

YUBA CITY PLANNING COMMISSION
MINUTES

Regular Meeting
July 8, 2009
City Hall Council Chambers

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

PRESENT

Chairman Craig Starkey
Commissioner John Sanbrook
Commissioner John Hager III

Commissioner Satwant Takhar
Commissioner George Parker
Commissioner Jose Flores

ABSENT

Commissioner Preet Didbal

Also present were Aaron Busch, Community Development Director, Katie Ertmer, Senior Planner, Diana Langley, Senior Engineer, and Roberta Kyle, Recording Secretary.

The Pledge of Allegiance was led by Commissioner Sanbrook.

The meeting minutes of June 10, 2009, were approved as written.

Appearance of Interested Citizens: - None

Correspondence: - None

Commission Consideration:

Chairman Starkey recused himself due to conflict of interest. Commissioner Hager took over and resumed the meeting.

- 1. REQUEST FOR EXTENSION OF PREVIOUSLY-APPROVED DEVELOPMENT PLAN #DP 07-07 FOR A 39,000 SQUARE FOOT FLEX OFFICE/INDUSTRIAL DEVELOPMENT LOCATED AT THE SOUTHEAST CORNER OF SUTTER STREET AND LAMON WAY; ASSESSOR'S PARCEL NUMBER: 51-550-046; APPLICANT: MICHAEL TOMLINSON.**

Katie Ertmer, Senior Planner presented a brief staff report.

By a voice vote of 5-0-2 (Commissioner Didbal absent and Chairman Starkey recused), the Planning Commission approved a two-year extension for #DP 07-07. The new expiration date will be July 8, 2011.

Chairman Starkey returned to the dais.

2. 2009 ENGINEERING STANDARD DETAILS

Diana Langley, Senior Engineer, presented a brief staff report.

Commissioner Sanbrook asked about comments received from a local contractor and asked Ms. Langley to share those comments.

Ms. Langley stated the comment was related to expansion joints on curb and gutter and the contractor had requested that staff change the expansion joints to every 60 feet. Ms. Langley said the City standard has always been 20 feet, and they will be keeping that in effect.

Commissioner Hager moved to recommended that the City Council adopt the 2009 Engineering Standard Details, was seconded by Commissioner Parker, and the motion passed by a voice vote of 5-0-2 (Commissioner Didbal absent and Commissioner Takhar abstained).

Public Hearing:

1. **TENTATIVE MAP SM 09-01 TO SUBDIVIDE 7.86 ACRES INTO 17 PARCELS LOCATED ON THE EAST SIDE OF SANBORN ROAD, SOUTH OF CHERRY STREET; PROPERTY OWNERS: EAG INVESTMENTS, LLC AND DIMITRI J. AND ELENI A. KARGENIS; APPLICANT: PACIFIC CREEK DEVELOPMENT, INC.**

Ms. Ertmer presented a staff report.

Ms. Ertmer wanted the Planning Commission to consider the inclusion of Condition #3.

Commissioner Sanbrook asked if the homes were single family.

Ms. Ertmer stated yes, they are.

Commissioner Sanbrook asked if Lot #8 goes all they way to Gidda Loop, and said it looks like a fairly large lot.

Ms. Ertmer stated that is correct and that it has an existing single family home.

Commissioner Sanbrook asked if there is a problem with the lot possibly being divided later on.

Ms. Ertmer said that the lot would have to meet the standards for lots size, but could potentially be split, and said there were no restrictions against those types of lots, but said that this property would have to abandon any wells or septic systems that it would be retaining at this time if the subdivision were to take place and interfere with any of those facilities.

Commissioner Sanbrook stated that the property has frontage on Sanborn Road as well as Gidda Loop.

Ms. Ertmer said yes.

Commissioner Sanbrook referenced Condition #3 and asked if it is the policy of the City to impose restrictions with reference to two-story construction.

