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

Regular Meeting
October 24, 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 October 10, 2007

Appearance of Interested Citizens*

Correspondence: - None

Public Hearings:

1. Public Hearing: Use Permit #UP 07-07; Request for a use permit to allow a business office and showroom for a heating and air conditioning business; located at 326 B Street; APN 52-520-030; Owner, Stephen Pearsall; Applicant, John Mullikin.
2. Public Hearing: Use Permit #UP 07-09; Request for a use permit to allow an existing game room in the back yard of 735 Orange Street to be used by Praise Chapel of Yuba City; located at 735 Orange Street; APN 52-214-017; Owner/Applicant, Praise Chapel of Yuba City.

Commission Consideration: - None

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

October 24, 2007

DATE: October 19, 2007
TO: Yuba City Planning Commission
FROM: Community Development Department
SUBJECT: Agenda Report – Meeting of October 24, 2007

PUBLIC HEARINGS

- PUBLIC HEARING: USE PERMIT UP 07-07 AT 326 B STREET FOR USE OF AN EXISTING BUILDING FOR A BUSINESS OFFICE/DISPLAY AREA FOR A HEATING AND AIR CONDITIONING BUSINESS; ASSESSOR'S PARCEL NUMBER: 52-520-030; PROPERTY OWNER: STEPHEN PEARSALL; APPLICANT: JOHN MULLIKIN.**

Project Description:

The applicant, John Mullikin, owner of Mullikin's Appliance, Heating and Air, has submitted an application for a Use Permit to allow a business office and showroom for a heating and air conditioning business to be located in an existing building at 326 B Street.

Property Description:

The property is located at the southwest corner of B Street and Boyd Street. (See Attachment 1, "Aerial Photo") The property is occupied nearly entirely by an approximately 4,400 square-foot building and an informal parking area near the front door of the building. The building formerly housed "The Depot", a second-hand thrift store. There are no street frontage improvements along either the B Street or Boyd Street frontage.

General Plan Designation:

Medium/High Density Residential

Zoning Classification:

R-3 SP, Multiple-Family Residence, Specific Plan Combining District

Surrounding Land Use:

B Street and a vacant lot are located to the north, Comcast occupies the building and property to the northeast, Boyd Street and a National Guard armory are located to the east, a vacant building formerly used as an air conditioning business is located to the south, and residences are located to the west. With the exception of the vacant lot located to the north, all of the surrounding properties have the same General Plan designation and Zoning classification as the subject property.

Previous Actions and/or Policies:

None.

Environmental:

Categorically Exempt per Section 15303 pertaining to new construction or the conversion of small structures.

Staff Comments:

Provided below is an evaluation of the findings required to approve the Use Permit. The required findings are in bold, italicized font.

1. The proposal is consistent with the General Plan.

Staff analysis: The R-3, SP zoning classification is consistent with the Medium/High Density Residential General Plan designation. The Central City Specific Plan, (CCSP) which governs the use of the subject property, does not explicitly permit the requested use. However, Chapter VIII of the CCSP states that additional uses as “determined by the City to be of the same general character” as the permitted uses may be allowed with the issuance of a conditional use permit. The proposed use of the building as a business office and showroom for a heating and air conditioning business as conditioned herein is consistent with the Zoning classification, the provisions of the Central City Specific Plan, as well as with the General Plan designation with the issuance of a use permit.

2. The site for the proposed use is adequate in size and shape to accommodate said use, public access, parking and loading, yards, landscaping, and other features required by this chapter.

Staff analysis: The building at 326 B Street has existed prior to any zoning classifications being placed on the property. Deficiencies in the onsite parking, setbacks, and landscaping are not possible to remedy, given the physical constraints on the property. Despite the fact that there are existing deficiencies, the site for the proposed use as a business office and showroom is adequate to accommodate said use.

3. *The streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.*

Staff analysis: B Street and Boyd Street, although they are not fully improved, are adequate to carry the negligible quantity of traffic anticipated to be generated by the proposed use. It is likely that the proposed business office and showroom will generate less traffic than that which was generated by the previous use of the building, The Depot, which was a second-hand thrift store. To ensure that the needed frontage improvements are eventually installed, condition number 4 requires the property owner to enter into a deferred improvement agreement to construct the required street frontage improvements at such time the City determines the improvements are warranted.

