

Jackson Planning Commission
Minutes
Special Meeting of October 17, 2005

COMMISSION MEMBERS PRESENT:

Dave Butow,
Warren Carleton, Vice-Chair
Rosemary Faulkner
Wayne Garibaldi, Chairman
Terri Works

CITY STAFF PRESENT:

Susan Peters, City Planner
Michael Daly, City Manager
Candy Collins, Accounting Assistant

CITY STAFF ABSENT:

COMMISSION MEMBERS ABSENT:

Chairman Garibaldi called the meeting to order at 6:00 p.m.

1. Public Matters Not on the Agenda.

None.

2. Public Hearing- Jackson Hills Golf Course and Residential Community Project.

City Planner Peters - Postponement of the Jackson Hills Golf Course and Residential Community Project recommendation to City Council. This was postponed at the request of the applicants. This was put on the agenda to notify the public and to make sure there would be a quorum available for the November 7, 2005 meeting. All Planning Commissioners indicated that they would be available but Commissioner Butow put on record that he was against the extension by the applicants because he felt there was a lot of time spent preparing for this project.

City Planner Peters – The applicants decision was based on the fact that they wanted to have additional time to be able to answer some the questions that came up on the hearing on the FEIR and to be able to address some of those questions when it came back to the Planning Commission.

Chairman Garibaldi – Announced that the Jackson Hills Project would be continued to November 7, 2005 at 6:00 p.m.

3. Public Hearing – Planned Development Amendment, Sutter Amador Hospital, Draft EIR.

City Planner Peters –The Draft Environmental Impact Report (DEIR) for the Sutter Amador Hospital Planned Development Amendment is nearing the end of its forty-five day review period. Comments are due to the City of Jackson by 5:00 p.m., Wednesday, November 2, 2005. The purpose of this hearing was to receive comments on the adequacy of the DEIR.

Ben Richie, Pacific Municipal Consultant, gave an overview of the EIR. The slideshow presented contained the following information:

Initial Study, Notice of Preparation of the EIR, Release of a 45 day public review period, Preparation of the Final EIR, which will include written response to comments received, Preparation of findings of fact and any statement of any overriding considerations and then the City Council's approval or denial of the project.

Overview and site layout of the 47,000 sq. ft. support service building that is immediately adjacent to the existing Sutter Amador Hospital that will include approximately 150 new parking spots, covered ambulance parking, covered walk way that connects to the existing building, new retaining walls, and improvements to granite exercise trail that runs around the perimeter of the hospital.

The significant issues addressed were traffic, noise, hydrology and water quality, as well as air quality. The significant and unavoidable issues were traffic and air quality. The project will add additional traffic to intersections and roadways that are currently operating on unacceptable levels of service based on City of Jackson and Amador County standards of service, as well as air quality, the additional vehicle traffic generated by the project will produce ozone precursors and the county is currently in non-attainment for ozone.

The public comment period runs from September 16, 2005 and closes on November 2, 2005. Ben Richie indicated to the public that this was their opportunity to provide written comments or verbal comments here tonight. After which time the Final EIR will be prepared.

City Planner Peters stated that there was a grading permit released ahead of time to allow for preliminary grading to help address the parking situation that already exists.

Ben Richie addressed the questions of the design of the new building by stating it would not be exactly like the existing hospital but the architecture and the esthetics would be similar and complementary. He also indicated the color would be the same and it would be 2-story.

Public Comments:

Richard Calvaleri – Lab employee at Sutter Amador Hospital questioned on why Impact 4.1.2, stated there would be no mitigation required in regards to the air pollution caused by the traffic from this project.

Ben Richie: stated that the reason this was not mitigated was because the short term impacts that this traffic would cause in regards to air pollution was below the threshold of significance as established by the Amador County Air District. The Amador District establishes what is significant or less than significant

Chairman Garibaldi closed the Public Comment Portion.

Commissioner Butow expressed his concerns in regards to mitigation fees for a traffic light at Hwy. 88 and Mission Blvd. and the need for one.

Ben Richie explained that the intersection would warrant one however re-striping the bridge at Mission Blvd. would reduce the impact at the intersection to less than significant and that traffic generated by this project could be reduced to below the traffic signal warrant levels.