Aaron Busch, Community Development Director, said that there is no formal written policy regarding the reference to the one-story/two-story limitation, and said it had turned into a practice and originated 7 to 9 years ago with a pre-existing subdivision that was in existence for 13 to 15 years with residents coming forward and expressing their concerns about a new subdivision coming in and building two-story homes next to their existing one-story homes, and said from that, there was a practice that Department Administrators were putting on similar situations.

Commissioner Sanbrook asked if the practice was based on a privacy issue.

Mr. Busch stated that was how it was originated.

Commissioner Sanbrook asked if the Planning Commission had the authority to impose the appropriate conditions on the map.

Mr. Busch said yes if they are applicable with the other conditions.

Commissioner Parker asked Ms. Ertmer if staff felt in their review of the Mitigated Negative Declaration, there were no other circumstances that would be appropriate as far as a revisit of any of the conditions currently under CEQA.

Ms. Ertmer stated that in their review of the original Mitigated Negative Declaration, staff found that the conditions have not changed enough with respect to the current map or other conditions to warrant a revisit of the Negative Declaration.

Commissioner Sanbrook asked why there was an exception of the installation of the street light on the west side of Sanborn as indicated in Condition #5.

Ms. Ertmer stated it is located in the County not the City.

Mr. Busch stated that the west side of Sanborn Road is part of the Lincoln East Specific Plan and said when it does develop, those improvements will go in.

Chairman Starkey opened the public hearing.

Andrew Stressor, 611 Sanborn Road, asked why lot 10 is excluded from Condition #3.

Ms. Ertmer stated lot 10 is excluded because the practice of the city imposing the condition of single story adjacent to single story and said lot 10 is the only lot in the subdivision that would be adjacent to two-story development and the past practice of the City has not been to limit single story construction to previous development just single story to existing single story.

Commissioner Sanbrook asked if on the east side of lot 10 there is two story construction.

Ms. Ertmer said yes.

Mr. Stressor asked if there were any other 2 story homes in the development.

Ms. Ertmer stated that there are only two two-story homes, and that is why the condition was written the way that it was.

Mr. Stressor asked if two-story homes exist behind lot 12 as well as lot 3.

Ms. Ertmer said it is possible they do but are adjacent to single story which is why those were not included in the condition.

Mr. Stressor stated there are two two-story homes behind lot 12 and a single story home behind lot 3, and said he would like to see lot 10 included.

Tim Dalske, 645 Sanborn Road, requested that the Planning Commission make all of the lots single story, and gave his comments on the one-story/two-story issue.

Commissioner Sanbrook asked if lot 8 is single story home.

Mr. Dalske said it is and it is the landowner's home.

Daniel Emery, 555 Sanborn Road, stated that if this project is not approved, he doesn't see how it can be re-approved without the infrastructure of traffic being brought up again, and said the streets are already congested, there is no way through to Highway 20, and the traffic is bad.

Chairman Starkey said that when the original map was approved, traffic studies and projections were done and said he isn't sure any of that has changed.

Mr. Dalske spoke again about the streets.

Chairman Starkey asked if the Lincoln East Specific Plan is dealing with the issues being brought forward.

Mr. Busch said this is a case where you have property within the City limits adjacent to property that is not in the City limits, and said there is a limit on what can be and cannot be installed at that time. Mr. Busch said that anytime a tentative subdivision map is done, staff evaluates all the impacts associated with the entire map in terms of infrastructure including water, sewer and road impacts, and at the time the larger project was approved, it was conditioned to install certain improvements.

Chairman Starkey asked if this subdivision is built, will there be any additional road improvements, or will it have to wait until the Lincoln East Specific Plan comes along.

Ms. Ertmer said that the road improvements required at the time of the original approval have been put in.

Commissioner Sanbrook asked if there any improvements required to Sanborn Road or Cherry Street in connection with this map, and if so, what are they.

Ms. Langley stated there would be widening of the east side of Sanborn Road and the south side of Cherry Street, and as far as off-site improvements, they paid their impact fees that were in effect at the time, and talked about the current impact fees that will go towards the improvement of Walton Avenue Franklin Avenue, Lincoln Road and the roadways that are listed in the impact fee program.

