property have not changed.

Recommended Action:

Grant a 2-year extension of time which will extend approval of the use permit to July 13, 2009.

YUBA CITY PLANNING COMMISSION
MINUTES

Regular Meeting
August 8, 2007
City Hall Council Chambers

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

PRESENT

Chairman Satwant Takhar

Vice Chairman Craig Starkey

Commissioner Preet Didbal

Commissioner Mike Tomlinson

Commissioner John Sanbrook

Commissioner John Dukes

Commissioner Jose Flores

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

The Pledge of Allegiance was led by Commissioner Starkey.

The meeting minutes of July 11, 2007, were approved as written, with Commissioner Dukes abstaining.

Appearance of Interested Citizens: - None

Correspondence: - None

Public Hearings:

1. **PUBLIC HEARING: SUBDIVISION MAP #SM 06-10 TO SUBDIVIDE ONE PARCEL INTO SEVEN PARCELS; 2182 BLEVIN ROAD; ASSESSOR'S PARCEL NUMBER: 59-530-010; APPLICANT/OWNER: DOUG GIBBS.**

Katie Ertmer, Associate Planner, stated that staff recommends the Planning Commission continue this item to its September 12, 2007, meeting. The continuance will allow staff and the applicant to discuss the subdivision layout prior to bringing the map back for Planning Commission consideration.

Chairman Takhar opened the public hearing.

There being no testimony, Chairman Takhar closed the public hearing.

Commissioner Starkey moved to continue the public hearing for #SM 06-10 to the Planning Commission meeting of September 12, 2007, was seconded by Commissioner Dukes, and the motion passed unanimously.

2. PUBLIC HEARING: VARIANCE #VR 07-02 TO REDUCE THE MINIMUM LOT SIZE REQUIREMENTS AND TENTATIVE MAP #TM 07-04 TO SUBDIVIDE ONE PARCEL INTO TWO PARCELS LOCATED ON THE EAST SIDE OF LIVE OAK BOULEVARD, SOUTH OF LYNN WAY; ASSESSOR'S PARCEL NUMBER: 51-540-091; PROPERTY OWNER: ROGER GAITHER, TRUSTEE RUTH E. SMIKAHL TRUST; APPLICANT: ROGER GAITHER

Ms. Ertmer presented a staff report.

Commissioner Sanbrook asked if the tentative map is creating the need for the variance, and asked if this request would be creating a non-conforming lot.

Ms. Ertmer stated that the tentative map was creating the need for the variance. Ms. Ertmer explained that the R3 District's 10,000 sq. ft. minimum is stated for two-family residences, and although a one-family residence is allowed in an R3 zone, the code does not specify a minimum lot size for a one-family residence. Ms. Ertmer also said that the property was developed as it is prior to the City zoning regulations going into effect in the 1960's. Ms. Ertmer stated that the property existed as it is now under the old zoning regulations, and the new regulations came in and imposed the new lot size requirements and explained that the proposed map conforms to the General Plan.

Commissioner Sanbrook asked about the lot width and had concerns that there was no legal noticing for the lot width and distance between the buildings, only the lot size requirements.

Paulla Hyatt-McIntire, Deputy City Attorney, explained that this is a legal non-conforming use, and stated that the lot split does not change the lot width at all and there was no need to notice it.

Commissioner Sanbrook asked what would happen if the applicant wanted to remove the mobile home and build a single family home.

Ms. Hyatt-McIntire stated that single family residences are allowed within the R3 district and that it would be well within the zoning requirements.

Commissioner Sanbrook stated he has concerns about setbacks and the creation of a non-conforming lot, and said he is having trouble with making the necessary findings to grant the variance.

Ms. Ertmer said a single family home can be built and still meet the setback requirements.

Commissioner Sanbrook asked if the well on parcel #2 will continue to be the source of domestic water for that lot, and asked if the septic that currently serves parcel #1 will also serving parcel #2.

Ms. Ertmer asked that the applicant address those questions when the public hearing is opened.

Commissioner Tomlinson asked if the minimum lot size in R3 is 10,000 sq. ft.

Ms. Ertmer stated that the way the code reads, the minimum lot size for a two-family residence is 10,000 sq. ft.

Commissioner Tomlinson asked if there is a minimum lot size for R3.

Ms. Ertmer stated that the minimum lot size of 10,000 sq. ft. for a two-family residential is the same for R3, and it also provides for one-family residential in the table of uses allowed, but the code is silent as to what the minimum lot size is when a one-family residence is being done. Ms. Ertmer said that the zoning code only gives a minimum lot size for a two-family residence in an R3 District.

Commissioner Tomlinson asked if there was going to be an easement recorded.

Ms. Ertmer stated an easement would be recorded and would be a part of the final map approval.