City Planner Peters stated that as a new development mitigation fees, both regional and local area impacts collected, however at this time, Mission Blvd. signalization at the intersection with Hwy. 88 is not currently listed as an improvement. So it is not on the improvement list, but probably should be put on the list. The City of Jackson adopts the ACTC list and they adopt the regional and local mitigation fees. Ms. Peters stressed that it should be looked at pretty closely in the future and getting that onto the list. She further stated that the extension of Mission Boulevard is on the list and she felt that when that goes, warrants would be likely be met and the intersection will probably have to be signalized at that time.

Chairman Garibaldi expressed his concern in regards to sufficient signage to indicate where our hospital is located. And his need for more basic information to better deal with the ozone issues for this project and other projects.

City Planner Peters shared the need to know the state of our air quality and dealing with it. She stated that it should be put on a future agenda to obtain some adequate information.

Chairman Garibaldi reopened the public comment portion.

Ann Plaid – CEO for Sutter Amador Hospital; stressed the need for the expansion to meet the needs of the community and to better accommodate the expanding needs.

4. Public Hearing – Conditional Use Permit, Bilonda Newman, 305 North Main Street. (APN 020-191-002)

City Planner Peters; The applicant is requesting a Conditional Use Permit for 305 North Main Street to accommodate expansion of an existing sober living facility. Recently, the applicant began utilizing the single-family residence at the property as a sober living facility with capacity for six clients. California law allows for facilities of this nature to operate ministerially (without the local jurisdiction requiring any entitlements) with six or fewer clients. Expansion of the facility to the twelve-client maximum, which the applicant is requesting requires a Conditional Use Permit.

Environmental Review

In accordance with the California Environmental Quality Act (CEQA) an Initial Study was prepared for this project, which did not reveal any significant adverse environmental impacts, which cannot be mitigated. For this reason, the project qualified for a Mitigated Negative Declaration. The proposed request was circulated to responsible agencies for comment. Comments were received from the Chief of Police, the Fire Chief, and the Building Inspector. These comments were incorporated into the recommended Conditions of Approval.

Conditions of Approval

Should the Planning Commission chose to approve the CUP for Ms. Newman, the following Conditions of Approval are recommended:

1. The maximum number of clients shall be limited to twelve.
2. There shall be a house manager on the premises at all times.
3. Three or more emergency service calls to the facility will require reimbursement of \$300 per call to the City of Jackson Fire Department.
4. This use permit shall be reviewed at the Planning Commissions regular meeting in April 2006.
5. All life safety apparatus, smoke detectors, fire extinguishers, ingress and egress, IE: windows and doors to be to the satisfaction of the Fire Chief

Findings

1. The proposed sober living facility is consistent with the surrounding land uses.
2. The proposed sober living facility will not be a detriment to the public health, safety, or general welfare of this community.
3. The proposed sober living facility will not have a significant adverse effect upon the environment.

Action

Should the Planning Commission chose to approve the CUP for Ms. Newman, the following actions are recommended:

1. Approve a Mitigated Negative Declaration and instruct Staff to file a Notice of Determination;
2. Determine that the project will have a de minimus effect on fish and wildlife and instruct Staff to file a Certificate of Fee Exemption; and
3. Adopt a Resolution approving Conditional Use Permit 2005-03 for Ms. Bilonda Newman based on the Findings and subject to the Conditions of Approval in this report, with the addition of 5.

Bilonda Newman – Applicant and Co-Owner and Director of New Options-Sober Living Home, gave an overview stating that she has been a licensed and certified counselor in the State of California for over 10 years. She moved to Amador County about 3 years ago and recognized the need for a residential sober living environment. Her purpose is to have a place for addicts to come and get clean before entering back into society on their own.