Commissioner Sanbrook asked Ms. Langley if the city is requiring any additional right-of-way to improve Sanborn Road or Cherry Street.

Ms. Langley said the City required dedication of right-of-way on Sanborn Road and Cherry Street across frontage of the property.

Chairman Starkey asked if the curb and gutter are in.

Ms. Langley said they are in as well as well as public utility easements.

Commissioner Sanbrook asked how much additional right-of-way is being required for Sanborn Road and Cherry Street.

Ms. Langley said a residential collector which would allow for two lanes of traffic and parking.

Mr. Dalske said the street is barely able to accommodate any traffic.

Chairman Starkey asked if Mr. Dalske meant between the south side of the development to Lincoln Road.

Mr. Dalske said yes.

Chairman Starkey stated he is not sure if in the previous impact fees or conditions that any improvements for that section were called for.

Commissioner Sanbrook stated that this application has no jurisdiction over that property.

Ms. Langley said the right-of-way that will be dedicated along Sanborn Road and Cherry Street will be 23 feet from centerline to right-of-way line which is half a foot from the back of curb, and they also dedicated 20.5 ft. PUE

Jay Omen, EAG Investors, 10940 Trinity Parkway, Ste. C355, Stockton, CA, stated the applicant concurs with the request to remove Condition #3 and stated they do not feel it will be based on the size of the lots or that it will impose any additional problems to any of the neighbors. Mr. Omen stated the property was going under foreclosure and that is why development didn't move forward.

Commissioner Sanbrook asked why 2 story homes are needed when most of the lots are 15,000 sq. ft. or more.

Mr. Omen said the decision would be left up to the potential buyer of the lots.

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

Commissioner Sanbrook asked what has changed with Condition #3.

Mr. Ertmer stated that nothing has changed only that staff wanted the Planning Commission to carefully consider this condition before applying it.

Commissioner Sanbrook asked if the Planning Commission is being told they have no legal authority to impose condition #3 on this map.

Mr. Busch said staff is not suggesting that the Planning Commission has no legal authority, only that there are no written requirements in our zoning standards or any other applicable document that applies to this project that is an absolute requirement to restrict the development of this property to one story.

Commissioner Sanbrook stated the Planning Commission does have the authority under the Map Act to impose appropriate development conditions on a tentative map.

Mr. Busch explained that this practice came into place when neighbors were immediately adjacent to the future development and in their opinion were going to experience some impact so the condition was included to mitigate that impact and restrict the height limit.

Commissioner Sanbrook asked if staff considers that imposing that condition would be a relevant and appropriate consideration given the concerns that have come before the Commission tonight.

Mr. Busch stated he is hearing that it is more a compatibility issue than an impact issue with the surrounding properties.

Commissioner Sanbrook asked if there was anyone in the audience that is located on the east side of the project that has concerns.

Chairman Starkey stated that is immaterial, and if anyone was interested, they would have spoken during the open public hearing.

Commissioner Parker asked how the Lincoln East Specific Plan proposal for the west side of Sanborn Road mirrors the proposed Tentative Map as far as size and nature of lot sizes.

Mr. Busch said the Lincoln East Specific Plan incorporates existing lots for a minimum of 10,000 sq. ft. lots to recognize the larger lot pattern that are already pre-existing on the west side of Sanborn Road.

Commissioner Parker asked if the Lincoln East Specific Plan had any conditions of two-story/one-story.

Mr. Busch said there are no tentative subdivision maps as part of Lincoln East Specific Plan, and that the design guidelines that were drafted and presented to the Planning Commission, do not include provisions for restrictions for two stories adjacent to single stories.

Chairman Starkey asked why all the lots weren't limited to one story homes, and suggested to amend Condition #3 to read Lots 1-17.

