

# Jackson Planning Commission

## Minutes

### Regular Meeting of September 20, 2010

#### COMMISSION MEMBERS PRESENT:

Dave Butow  
Kathryn Devlin Vice-Chairman  
Walt Hoeser, Chairman  
Darek Selman

#### CITY STAFF PRESENT:

Susan Peters, City Planner  
Gisele Cangelosi, City Clerk

#### COMMISSION MEMBERS ABSENT:

Joe Assereto

Note: The Staff Report Packet prepared for the Planning Commission is hereby incorporated into these minutes by reference as though set forth in full. Any Staff Report, recommended findings, mitigation measures, conditions, or recommendations which are referred to by Commissioners in their action motions on project decisions, which are contained in the Staff Reports, are part of these minutes. Any written materials, petitions, packets or comments received at the hearing also become part of these minutes. The recording tapes of this meeting are hereby incorporated into these minutes by reference and are stored in the City of Jackson Planning Department.

Chairman Hoeser called the meeting to order at 6:30 p.m.

#### 1. Public Matters Not on the Agenda.

Jack Georgette, Jackson, stated the Minutes states City Planner Peters reiterated the public hearing was closed and that the Planning Commission conceptually approved the Historic Variance for Mr. Rex Jensen at 220 North Main Street. He inquired why there would be no public discussion.

City Planner Peters noted this matter is on the agenda for discussion. She reiterated at the August 16 meeting the public hearing was closed and the historic variance was conceptual approved. The Planning Commission directed the applicant to revise the design to reduce the request from four downstairs units to two units. The applicant submitted the revised design and that is was at the discretion of the Planning Commission to reopen the public hearing to take public comment.

Thornton Consolo, Jackson, stated he expects the Planning Commission to reopen the public hearing to discuss the new plans.

#### 2. Approval of Minutes. Minutes from the August 16, 2010 Meeting.

**Moved by Vice-Chairman Devlin, seconded by Commissioner Selman and unanimously carried to approve the Minutes of the August 16, 2010 meeting as presented.**

#### 3. Public Hearing – Variance 2010-03, Rex Jensen 220 North Main Street, APN 020-193-007. A Historic Variance to allow conversion of existing commercial use on the ground floor of the building to residential.

City Planner Peters reported the applicant is requesting a Historic Variance to allow for conversion his existing commercial use on the ground floor of his building to residential use thereby exceeding

the number of residential units allowed in the Historic Commercial Zone by five units. The existing three-story building currently has four residential units – two on the second floor and two on the third floor. The ground floor has been used for a beauty salon, which has now vacated. Continued use of the ground floor, which is below the street grade, for commercial uses is problematic due to difficulties with compliance with the Americans with Disabilities Act. For this reason the applicant would like to add an additional four studio apartments on the ground floor of the building.

This issue was continued from the August 16, 2010 Planning Commission meeting. At that meeting, a public hearing was held and closed, and the Planning Commission directed the applicant to revise the design to reduce the request from four downstairs units to two units. The request for a reduction in units was due to concerns regarding overcrowding and parking.

Development Code, Article II, Section 17.12.030 allows for residential uses in the Historic Commercial Zone. According to Development Code, Article II, Section 17.07.040, the maximum residential density allowed is one dwelling unit per 2,000 square feet of property. The lot is approximately 6,300 square feet thereby allowing for three residential units. This means that the existing four units are considered “Existing Non-Conforming.” To add any additional units would require a Variance. Please note that the Building Department has issued a Building Permit to Mr. Jensen however, the permit is only for maintenance to the building foundation, plumbing, electrical, and for installation of more windows to allow for better light and circulation in the space. No Building Permit has been issued to construct the residential units within the space.

While variances are typically subject to the California Environmental Quality Act (CEQA), projects which have no possibility of causing an environmental impact can be categorically exempted from CEQA review in accordance with Section 15061(b)(3) of CEQA.

Because this building is within the Downtown Historic District, staff has determined that this variance process is applicable to this project. A Historic Variance would allow for “a historic resource to be properly used for adaptive reuse and/or to be altered in a manner that will have the least impact upon its historic character and the surrounding area.” The findings required for a Historic Variance are different than those required for a standard Variance and are included in this report for Planning Commission consideration.

In accordance with Development Code Section 17.82.050 – Findings and Decision, the following findings must be made for approval of the requested Historic Variance:

1. The Historic Variance is necessary to provide for the appropriate adaptive reuse of an existing historic resource building, and/or to provide for the design and alteration of a historic resource building in a manner that will enhance its historic and functional use and utility;
2. The historic resource is being preserved or will retain its integrity as a historic resource. Any improvements, alterations, or modifications will not cause the survey rating category of the historic resource to be downgraded;
3. The Historic Variance will not prevent the use from being able to adequately function on the site;

4. The Historic Variance will not adversely impact property or public rights-of-way within the neighborhood and Historic Commercial Zone;
5. The Historic Variance is the minimum departure from the requirements of this Development Code necessary to grant relief to the applicant, consistent with Findings 1 and 2 above; and
6. The granting of the Historic Variance is consistent with the General Plan.

Should the Planning Commission chose to approve the Historic Variance for Mr. Rex Jensen at 220 North Main Street (APN 020-193-007) the following actions are recommended:

1. Instruct Staff to file a Categorical Exemption; and,
2. Adopt a Resolution approving Variance 2010-03 for Mr. Rex Jensen at 220 North Main Street (APN 020-193-007) based on the Findings in this report.