Commissioner Sanbrook asked if a single family residence was built, would the easement service it, or would they contend it is over-burdening the easement.

Ms. Ertmer stated that a single family residence would not fit on the lot if the mobile home remained, and if the mobile home was removed to build a single family home, it would not be over-burdening the easement.

Commissioner Tomlinson asked if the only use for this property is for a single family home.

Ms. Ertmer stated that was correct.

Chairman Takhar opened the public hearing.

Roger Gaither, 232 Kittery Place, San Ramon, applicant, stated that he has met all of the required conditions. Mr. Gaither explained that the easement was prepared in 1979, is 35 feet wide, is recorded, and will stay with the property. Mr. Gaither gave the history of the property, and stated that the water and sewer for parcel #2 comes through the mobile home park and is connected to City water and sewer.

Commissioner Dukes asked if there are plans to build a single family home.

Mr. Gaither said they may want to put a larger mobile home on the property.

Commissioner Sanbrook asked why the parcel needs to be split.

Mr. Gaither stated that it allows his sister to have her own deeded parcel.

There being no further testimony, Chairman Takhar closed the public hearing.

Commissioner Dukes asked if a single family home were to be built, would the mobile home have to be removed.

Ms. Ertmer said it would have to be removed in order to meet setback requirements.

Commissioner Sanbrook asked what the special circumstances are to allow the variance, and asked that finding #3 be explained.

Brian Trudgeon, Principal Planner, stated that #1 is a pre-existing condition since 1964, and that nothing is being added or taken away, they are only creating a lot that will be in excess of 5,000 sq. ft. If in the future a home is placed on the property it will be the same impact and use as it has been since 1964. Commissioner Sanbrook asked staff if they see this as a self-imposed hardship.

Mr. Trudgeon said staff does not see it as a self-imposed hardship, and explained that the most intense use on the property will be a single family home, which is what presently exists.

Chairman Takhar asked staff if all the conditions of approval set in 2004 have been met.

Mr. Trudgeon said the conditions have been met, with a substitute condition that states if the septic system currently used fails, they are to hook up to City sewer for that parcel.

Commissioner Tomlinson expressed his concerns about the variance request, and said it seems to him that the only special circumstance is that the applicant wants to split the property, and stated that he cannot support the request.

Chairman Takhar asked the Commissioners if they could support the variance request.

Commissioner Starkey said this request had already been approved in the past, and stated he would have a hard time denying the request.

Commissioner Sanbrook said he could not support the variance request.

Chairman Takhar also stated that he would have a hard time denying the request, and said he would support it.

Chairman Takhar moved to A. Adopt the 9 findings; and B. Approve Variance #VR 07-02 and Tentative Map #TM 07-04 subject to the 6 conditions of approval, was seconded by Commissioner Starkey, and the motion passed by a vote of 5-2-0 (Commissioners Sanbrook and Tomlinson voted no).

Ms. Hyatt-McIntire mentioned that on Condition #6, the project numbers were incorrect, and needed to be changed to VR 07-02 and TM 07-04. The Commission noted the changes.

Commission Consideration:

- 1. COMMISSION CONSIDERATION: EXTENSION OF USE PERMIT #UP 05-02 OF YUBA CITY CHARTER SCHOOL; NORTH SIDE OF BOGUE ROAD BETWEEN RAILROAD AVENUE AND GARDEN HIGHWAY; APPLICANT: THIESSEN CONSTRUCTION.**

Ms. Ertmer presented a staff report.

Commissioner Starkey brought up a similar situation with Sunsweet where they keep renewing their use permit.

Mr. Trudgeon said that hopefully everything will be resolved within the two years, and explained that the project will have to go through many processes to actually get the school built.

Commissioner Dukes asked if the 2 year extension is a reasonable time frame to be able to get through LAFCo, etc.

Mr. Trudgeon stated that the zoning regulations only allow a two-year extension at a time.

Commissioner Tomlinson said the site looks good, and sees no problem with a two-year extension.

Commissioner Sanbrook moved to grant an extension of two years for Use Permit #UP 05-02, making the new expiration date July 13, 2009, was seconded by Commissioner Tomlinson, and the motion passed unanimously.

Commission Discussion:

Commissioner Starkey mentioned the Planner's Institute, and asked staff to check to see if there are ample funds in the budget to send all the Commissioners to the next Planner's Institute which may be held in Sacramento.

Other Business: - None

Report on Actions of the City Council:

Ms. Ertmer discussed the Tuff Shed item that went before City Council on August 7th, and stated that the City Council upheld the Planning Commission's decision, and ordered Tuff Shed to remove the shed with the cement foundation by September 14th.

Adjournment: There being no further business, the meeting was adjourned at 7:35 p.m.

Respectfully submitted,

Roberta Kyle, Secretary
YUBA CITY PLANNING COMMISSION