Mr. Busch said it was part of previous Planning Commission approval, and that the applicant had the opportunity to build a loft unit so that there was no direct view shed down into the adjoining property so that they could have a two story.

Chairman Starkey asked if a loft could have windows on either the north or south side of Sanborn Road, but no windows facing east or west.

Mr. Busch stated that is correct, and that was to address the original intent of the concern which was the privacy encroachments of the joint lots, and said it was something that the developer of the prior subdivision was willing to go forward with as an opportunity to give additional flexibility and marketability of their lots while still addressing the original intent of the privacy issues.

Commissioner Takhar moved to adopt the 5 findings, and approve Tentative Map #SM 09-01 with 32 Conditions of Approval with a modification to Condition #3 to read: "*Lots 1-17 shall be limited to single-story construction*". The motion was seconded by Commissioner Hager, and passed by a vote of 6-0-1 (Commissioner Didbal absent).

Commissioner Parker recused himself for the next item.

2. GENERAL PLAN AMENDMENT GP 09-01 FOR A MINOR SPHERE OF INFLUENCE AMENDMENT AND TO ASSIGN THE PUBLIC & SEMI PUBLIC LAND USE DESIGNATION, REZONE RZ 09-01 TO ASSIGN PRE-ANNEXATION ZONING OF PUBLIC FACILITIES DISTRICT; ASSESSOR'S PARCEL NUMBER: 010-260-035; APPLICANT/PROPERTY OWNER: SARB BASRAI.

Ms. Ertmer presented a staff report.

Commissioner Sanbrook asked if LAFCo had to do an amendment.

Ms. Ertmer stated the City will have to amend its General Plan Land Use Diagram to include this location, and said since this is only 20 acres, it is considered a minor sphere amendment, and LAFCo does not need to review.

Commissioner Sanbrook asked if a public hearing was required to change the diagram.

Ms. Ertmer said yes.

Commissioner Sanbrook asked how this particular use is compatible with what LAFCo is thinking as light industrial for this area.

Ms. Ertmer said when the property owner approached staff, they met with LAFCo and the property owner to discuss how they could fast track this project knowing that there are larger ideas for the City's sphere, and said LAFCo and the City agreed that it would be best to take this project on its own instead of waiting for a sphere amendment to take place. Ms. Ertmer said the designation she has seen considered the most is business technology and light industry.

Commissioner Flores said this project is a good idea and that there is a need for more schools.

Ms. Ertmer stated that Live Oak Blvd. and Pease Road is another intersection that the college would pay fair share fees on for improvements in that intersection.

Chairman Starkey opened the public hearing.

Sarb Basrai, 2410 Dove Court, said it is the vision of the college to have an educational complex, and technology park, not heavy industry.

Commissioner Flores said the college would bring property values up.

Mr. Basrai stated there needs to be an educational base for people who already reside here. There being no further testimony, Chairman Starkey closed the public hearing.

Commissioner Sanbrook moved to A. Accept the previously adopted Mitigated Negative Declaration; B. Recommend that the City Council adopt the finding that General Plan Amendment #GP 09-01 is within the public interest; C. Recommend that the City Council approve General Plan Amendment #GP 09-01; D. Recommend that the City Council adopt the 3 findings for Rezoning #RZ 09-01; and E. Recommend that the City Council approve Rezoning #RZ 09-01 to assign pre-annexation zoning of Public Facilities District (PF), was seconded by Commissioner Takhar, and the motion passed by a vote of 5-0-2 (Commissioner Didbal absent and Commissioner Parker recused).

Commissioner Parker returned to the dais.

Other Business:

Select two Planning Commissioners for the Feather River Mills Review Committee.

Commissioner Parker and Chairman Starkey volunteered to be on the Committee representing the Planning Commission.

Mr. Busch said he will be in contact with the Commissioners with information.

Adjournment:

There being no further business, the meeting was adjourned at 8:13 p.m.

Respectfully submitted,

Roberta Kyle, Secretary
YUBA CITY PLANNING COMMISSION