Vice-Chairman Devlin requested the meaning of “survey rating category” as referred to in Finding 2. City Planner Peters stated that wording does not apply and staff be removing “survey rating category” out of Findings and the Development Code amended to reflect that change.

Rex Jensen, applicant, was present to answer question of the Planning Commission. He did not believe the public hearing needed to be reopened. The Planning Commission conceptual approved the historic variance and he has submitted the revised design as directed. City Planner Peters reiterated it was at the discretion of the Planning Commission whether to reopen the public hearing to take public comment.

It was the consensus of the Planning Commission to reopen the public hearing to take public comment. Chairman Hoeser reopened the public hearing. The following individuals voiced their concerns regarding the Historic Variance for Mr. Rex Jensen at 220 North Main Street: Thornton Consolo stated his concern was regarding commercial signage. Hearing no further comments from the public Chairman Hoeser closed the public discussion.

After considerable discussion among the Planning Commission and staff the following motion was made:

**Moved by Commissioner Selman, seconded by Commissioner Butow, and unanimously carried to:**

1. **Instruct Staff to file a Categorical Exemption; and,**
2. **Adopt a Resolution approving Variance 2010-03 for Mr. Rex Jensen at 220 North Main Street (APN 020-193-007) based on the Findings in this report and**
3. **Add the following Condition of Approval:**
  - a. **The applicant will provide up to 2 parking lot permits to accommodate the 2 downstairs residential units if need.**

#### **4. Historic Design Review for Façade Improvement 2010-01 Main Event Sports Lounge, 105 Main Street.**

City Planner Peters reported the applicant is requesting approval of proposed façade improvements at 105 Main Street, the current location of the Main Event. The improvements include removing the existing wood siding to expose the original brick and redwood siding, cleaning and sealing of the brick, replacement of window and door trim, and replacement of historic wood awning with corrugated metal roof.

Development Code, Article IV, Chapter 17.77 Historic Design Review requires any project Historic Commercial Zone requiring a building permit to be reviewed and approved by the Design Review Committee. In the event there is no Design Review Committee, the Planning Commission has the authority to review the project (Article IV, Section 17.70.020). The proposed project is zoned Historic Commercial and does require a building permit.

In accordance with Development Code Section 17.77.040 – Findings and Decision for Certificate of Appropriateness, the following findings must be made for approval of the requested design:

1. The project, including its character, scale and quality of design, is consistent with the purpose of this Chapter, and all applicable development standards and historic design guidelines;
2. With regard to a designated historic resource, the proposed work will neither adversely affect the significant architectural features of the designated historic resource nor adversely affect the character of historical, architectural, or aesthetic interest or value of the designated resource and its site;
3. With regard to any property located within the Historic Commercial Zone, the proposed work conforms to the Historic Design Guidelines for the district and does not adversely affect the character of the district;
4. In case of construction of a new improvement, addition, building, or structure upon a designated historic resource site, the exterior of such improvements will not adversely affect and will be compatible with the use and exterior of existing designated historic resources, improvements, buildings, natural features, and structures on said site.
5. The proposed project is consistent with the General Plan.

Errol Esbit, Architect and Richard Harrison, applicant were present to answer questions of the Planning Commission.

Vice-Chairman Devlin acknowledged Errol Esbit served on the Architectural Regulations Committee and was instrumental in drafting the proposed Draft Architectural Regulations.

Chairman Hoeser opened the public discussion. Jack Georgette, Thornton Consolo and Judy Jebian voiced their concerns regarding the design for façade improvements at 105 Main Street. Hearing no further comments from the public Chairman Hoeser closed the public discussion.

**Moved by Vice-Chairman Devlin, seconded by Commissioner Selman and unanimously carried to approve the design for façade improvements at 105 Main Street a Resolution approving the proposed design should be adopted based on the Findings in this report.**

**5. Administrative Reports.**

City Clerk Cangelosi informed the Planning Commission of the Jackson Police Department's Wild West Shindig, fundraiser for the Drug Abuse Resistance Education (D.A.R.E) and Jackson Police Activities League (JPAL) will be held Saturday, October 2 at St Sava Mission.

City Planner Peters reported there probably would not be a meeting in October.

Vice-Chairman Devlin inquired if staff had heard back from the California Department of Housing and Community Development (HCD) regarding their cursory review of the Housing Element.

City Planner Peters stated she had received HCD comments and noted there was nothing major. HCD was impressed that the City used the Planning Commission to help draft the Housing Element. She stated once the corrections have been made, the document would be resubmitted to the Planning Commission for review and recommendation to the City Council for final adoption and amendment to the General Plan.

City Planner Peters stated the remaining General Plan Elements that staff needs to complete are the Conservation, Open Space, Noise and Safety, which she hopes to lump all together.

City Planner Peters stated the Sign Ordinance needs to be amended and she will have to get approval from the City Council to proceed on this amendment. Commissioner Butow felt there should be a citizens committee created to help staff enforce the Sign Ordinance. City Planner Peters felt this was a great way to deal with sign issues and that the Planning Commission would have to make a recommendation to the City Council to create the committee.

City Planner Peters provided an updated on the Jackson Sphere of Influence being considered by LAFCO. She stated at the September 13 City Council meeting, the Council directed staff to request that the City's application be placed on hold until the City has an opportunity to properly address the County Planning Department comments brought forth at the August LAFCO meeting.

Adjourn 7: 51 p.m.

Attest:

  
Gisele Cangelosi, City Clerk

Date Approved: October 18, 2010