4. *The site design and size and design of the buildings will complement neighboring facilities.*

Staff analysis: No modifications to the exterior of the building are proposed as part of the use permit application. The applicant has installed a sign, for which a building permit and zoning clearance will need to be obtained. The sign will be required to conform to the CCSP requirements pertaining to size and lighting. As such, the design of the building will complement neighboring facilities.

5. *The establishment or operation of the use or building applied for 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.*

Staff analysis: Staff recommends that the proposed business office and showroom for a heating and air conditioning business be conditioned to preclude any portion of the building to be used for storage of vehicles, equipment, or products, manufacturing of any ductwork, or repair of any kind. Condition number 1 limits the use of 326 B Street strictly to a business office and showroom. As conditioned, the proposed business office and showroom 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.

Recommended Actions:

The Planning Division recommends that the Planning Commission take the following actions:

A. Adopt the following findings:

1. Use Permit UP 07-07 is consistent with the General Plan.
2. The site for the proposed use is adequate in size and shape to accommodate said use, public access, parking and loading, yards, landscaping, and other features required by this chapter.

3. The streets serving the site are adequate to carry the quantity of traffic generated by the use of a business office and showroom.
4. The site design and size and design of the building will complement neighboring facilities.
5. The establishment or operation of the use or building applied for 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 Use Permit UP 07-07 for the use of 326 B Street as a business office and showroom for a heating and air conditioning business subject to the following five (5) conditions of approval:

General:

1. Use Permit 07-07 is for the use of 326 B Street as a business office and showroom for a heating and air conditioning business. Storage of vehicles, equipment, products, or materials, and manufacturing or repair of any kind shall not be permitted.
2. Approval of Use Permit UP 07-07 shall be re-examined by the Planning Commission after one year to ensure continued compatibility with the surrounding neighborhood.
3. Use Permit UP 07-07 is approved as shown in Exhibit A and as conditioned herein.
4. The property owner shall enter into a Deferred Improvement Agreement with the City for the construction of street improvements on B Street and Boyd Street across the frontage of the property. The street section on B Street shall include a detached sidewalk and landscape strip similar to the properties further west. Said improvements shall be designed and constructed per current City standards and specifications.
5. A 10-foot Public Utility Easement shall be dedicated along B Street and along Boyd Street. City will prepare easement deed and legal description.

2. PUBLIC HEARING: USE PERMIT UP 07-09 AT 735 ORANGE STREET FOR USE OF A GAME ROOM THAT IS CURRENTLY UNDER CONSTRUCTION BY A CHURCH; ASSESSOR'S PARCEL NUMBER: 54-214-017; PROPERTY OWNER/APPLICANT: PRAISE CHAPEL OF YUBA CITY.

Project Description:

The applicant, Praise Chapel of Yuba City, has submitted an application for a Use Permit to utilize a game room that is currently under construction in the back yard of 735 Orange Street for their ongoing church activities and operations immediately adjacent to the site at 725 Orange Street. (See Exhibit A, "Site Plan") The applicant intends to use the game room during and

after church hours as a gathering place for the church's youth and their parents. The game room will have a pool table and board games, as well as facilities for showing movies to the children. This project is before the Planning Commission because in accordance with Section 8-5.602 of the Yuba City Zoning Regulations, churches and church-related uses require the issuance of a use permit in the R-2 zoning district.

Property Description:

The property is located on the east side of Orange Street, north of Reeves Avenue and south of Forbes Avenue. (See Attachment 1, "Aerial Photo") The church and its parking lot are located at 725 Orange Street. The existing residence where the game room is located is currently used by the church and is located at 735 Orange Street. The game room is located behind the existing house. Curb, gutter, and attached sidewalk exist along the frontages of both properties.

General Plan Designation:

Low Density Residential

Zoning Classification:

R-2, Two-Family Residence District

Surrounding Land Use:

The project site is surrounded on the north, south, and east by single-family residences. Orange Street and single-family residences are located to the west.

Previous Actions and/or Policies:

None.

Environmental:

Categorically Exempt per Section 15303 pertaining to new construction or the conversion of small structures.

Staff Comments:

Provided below is an evaluation of the findings required to approve the Use Permit. The required findings are in bold, italicized font.

1. The proposal is consistent with the General Plan.

Staff analysis: The R-2 Zoning classification is consistent with the Low Density Residential General Plan designation. Churches require the issuance of a use permit in the R-2 District. The proposal to use the game room for church activities would be consistent with the Zoning classification as well as with the General Plan designation with the issuance of a use permit.

