PLANNING COMMISSION
STAFF REPORT

Hearing Date: February 19, 2020

Case Number: Variance VAR 2020-0001 (Richmond American Homes)

Request: A request to allow a reduction in the rear yard setback, reducing a 20 foot setback to 15 feet, and to allow front facing garage widths to exceed 60 percent of the front façade of the house, for a maximum of 71 percent, for one hundred and forty-one parcels in the Single Family Residential (RS) zoning district.

Location: The Thoroughbred Acres Phase 1 Subdivision, located east of Arboga Road, south of McGowan Parkway, and west of the Union Pacific Railroad, in the community of Olivehurst.

Owner: Ethan Conrad Properties Inc.

Applicant: Richmond American Homes

Recommendation: To adopt the attached resolution exempting the project from environmental review and approve Variance 2020-0001, subject to making the necessary findings and the conditions of approval.

Background: The applicant is requesting approval of a minor variance to allow a reduction in the rear yard setback and to allow front facing garage widths to exceed 60 percent of the front façade of the house for residential developments located in the Thoroughbred Acres subdivision located east of Arboga Road and south of McGowan Parkway, in the community of Olivehurst (Attachment 2). The proposed project site has a General Plan designation of Valley Neighborhood and a zoning designation of Single Family Residential (“RS”). In the “RS” zoning designation, the minimum rear yard setback requirement is 20 feet. The applicant is requesting a variance to allow a rear yard setback of 15 feet. In addition, the “RS” zoning designation states that garage doors face a street, garage width shall not exceed 60 percent of the width of the front façade of the building. The applicant is requesting a variance for the maximum garage width of 71 percent for their three car and RV garage options.

The project site is a part of TSTM2003-0037, for one hundred forty one lots of “Thoroughbred Acres Phase One”, of the conditionally approved Tentative Subdivision Tract Map 2003-0037, “Thoroughbred Acres” in the Single-Family Residential (R-1) zone. The previously approved "Village Green/River Glen" subdivision (TSTMOl-592) is located outside the northeast corner of
the project, and the "Draper Ranch North" subdivision (TSTM2003-0026) is located to the west. The "Hawes Ranch" subdivision (TSTM02-602) borders the project site on the south, as well.

**Rear Yard Setback**

The applicant is requesting a variance to reduce the permitted rear yard minimum setback requirement to fifteen feet from the required twenty feet, pursuant to Yuba County Code Table 11.07.030 development standards. In 2015, as part of the Development Code Update, the subject project was rezoned to "RS" Single-Family Residential. In the “RS” zoning designation, the minimum distance for a rear yard setback is twenty feet. The reduction in setback is necessary due to site constraints from small lots created in the previous Tract Map 2003-0037.

In addition, the Yuba County Community Development Services Agency (CDSA) is currently working on presenting changes to the Development Code to the Planning Commission at the March 18th, 2020 meeting. One of the proposed changes is staff recommending to the Planning Commission to reduce the rear yard setback in the “RS” zoning designation from 20 feet to 15 feet. This rear yard setback reduction is consistent with previous rear yard setbacks deviations the Planning Commission has granted in the “RS” zoning designation and is consistent with proposed changes to the Development Code that staff will be soon resenting to the Planning Commission.

**Street Facing Garage Width**

The applicant is also requesting a variance to exceed 60 percent of the front façade of the house, for a maximum of 71 percent, pursuant to Yuba County Development Code Section 11.07.040.A.1.a. The section states that, “where garage doors face a street, garage width shall not exceed 60 percent of the width of the front façade of the building” in the “RS” zoning designation.

The garage will only exceed the minimum 60 percent width requirement for the three-car garage and third-car recreational vehicle (RV) garage options. The applicant is proposing eight different floor plans (Amethyst, Onyx, Bronze, Alexandrite, Pewter, Sunstone, Citrine and Agate). The Bronze and Pewter floor plans are the only RV garage options and will be the maximum 71 percent garage width. All of the other plans are three-car garage options and will range from 62 to 68 percent garage width. Without the three-car garage or three-car RV options, all of the homes will meet the 60 percent garage width requirement in the front façade of the building. See Attachment 3 for the Garage Width Breakdown.