Ms. Newman answered the Commissioners questions by stating the clients, who aren't on disability work, and usually everyone volunteers time at Hospice, Food Bank, etc. No one sits around the house. The clients follow strict house rules with a 10:00 p.m. curfew. She further stated that the clients pay \$550.00 per month rent and the partners except personal toiletries provide everything else. She further stressed that after the mortgage, food, PG&E, cable, phones, water, garbage, etc, they are barely making payment with only 6 beds. She also added that with only 6 beds, clients are only able to stay 3 months and that's not enough time for the them to be able to find a job, save money for moving out, and gain the structure needed to make it back into society. There is a waiting list for the much needed beds. The house is a

3800 sq.ft. and 2-stories, with the males upstairs and the females downstairs and there are 2 house managers on duty at all time. Ms. Newman emphasized that they do not give treatment just support and that a lot of the clients are already a couple months clean coming from straight from Changing Echoes or another drug program and none of them are court ordered, just self-referred.

Chairman Garibaldi opened to the public

The following public commented either to oppose or to approve the Conditional Use Permit.

Gordon Miller opposed the location, and the increase in parking needs, and stated he was ok with the 6 beds but opposed to any more.

Jeff Pollick asked for approval of the CUP because he as a client felt it has changed his life and stated it has changed a lot of other people from all walks of life.

Stacia Brennan shared the same opposition as Gordon Miller.

Joanne Campbell admires what the sober living facility is doing but felt it would be better suited somewhere else like out in the country.

Alan Johnson also a client stressed how hard his life has been and how this place has helped him find his integrity and stressed the need to more beds to help others as it has him.

Jerry Evans -Manager of Substance Abuse Division, Co. of Amador, Behavior Health Dept.

Spoke in support of the application and stressed how it would benefit his program with the ability to accommodate some of his client and allow them to better monitor them. He stated that most of the clients going in were locals and how bad this county needs something like this.

Lori – shared how this place has changed her life and is enabling her to get back into society, get her children back., and that the location is perfect for her to walk to meetings and work.

Bilonda Newman stated that she was only asking for 4 more beds and that her plan is to have 10 beds for clients and 2 beds for the house managers, 1 male and 1 female, who will have their own bedrooms. She also wanted to clarify that when clients are asked to leave they call a contact number to come and get them or they give them a ride to a motel, no one is allowed to walk or drive away under the influence. Ms. Newman also emphasized that the one and only time the police has been called to their facility is to escort a former client from the premises who was found asleep in the yard, and this was clarified by Chief Morrison, who also stated that person obtained a ride and was not arrested.

Ms. Newman further answered questions from the Commissioners by stating that the house managers did not receive wages but free room and board. When asked about the parking, Ms. Newman said that she was going to ask the Bank of Amador if they could work out something with them.

Chairman Garibaldi closed the public session

Commissioner Butow stated that concern regarding inadequate parking.

Vice-Chairman Carleton stated he had no objection to the program but felt it was in the wrong place. He also shared his concern in regards to the CUP because it stays with the property even if sold.

Commissioner Faulkner stated that she concurred with Commissioner Butow and Carleton and felt that the infrastructure and parking couldn't accommodate more people.

Commissioner Works disagreed with her fellow commissioners and stressed that she felt it was in a good location for meetings, work and thought that the parking situation could be worked out.

Chairman Garibaldi stated he agreed we had a problem and felt the idea of the facility is good but he had a hard time supporting the application as long as there were concerned citizens and poor parking issues.

Moved by Vice-Chairman Carleton, Seconded by Commissioner Butow and carried by a 4-1 vote (Commission Works dissenting) to deny Conditional Use Permit, Bilonda Newman, 305 North Main Street, APN 020-191-002 due to the inability to make Findings 1 and 2.

5. Public Hearing – Recommendation to City Council regarding rezone from Public/Institution (P) to Light Commercial (C-1) Emmanuel Baptist Church, 975 Broadway (APN 020-410-012).

City Planner Peters; the applicants are requesting a rezone of the property located at 975 Broadway from Institutional to Limited Commercial (C-1) to accommodate more variety of uses. The subject property is currently utilized as a Baptist Church.