2. ***The site for the proposed use is adequate in size and shape to accommodate said use, public access, parking and loading, yards, landscaping, and other features required by this chapter.***

Staff analysis: Praise Chapel has existed at 725 Orange Street since at least 1994. The applicant recently upgraded and striped the parking lot. People who use the game room will park at the adjacent church site. Adequate access will be provided between the two sites. The existing church site is adequate to accommodate the church and the use of the game room for church activities.

3. ***The streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.***

Staff analysis: The streets serving the site are currently adequate to carry the traffic generated by the existing church. The use of the game room for church activities is not anticipated to generate traffic beyond that which is currently generated by the church. Therefore, the streets serving the site are adequate to carry traffic generated by the church and the use of the game room.

4. ***The site design and size and design of the buildings will complement neighboring facilities.***

Staff analysis: The game room blends in with its residential surroundings. The use of the game room by the church will not change the appearance of the structure. Therefore, the size and design of the game room complements neighboring facilities.

5. ***The establishment or operation of the use or building applied for 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.***

Staff analysis: The Planning Division has received no complaints about the church's current operations at either 725 or 735 Orange Street. The game room will only be used when the church is open. The church currently opens for services on Wednesday and Friday evenings as well as Sunday mornings. The game room will be used to entertain the youth who belong to the church, and it will contain a pool table, board games, and equipment to play movies for the children. The use of the game room on property currently owned and used by the church is not anticipated to be noticeable from adjacent properties. Therefore, the use of the game room by Praise Chapel of Yuba City will not be detrimental to the health, safety, peace, comfort, or general welfare of persons in the vicinity of 735 Orange Street.

Recommended Actions:

The Planning Division recommends that the Planning Commission take the following actions:

- A. Adopt the following findings:

1. Use Permit UP 07-09 is consistent with the General Plan.

2. The site for the proposed use is adequate in size and shape to accommodate said use, public access, parking and loading, yards, landscaping, and other features required by this chapter.
 3. The streets serving the site are adequate to carry the quantity of traffic generated by the use of the game room.
 4. The site design and size and design of the building will complement neighboring facilities.
 5. The establishment or operation of the use or building applied for 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 Use Permit UP 07-09 for the use of a game room that is currently under construction by Praise Chapel of Yuba City at 735 Orange Street subject to the following four (4) conditions of approval:

General

1. Pursuant to Section 8-5.6201 of the Yuba City Municipal Code, a 10-foot public utility easement shall be provided along the street frontage of the parcel. The dedication, on a legal recordable document, shall be done prior to issuance of the certificate of occupancy.
2. The sewer connection fees shall be at the commercial rate. The connection fees shall be paid prior to issuance of the certificate of occupancy.
3. Approval of Use Permit UP 07-09 shall be null and void without further action if the use associated with Use Permit UP 07-09 has not been commenced within 2 years of the date of its approval, or on October 24, 2009.
4. Use Permit UP 07-09 is approved as shown in Exhibit A and as conditioned herein.

YUBA CITY PLANNING COMMISSION
MINUTES

Regular Meeting
October 24, 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

Commissioner Craig Starkey
Commissioner Preet Didbal
Commissioner Mike Tomlinson

Commissioner John Sanbrook
Commissioner John Dukes
Commissioner Jose Flores

Also present were Aaron Busch, Community Development Director; Katie Ertmer, Associate Planner; Paulla Hyatt-McIntire, Counsel; and Roberta Kyle, Recording Secretary.

The Pledge of Allegiance was led by Commissioner Dukes.

The meeting minutes of October 10, 2007, were approved with a correction on page 4, last paragraph, second sentence, which should be referring to population data not dollar amounts (Commissioner Tomlinson abstained).

Appearance of Interested Citizens: - None

Correspondence: - None

Public Hearings:

- PUBLIC HEARING: USE PERMIT UP 07-07 AT 326 B STREET FOR USE OF AN EXISTING BUILDING FOR A BUSINESS OFFICE/DISPLAY AREA FOR A HEATING AND AIR CONDITIONING BUSINESS; ASSESSOR'S PARCEL NUMBER: 52-520-030; PROPERTY OWNER: STEPHEN PEARSALL; APPLICANT: JOHN MULLIKIN.**

Due to a conflict of interest, Commissioner Tomlinson recused himself.