**General Plan/Zoning:** The project site has a General Plan designation of Valley Neighborhood and a zoning designation of Single Family Residential ("RS"). The “RS” zoning designation allows for the development of low-density single-family lots in an assortment of sizes. The General Plan Land Use Designation of Valley Neighborhood encompasses place types of the public realm such as Neighborhood Center, Mixed Use Corridor, and Residential districts.
Surrounding Uses:

<table>
<thead>
<tr>
<th></th>
<th>GENERAL PLAN LAND USE DESIGNATION</th>
<th>ZONING</th>
<th>EXISTING LAND USE</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Valley Neighborhood</td>
<td>RS</td>
<td>Single Family Residential</td>
</tr>
<tr>
<td>East</td>
<td>Valley Neighborhood</td>
<td>RS</td>
<td>Vacant</td>
</tr>
<tr>
<td>South</td>
<td>Valley Neighborhood</td>
<td>RS</td>
<td>Single Family Residential</td>
</tr>
<tr>
<td>West</td>
<td>Valley Neighborhood</td>
<td>RS</td>
<td>Single Family Residential</td>
</tr>
</tbody>
</table>

Surrounding properties range in size from less than 1 acre to 62 acres. The immediate surrounding area is zoned “RS” and is designated on the General Plan Land Use Diagram as Valley Neighborhood. The 62 acre parcel to the east is the remaining phases of Thoroughbred Acres.

**Discussion:** Chapter 11.59 of the Yuba County Development Code includes provisions for variances. The approving authority shall make the following findings in order to approve a Variance: (Each finding is listed below and is followed by a discussion/evaluation.)

A. Because of special circumstances applicable to subject property, including size, shape, topography, location, or surroundings, the strict application of this Code would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;

The proposed reduction in the rear yard setback and increase in the front yard garage width will not deprive the subject property of privileges enjoyed by surrounding nearby properties. Surrounding properties will not be impacted by a reduced rear yard setback or the increased front yard garage width. Variances may be granted to vary or modify dimensional and performance standards, the variation in the rear yard and maximum front yard garage width percentage that has been requested is in conformance with section 11.59.020 of the Yuba County Development Code. The approval of this variance will ensure all development regulations meet Yuba County development standards. There is nothing proposed that the zoning and general plan does not allow.

B. The Variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other property in the vicinity and zone in which subject property is situated;

The proposed variance does not constitute any grant of special privilege inconsistent with limitations upon properties within the vicinity or zone for which the project site is located. The reduction in setback is necessary due to the site constraints of the smaller lots created by the previously approved map. Moreover, as mentioned previously, the Staff is in the process of amending the Development Code to change the rear yard setback in the “RS” zoning designation from 20 feet to 15 feet.
In addition, the allowance to exceed the front facing garage width percentage is necessary to accommodate the site constraints of the previously approved map, while providing plans with three-car and RV garages, consistent with previously constructed homes onsite. In addition, the construction of the three-car garages is intended to help reduce parking on the streets and in driveways.

C. The granting of the variance will not be materially detrimental to the public health, safety, convenience, or welfare or injurious to property and improvements in the same vicinity and zone in which subject property is situated;

The approval of this Variance will not be detrimental to the public health, safety, convenience, or welfare or injurious to property and improvements in which the project location is situated. The proposed Variance and associated development would not adversely affect adjacent properties or persons. The proposed variance adheres to County of Yuba development requirements within the “RS” zoning designation.

D. The granting of the variance will be consistent with the general purposes and objectives of this Code, any applicable specific plans or adopted community plans, and the General Plan.