There are a number of properties within the City of Jackson that are designated on the existing Zoning Map as Public/Institutional. However, the City of Jackson Municipal Code has no description for allowable uses in the Public/Institutional zone. To date staff has interpreted Public/Institutional as allowing uses such as churches, City and County offices, libraries, museums, and schools. Clearly, the zoning update will need to address this issue. Until a new zoning/development code is in place, it is difficult to advise the Emmanuel Baptist Church as to what additional uses are allowed on the site. Additionally, should the Church choose to sell the property, it is difficult for staff to advise a potential buyer as to allowed uses since there is no description of Public/Institutional in the current Zoning Code.

City Planner Peters and the Commissioners further discussed the difference between C-1 and C-2 and the need to further address this area in the zoning updates being worked on.

Chairman Garibaldi opened the public comments.

Pastor Hemingway, Emmanuel Baptist Church; stated that it was their desire to relocate the Emmanuel Baptist Church. He also stated that they were in escrow with Dr. Kenny Charn, a Cardiologist whose desire is to turn the 2 1/2 acre parcel into a medical facility. Pastor Hemingway went on to correct the misunderstanding that the rezone request was not for the church itself but for whoever would purchase the property. He also stated that it would be an asset to the area, and that residential wouldn't be impacted, especially with the completion of Mission Blvd.

City Planner Peters answered the commissioner's questions in regards to putting a PUD (Planned Unit Development) on the rezone by stating that there can be a recommendation to the City Council to rezone to C1 with a PUD allowing for medical offices, that way if something changed, they would have to get an amendment to the PUD. She further clarified what a PUD does by stating it is a direction that states you

can have a commercial use, but the City Council wants some discretionary authority over what that commercial use is. You can't really condition a PUD just like zoning, but it does stop at the Planning Commission and it does not get forwarded on to the City Council. It does allow for some variation or deviation from our ordinances. She went on to say that a lot of residential developers like having different PUDs because they can have different setbacks, street widths smaller, no sidewalks, etc.

Tom Blackman, Representative for Pastor Hemmingway and Dr. Charn; stated that this piece of property met all Dr. Charn's criteria to turn the 2 ½ acres into 3 matching medical buildings, especially if Mission Blvd. goes through and he also felt that it would bring revenue to the City of Jackson. He also stated that he couldn't close escrow until the zoning went through.

Ilus Ball (JR) stated that he felt that it would be a good spot for a medical facility and it was time for a good change.

Chairman Garibaldi closed the public session 8:05 p.m.

Moved by Commissioner Faulkner, Seconded by Vice-Chairman Carleton and unanimously carried to submit a recommendation to the City Council to rezone from Public/Institution (P) to Light Commercial (C-1) with a Planned Unit Development Overlay for Emmanuel Baptist Church, 975 Broadway (APN 020-410-012).

Chairman Garibaldi; called for a break at 8:10 p.m.

Chairman Garibaldi; opened session again at 8:22 p.m.

6. Workshop – Zoning Ordinance. Article IV

City Planner Peters informed the Commissioners that prior to them getting the final zoning review she has received authorization from Mr. Daly the City Manager to forward it to someone who will do a peer level review who has special experience in zoning codes and development codes to review it prior to coming back to the Planning Commissioners for recommendation to City Council.

Table 4-1 Review Authority shows that Variance would go to the zoning administrator for a decision, but after much discussion between the City Planner and Commissioners, it was recommended that it should stay with the Planning Commission, where it goes right now. It was also recommended that Zoning Administrator should be Site Plan Review Committee, which is made up of the City Planner, Senior Building Inspector and the City Engineer. The Table also showed that Lot Line Adjustment would go to the City Planner for decision, and it currently it goes to the City Council for decision and after much discussion the Commissioners felt it should go the Planning Commission for decision but it was later decided that Ms. Peters would discuss it with Gary Urzik. It was also recommended that Tentative Map 2-4 parcels should be a public hearing with the Planning Commission and not to the Zoning Administrator as the Table recommends.

City Planner Peters and the Commissioners discussed Historic Variance and before any decisions could be made regarding the Historic District that the public be noticed. It was also decided that Ms. Peters would further discuss the authority and legality of demolition with the City Attorney.

6. ADMINISTRATIVE REPORTS.

Adjourn 8:55 pm.

Attest:

Candy Collins, Accounting Assistant

Date Approved: January 17, 2006