Katie Ertmer, Associate Planner, presented a staff report. Ms. Ertmer said the previous use of the building was The Depot which was a second hand thrift store, and stated that under the provisions of the Central City Specific Plan and the zoning regulations, a retail or business operation would not normally be a permitted use, however, the non-conforming section of the zoning code allows someone to establish a non-conforming use as long as it is occupied within 12 months of the use going vacant. Ms. Ertmer said the proposed use of an office and showroom is closer to a conforming use in the R3 district than a retail use is, and said the code allows a more restricted type use to remain a non-conforming use. Ms. Ertmer discussed condition #1.

Commissioner Dukes asked what the time frames are that we are dealing with on this particular project in regards to the 12 month occupation rule.

Ms. Ertmer stated that businesses are not monitored closely when they come and go, but staff does know that the subject property has been vacant for less than 12 months.

Commissioner Sanbrook referred to condition #1, and asked Ms. Ertmer about the applicant wanting to display his products.

Ms. Ertmer clarified condition #1, and stated that the intent is to allow the showroom which is still consistent with the previous use that occupied that building.

Commissioner Sanbrook asked if the word “products” should be deleted from condition #1.

Ms. Ertmer suggested to possibly add a sentence that says “this condition is not intended to preclude the display of merchandise in the showroom area”.

Commissioner Sanbrook asked staff in reference to the Deferred Improvement Agreement, if they feel no improvements are needed at this time.

Ms. Ertmer stated that improvements are not needed at this time, and that the area has existed like this for quite some time. Ms. Ertmer stated that the Public Works department wanted to make sure that the property owner knows about the code requirement that any time property is improved in excess of \$5,000, it triggers the need to put in the frontage improvements. Ms. Ertmer stated the Public Works department is willing to do a Deferred Improvement Agreement in this case in lieu of making them improve the entire street frontage.

Commissioner Sanbrook asked how this issue came to staff’s attention, as it seems to be an after the fact request by the applicant.

Ms. Ertmer stated it is indeed after the fact, and that a member of the public called and alerted staff that the applicant had moved into the building without obtaining a business license or permits for work done.

Commissioner Sanbrook asked if the applicant took out a building permit for work that has been done, or was a permit even needed.

Ms. Ertmer stated a building permit was needed for some limited electrical work and some changes that were made to some interior doors and one exterior door. Staff advised the applicant to refrain from pulling a building permit until this use permit went before the Planning Commission in case the use permit was denied.

Commissioner Sanbrook asked what the rational was behind condition #2.

Ms. Ertmer stated the condition is to ensure continued compatibility in that this use is a bit different than the use that was previously there, and may be difficult for the use to abide by the conditions. Mr. Ertmer stated that staff wants to make sure that the conditions are followed and the use remains compatible with the neighborhood.

Commissioner Sanbrook asked if staff wanted to put a time limit on the permit.

Ms. Ertmer stated there would be a re-evaluation within one year.

Commissioner Starkey asked if on condition #1, could the word “exterior” storage of vehicles be inserted, and asked if the intent is not to have anything stored outside.

Ms. Ertmer stated the intent is not to have a use that is more intense than what was previously there. Ms. Ertmer said the building does have two roll up doors in the rear of the building which could allow the storage of vehicles which would bump this into a different occupancy both in terms of planning and land use and also in terms of the building code, and said staff’s intent is to preclude the storage of vehicles and other materials in this building, and only use as a showroom and business office.

Commissioner Dukes asked if this use permit is to allow an office and showroom only, with no storage of materials, etc. allowed.

Mr. Ertmer stated that is the recommendation in order to comply with the intent of the Specific Plan and also the non-conforming section of the zoning code.

Chairman Takhar opened the public hearing.

John Mullikin, 1577 4th Street, Olivehurst, owner of Mullikin’s Appliance, Heating & Air, stated that his business is neater than what was there before, and said that his intention was to have a full blown heating and air shop. Mr. Mullikin said he has a problem with the business just being an office and showroom, because he has materials that need to be stored, and stated he would just rather just have the Planning Commission deny the use permit since he cannot utilize the complete building for his business.

Commissioner Flores asked how many trucks will be stored.

Mr. Mullikin stated that there previously were a couple of trucks there but had them removed as requested, and said there are no vehicles there now and that they are being stored elsewhere.

Commissioner Flores asked Mr. Mullikin if it was a heating & air business before.

Mr. Mullikin said the heating & air business is behind his building, and said there is a wholesale outfit across from them where they buy all of their equipment and products from, and stated that is why he is confused about the restrictions. Mr. Mullikin stated he has learned a valuable lesson about pulling permits first instead of assuming everything will be fine.