The granting of this Variance shall assist to maintain the parcels in conformance with Yuba County Development Code and General Plan. The location of the proposed Variance does not fall within an area containing a specific plan or community plan. All required findings such as lot size, project density, neighborhood characteristics, as well as a variety of lot widths and setbacks shall be provided to standards stated within the Code for the “RS” zoning designation.

E. The Variance does not authorize a use that is not otherwise permitted in the zone.

The proposed variance does not authorize a use that is not permitted in the zone. The proposed variance is to reduce the rear yard setback from twenty to fifteen feet, and to allow front facing garage widths to exceed 60 percent of the front façade of the house, for a maximum of 71 percent, which adheres to section 11.59.020, stating a Variance applies to standards that exceed the thresholds to qualify for a Waiver. Lot size and lot density of parcels to receive the Variance are consistent with the General Plan and meet all requirements of the zone district.

Departmental & Agency Review: The project was circulated to various agencies and County departments for review and comments during the early consultation phase and the environmental review stages of the project. The following is a summary of comments:

- County Staff – The Public Works Department, Environmental Health Department, and Building Department have reviewed the project and provided comments and/or conditions of approval that are incorporated into the attached Conditions of Approval.
**Environmental Review & Determination:** Staff has determined that the project is categorically exempt from environmental review per the California Environmental Quality Act (CEQA) Section 15305, (Minor Alterations in Land Use Limitations). This exemption covers minor alterations in land use such as minor lot line adjustments, and side yard and setback variances that do not result in the creation of any new parcel.

**ATTACHMENTS**

1. Resolution
2. Project Site Exhibits
3. Garage Width Breakdown
4. Conditions of Approval
5. Comment Letters

Report Prepared By: 

![Signature]

Ciara Fisher
Planner II

Reviewed by:

![Signature]

Kevin Perkins
Planning Director
BEFORE THE COUNTY OF YUBA
PLANNING COMMISSION

RESOLUTION FINDING THE PROJECT
EXEMPT FROM ENVIRONMENTAL
REVIEW AND APPROVING VARIANCE
2020-0001; SUBJECT TO THE ATTACHED
CONDITIONS OF APPROVAL

RESOLUTION NO.: _______

WHEREAS, Richmond American Homes, filed an application for a Variance 2020-0001; a reduction in the rear yard setback, reducing a 20 foot setback to 15 feet, and to allow front facing garage widths to exceed 60 percent of the front façade of the house, for a maximum of 71 percent, for one hundred and forty-one parcels in the Single Family Residential (RS) zoning district. The parcels are located east of Arboga Road and south of McGowan Parkway within the Thoroughbred Acres Phase 1 (TSTM2003-0037) subdivision in the community of Olivehurst.

WHEREAS, the Community Development & Services Agency, Planning Department of the County of Yuba has conducted a review of the proposed project, provided due notice of a public hearing, concluded that the project is consistent with both the 2030 General Plan and Development Code and is exempt from environmental review per the California Environmental Quality Act (CEQA) Section 15305, (Minor Alterations in Land Use Limitations); and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.

2. Because of special circumstances applicable to subject property, including size, shape, topography, location, or surroundings, the strict application of this Code would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

3. The Variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other property in the vicinity and zone in which subject property is situated.

4. The granting of the Variance will not be materially detrimental to the public health, safety, convenience, or welfare or injurious to property and improvements in the same vicinity and zone in which subject property is situated.
5. The granting of the Variance will be consistent with the general purposes and objectives of this Code, any applicable specific plans or adopted community plans, and the General Plan.

6. The Variance does not authorize a use that is not otherwise permitted in the zone.

The Planning Commission hereby finds the project exempt from further environmental review pursuant to Section 15305 of the California Environmental Quality Act adopts, incorporated herein by reference, and approves Variance 2020-0001 subject to the Conditions of Approval incorporated by reference.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Yuba, State of California, on the ____________________________, by the following vote.