Commissioner Sanbrook talked about the letter Mr. Mullikin submitted explaining his intent for use of the building, and asked Mr. Mullikin if he wanted to store other items there.

Mr. Mullikin stated everything is already there and that he hasn’t moved anything out.

Commissioner Sanbrook asked Mr. Mullikin if those are materials needed to do his job out in the field.

Mr. Mullikin said yes.

Commissioner Dukes asked what the difference is between Mr. Mullikin's business and what was located there before.

Ms. Ertmer stated that the nature of the current business is different, and that it is more of a light industrial, more intense type manufacturing use.

Commissioner Sanbrook stated that the materials he needs to store are what he needs to do his business, and asked if staff had a problem with that.

Aaron Busch, Community Development Director, stated that the issue here is that it is an intensification of a non-conforming use with warehousing as opposed to retail merchandise. Mr. Busch said that if the Planning Commission feels it is still consistent enough with the Specific Plan and zoning code, and that there is the potential for compatibility, they can include that as part of their motion.

Commissioner Sanbrook wanted confirmation that the applicant cannot manufacture on site.

Mr. Busch stated that was correct.

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

Commissioner Starkey stated that this request is beyond the scope of a use permit, and said he will have to oppose the use permit request.

Commissioner Dukes asked what the zoning is on adjacent properties.

Ms. Ertmer stated there is CM and R3 SP zoning in that area.

Commissioner Sanbrook asked if there were residences to the west.

Ms. Ertmer stated there are.

Commissioner Dukes stated that he doesn't see the significant difference between this operation and Comcast that is located across the street. Commissioner Dukes said they store inventory, have vehicles, a showroom and it is zoned the same.

Ms. Ertmer said staff's reasoning is that those businesses are existing and have been ongoing businesses since the new zoning was put into place. Ms. Ertmer said that the distinction comes with change, and said it's the change in use that triggers the need to comply with the regulations that are in effect now.

Commissioner Dukes asked Ms. Ertmer if it meets the conditions, will the type of use have to be limited.

Ms. Ertmer said that is correct and by putting conditions on the request, it is coming under the non-conforming section of the zoning regulations, and explained that this use is less non-conforming than the use that was previously there.

Commissioner Sanbrook stated that the applicant has made substantial improvements to the property and feels if the conditions staff is asking for are met, he can support the use permit, and said the permit can be revoked if they do not comply.

Commissioner Dukes asked Mr. Mullikin to show on the plan where the offices and showroom would be, and where materials would be stored if here were allowed to do so.

Mr. Mullikin showed the Commissioners on the map how he wanted to set up the building, and said the whole reason for leasing this building was to have an area where he could have his materials stored safely.

Commissioner Sanbrook asked Mr. Mullikin if he was planning on doing any manufacturing on site.

Mr. Mullikin said no, and said most everything they do goes directly to the job site, nothing is manufactured on the site.

Chairman Takhar asked Mr. Mullikin about his previous statement that if he can't store his materials, he would rather have the Planning Commission deny the use permit.

Mr. Mullikin said the reason why he feels that way is that he has a lease and doesn't want to pay money for a building that he cannot completely utilize for his business.

Commissioner Sanbrook asked Mr. Mullikin if he leases the entire building and what the length of the lease is.

Mr. Mullikin said he does lease the entire building, and that the lease is for 3 years.

Commissioner Dukes asked Mr. Mullikin if the use permit is denied, will it allow him to get out of his lease.

Mr. Mullikin said yes, it would, and again stated that he would not be upset if the use permit were denied.

Commissioner Sanbrook asked staff if the applicant's intended use was a little more than staff had originally envisioned.

Ms. Ertmer stated that this may no longer be an acceptable situation for Mr. Mullikin.

Commissioner Sanbrook asked Ms. Ertmer if given Mr. Mullikin's intended use as explained to the Planning Commissioners, could staff support this permit given that description now.

Ms. Ertmer said it would be a stretch to support much of what Mr. Mullikin has indicated that he would like to do, but perhaps there would be the opportunity for adding a sentence to condition #1 that would permit storage of product for the display area.

Commissioner Sanbrook said the applicant wants to be able to store all of his inventory, and stated that the use is more intense than what staff envisioned.

Ms. Ertmer agreed, and stated that it is hard to find that the storage of inventory is consistent with what was previously there.

Commissioner Starkey moved to deny Use Permit #UP 07-07, was seconded by Commissioner Didbal, and the motion passed by a vote of 6-0-1 (Commissioner Tomlinson recused).