AYES:
NOES:
ABSENT:
ABSTAIN:

__________________________
Yuba County Planning Commission
Chairman

ATTEST:
Planning Commission Secretary

BY: ____________________________

APPROVED AS TO FORM:
County Counsel

BY: ____________________________
Thoroughbred Acres
Yuba County, CA

Amethyst
Floor Plan

Option_3-Car Garage

Standard Floor Plan

WHA.
Thoroughbred Acres
Yuba County, CA

ELEVATION A

ELEVATION C

AMETHYST
Front Elevations

ELEVATION B
Thoroughbred Acres
Yuba County, CA

ELEVATION A

ELEVATION D

BRONZE
Front Elevations

ELEVATION B
Thoroughbred Acres
Yuba County, CA
Thoroughbred Acres
Yuba County, CA

ELEVATION A

ELEVATION D

SUNSTONE
Front Elevations

ELEVATION B

DEVELOPMENT PLAN SUBMITTAL
2019 12-27-19
WILLIAM HEZMALHALCH ARCHITECTS, INC. dba WHA.

Thoroughbred Acres
Yuba County, CA

DEVELOPMENT PLAN SUBMITTAL
2019 12-27-19
WILLIAM HEZMALHALCH ARCHITECTS, INC. dba WHA.
ELEVATION A

ELEVATION D

AGATE
Front Elevations

ELEVATION C

Thoroughbred Acres
Yuba County, CA
## Thoroughbred Acres
### Richmond American Homes
### Garage Width Breakdown

<table>
<thead>
<tr>
<th>Plan</th>
<th>Square Footage</th>
<th>Standard Plan Garage Width in Feet</th>
<th>% of Frontage for Standard House</th>
<th>3-Car House Width</th>
<th>3-Car Garage Width</th>
<th>3-Car % of Frontage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amethyst (N901)</td>
<td>1,412</td>
<td>39</td>
<td>51%</td>
<td>50</td>
<td>31</td>
<td>62%</td>
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<tr>
<td>Onyx (N902)</td>
<td>1,592</td>
<td>40</td>
<td>53%</td>
<td>50</td>
<td>31</td>
<td>62%</td>
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<tr>
<td>Bronze (N928)</td>
<td>1,693</td>
<td>50</td>
<td>71%</td>
<td>35.7</td>
<td>71%</td>
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</tr>
<tr>
<td>Alexandrite (N921)</td>
<td>1,745</td>
<td>40</td>
<td>52%</td>
<td>50</td>
<td>30.7</td>
<td>61%</td>
</tr>
<tr>
<td>Pewter (N929)</td>
<td>1,823</td>
<td>50</td>
<td>71%</td>
<td>35.7</td>
<td>71%</td>
<td></td>
</tr>
<tr>
<td>Sunstone (N919)</td>
<td>1,862</td>
<td>35</td>
<td>59%</td>
<td>45</td>
<td>30.7</td>
<td>68%</td>
</tr>
<tr>
<td>Citrine (N904)</td>
<td>1,875</td>
<td>35</td>
<td>59%</td>
<td>46</td>
<td>30.7</td>
<td>67%</td>
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<tr>
<td>Agate (N922)</td>
<td>2,082</td>
<td>40</td>
<td>52%</td>
<td>50</td>
<td>31</td>
<td>62%</td>
</tr>
</tbody>
</table>

**Max % of Frontage/Width**  71%
DRAFT CONDITIONS OF APPROVAL
YUBA COUNTY

Applicant: Richmond American Homes  
Case Number: VAR 2020-0001
Owner: Ethan Conrad  
Planning Commission Approval Date: February 19, 2020
APN: Thoroughbred Acres Phase 1, Lots 1-10, 16-146

ACTIONS FOR CONSIDERATION:  Staff recommends that the Development Review Committee take the following actions:

I. After review and consideration, make a determination that the project is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Section 15305, (Minor Alterations in Land Use Limitations).

II. Approve Variance 2020-0001 subject to the conditions shown below, or as may be modified at the public hearing making the following findings:

A. The foregoing recitals are true and correct.

B. Because of special circumstances applicable to subject property, including size, shape, topography, location, or surroundings, the strict application of this Code would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

C. The Variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other property in the vicinity and zone in which subject property is situated.

D. The granting of the Variance will not be materially detrimental to the public health, safety, convenience, or welfare or injurious to property and improvements in the same vicinity and zone in which subject property is situated.

E. The granting of the Variance will be consistent with the general purposes and objectives of this Code, any applicable specific plans or adopted community plans, and the General Plan.

F. The Variance does not authorize a use that is not otherwise permitted in the zone.

STANDARD CONDITIONS:

1. Unless specifically provided otherwise herein or by law, each condition of these Conditions of Approval shall be completed to the satisfaction of the County. Failure to comply with this provision may be used as grounds for revocation of this permit.
2. Unless specifically provided otherwise herein or by law, each condition of these Conditions of Approval shall be completed to the satisfaction of the County. Failure to comply with this provision may be used as grounds for revocation of this permit.

3. As a condition of approval, Owner or an agent of Owner acceptable to County shall defend, indemnify, and hold harmless the County and its agents, officers, and employees from any claim, action, or proceeding, against the County or its agents, officers, and employees; including all costs, attorneys' fees, expenses, and liabilities incurred in the defense of such claim, action, or proceeding to attack, set aside, void or annul an approval by the County, Staff Development Committee, or other County advisory agency, appeal board, or legislative body concerning the conditional use permit. County shall promptly notify owner of any such claim, action, or proceeding and shall cooperate fully in the defense of said claim, action, or proceeding.

4. Owner(s), Owner's agent(s) or Applicant shall comply with all applicable federal, state, and local laws, ordinances, and regulations, and the Yuba County Ordinance Code.

5. The variance may be effectuated at the end of the ten (10) day appeal period which is March 2, 2020 at 5:00pm. The variance, VAR2020-0001, shall be designed and operated in substantial conformance with the approved variance as outlined in the approved site plan filed with the Community Development & Services Agency and as conditioned or modified below. No other expansion of uses are authorized or permitted by this use permit.

6. This variance approval shall be effectuated within a period of twenty-four (24) months from this approval date and if not effectuated shall expire on February 19th, 2022. Prior to said expiration date, the applicant may apply for an extension of time, provided, however, this approval shall be extended for no more than ninety (90) days on May 19th, 2022.

7. Minor modifications to final configuration of the variance may be approved by the Community Development and Services Agency Director.

**PUBLIC WORKS DEPARTMENT:**

No Conditions of Approval
DRAFT CONDITIONS OF APPROVAL
YUBA COUNTY

Applicant: Richmond American Homes  Case Number: VAR 2020-0001
Owner: Ethan Conrad  Planning Commission Approval Date:
APN: Thoroughbred Acres Phase 1, Lots 1-10, 16-146  February 19, 2020

ENVIRONMENTAL HEALTH DEPARTMENT:

No Conditions of Approval

BUILDING DEPARTMENT:

No Conditions of Approval

PLANNING DEPARTMENT:

8. Major modifications shall require an amendment to the Variance.

9. Prior to the issuance of any project related building permits, the applicant shall provide the Planning Department with a home siting plan that is intended to prevent large gaps in the project’s landscape strips.

Ciara Fisher, Planner II
Fisher, Ciara

From: Boeck, Van  
Sent: Wednesday, January 29, 2020 10:05 AM  
To: Fisher, Ciara; Benedict, Christopher  
Cc: Hochstrasser, Margaret; Peterson, Daniel; Lee, Mike G. (Public Works Dept); Pickell, Clark  
Subject: RE: VAR 2020-0001 - Thoroughbred Acres Variance

Public Works has no comments on this variance.

Van A. Boeck  
Yuba County Public Works  
(530) 749-5420

From: Fisher, Ciara  
Sent: Wednesday, January 29, 2020 8:39 AM  
To: Benedict, Christopher; Boeck, Van  
Cc: Hochstrasser, Margaret; Peterson, Daniel; Lee, Mike G. (Public Works Dept); Pickell, Clark  
Subject: RE: VAR 2020-0001 - Thoroughbred Acres Variance

Good Morning,

I still need COAs from Environmental Health and Public Works. Please send ASAP.