Ms. Ertmer stated that the applicant was asking how long he will have to vacate the premises.

The Planning Commission decided on 30 days.

Commissioner Tomlinson returned to the dais.

2. PUBLIC HEARING: USE PERMIT UP 07-09 AT 735 ORANGE STREET FOR USE OF A GAME ROOM THAT IS CURRENTLY UNDER CONSTRUCTION BY A CHURCH; ASSESSOR'S PARCEL NUMBER: 54-214-017; PROPERTY OWNER/APPLICANT: PRAISE CHAPEL OF YUBA CITY.

Ms. Ertmer presented a staff report, and went over what changes, etc. the applicant will be making to the game room. Ms. Ertmer said the parking lot will serve both the church and the game room use. Ms. Ertmer stated the applicant proposes making minimal changes to the site with the exception of including acceptable paths of travel to the game room to ensure compliance with ADA regulations and adding some trees in order to increase shade coverage to comply as much as possible with the City's landscape ordinance. Ms. Ertmer said the game room will only be in operation during church hours, and that children will be supervised.

Chairman Takhar asked Ms. Ertmer when the permit was pulled for the room, was it a residential building permit.

Mr. Ertmer stated it came in looking like a residential accessory building which is also a permitted use, and said it met requirements of the R2 district. Ms. Ertmer stated that it wasn't until the Fire Department noticed that the church was going to be using the building, so it had to be evaluated under a different occupancy from the building code standpoint and also triggered the need to come before the Planning Commission to obtain a use permit for the expansion of the church use.

Commissioner Sanbrook asked if the church owns the property.

Ms. Ertmer said yes.

Commissioner Sanbrook asked what the residence on the front portion of the property is being used for.

Ms. Ertmer stated it is used as a residence and that church members live there.

Chairman Takhar opened the public hearing.

Octavio Landa, 412 El Margarita Road, Pastor of Praise Chapel, said they have done everything they have been asked to do and will cooperate in any way to get this done. Mr. Landa explained that the game room will be used for youth groups. Mr. Landa said that two church members live in the house on the front of the property, and that they help open and close the church, and maintain the yard, etc.

Commissioner Starkey asked Mr. Landa if his design people went through the City to get the permits.

Mr. Landa stated that he was told that everything was going through the City.

Commissioner Starkey asked Ms. Ertmer if staff had known this were going to be a game room for the Church's use, would this use permit process have been done first, and asked if there was just a misunderstanding.

Ms. Ertmer said yes, the use permit process would have been done first, and said it was just a misunderstanding.

Commissioner Dukes asked staff if there will be any changes in how the game room needs to be constructed.

Ms. Ertmer said there will need to be changes to the exterior doors to provide adequate egress from the building because there is a difference in the occupancy of a residential game room and a building to be used for assembly purposes.

Commissioner Sanbrook asked about the Fire Department's standpoint and if there were any changes there.

Ms. Ertmer said there may possibly be minor modifications with smoke detectors, etc.

Adrian Landa, 1594 Gray Avenue, Youth Director for Praise Chapel, spoke about how the game room will be used for the youth, and how it will be a place where youth can go to hang out, have fun, and stay out of trouble.

Cindy Schmidt, 760 Richland Road, talked about her kids being in the church and how it is helping youth in the area.

Ms. Ertmer read a letter from Kerry Wilson of 739 Orange Street, stating support of the use permit request for a game room building.

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

Commissioner Sanbrook moved to A. Adopt the 5 findings, and to B. Approve Use Permit #UP 07-09 with 4 conditions of approval, was seconded by Commissioner Starkey, and the motioned passed unanimously.

Commission Discussion: - None

Other Business: - None

Report on Actions of the City Council:

Mr. Busch reported that at their October 16, 2007 meeting, the City Council approved the new Development Impact Fees and moved to remove the Affordable Housing component from the fees, and to establish a new Ad-hoc committee to revisit the affordable housing fees as well as infill development. Mr. Busch also stated that the ordinances for the two car dealerships (John L. Sullivan and Yuba City Toyota), and for the Tomlinson project were adopted at their October 16, 2007 meeting.

Commissioner Flores thanked the Planning Commission for approving Praise Chapel's use permit request.

Adjournment: There being no further business, the meeting was adjourned at 7:53 p.m.

Respectfully submitted,

Roberta Kyle, Secretary
YUBA CITY PLANNING COMMISSION