Thank you!

Ciara Fisher  
Planner II  
County of Yuba  
530-749-5470

From: Fisher, Ciara  
Sent: Wednesday, January 8, 2020 1:35 PM  
To: Benedict, Christopher <cbenedict@CO.YUBA.CA.US>; Maddux, Dave <dmaddux@CO.YUBA.CA.US>; Boeck, Van <vboeck@CO.YUBA.CA.US>; Marquez, Melanie <mmarquez@CO.YUBA.CA.US>  
Cc: Hochstrasser, Margaret <mhochstrasser@CO.YUBA.CA.US>; Burns, Danny <dburns@CO.YUBA.CA.US>; Peterson, Daniel <dpeterson@CO.YUBA.CA.US>; Lee, Mike G. (Public Works Dept) <mlee@co.yuba.ca.us>; Pickell, Clark <CPickell@CO.YUBA.CA.US>; Strang, Jeremy <JStrang@CO.YUBA.CA.US>; Kaiser, Pam <pkaiser@yubacounty.onmicrosoft.com>  
Subject: VAR 2020-0001 - Thoroughbred Acres Variance

Hello All,
Ciara,

EH has no comments on this variance.

Christopher J. Benedict, REHS  
Environmental Health Specialist  
Yuba County Environmental Health  
915 8th Street, Suite 123  
Marysville, CA 95901  

Phone: (530)749-5469  
Fax: (530)749-5454

Good Morning,

I still need COAs from Environmental Health and Public Works. Please send ASAP.

Thank you!

Ciara Fisher  
Planner II  
County of Yuba  
530-749-5470
Attachment 5

Fisher, Ciara

From: Burns, Danny
Sent: Tuesday, January 14, 2020 8:20 AM
To: Fisher, Ciara
Subject: RE: VAR 2020-0001 - Thoroughbred Acres Variance

Good morning,

Building has no comments regarding the rear setbacks as proposed.

Dan

From: Fisher, Ciara
Sent: Wednesday, January 08, 2020 1:35 PM
To: Benedict, Christopher <cbenedict@CO.YUBA.CA.US>; Maddux, Dave <dmaddux@CO.YUBA.CA.US>; Boeck, Van <vboeck@CO.YUBA.CA.US>; Marquez, Melanie <mmarquez@CO.YUBA.CA.US>
Cc: Hochstrasser, Margaret <mhochstrasser@CO.YUBA.CA.US>; Burns, Danny <dburns@CO.YUBA.CA.US>; Peterson, Daniel <dpeterson@CO.YUBA.CA.US>; Lee, Mike G. (Public Works Dept) <mlee@co.yuba.ca.us>; Pickell, Clark <CPickell@CO.YUBA.CA.US>; Strang, Jeremy <JStrang@CO.YUBA.CA.US>; Kaiser, Pam <pkaiser@yubacounty.onmicrosoft.com>
Subject: VAR 2020-0001 - Thoroughbred Acres Variance

Hello All,

Please provide comments for Thoroughbred Acres, a Variance request to reduce the rear yard setback to 15 feet and to increase the front facing garage percentage at Thoroughbred Acres Phase 1 – East of Arboga Road between Buckskin Way and Gelderlander Way in the Olivehurst Community. All documents are on TrakIt. Please forward any comments you may have, as well as COA, by Wednesday January 29th.

Thank you!

Ciara Fisher
Planner II
County of Yuba
530-749-5470
Ciara,

Code Enforcement does not have any comments regarding this project.

Regards,

Melanie Marquez
Code Enforcement Supervisor
County of Yuba, CDSA
(530) 749-5430 – Main
(530) 749-5643 – Direct
(530) 749-5616 – Fax
mmarquez@co.yuba.ca.us

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