

Jackson Planning Commission  
Minutes  
Regular Meeting of May 17, 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:**

Letitia Sexton

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.**

Thornton Consolo, Jackson, stated his concern was regarding eave requirements and restrictions. City Planner Peters stated the Development Code Article III Section 17.30.120 Setback Requirement and Exceptions addresses this concern. She stated she would discuss this concern with Building Inspector White because the new fire codes go into effect January 2011.

**2. Approval of Minutes.** Minutes from the April 19, 2010 and May 3, 2010 Meetings.

**Moved by Vice-Chairman Devlin, seconded by Commissioner Butow and carried by a vote to approve the Minutes of the April 19, 2010 meeting as amended.**

**Moved by Vice-Chairman Devlin, seconded by Commissioner Butow and carried by a vote to approve the Minutes of the May 3, 2010 meeting as amended.**

**3. Public Hearing – Variance 2010-02, Chris Floyd, 900 Ponderosa Street, APN 020-580-001.**

City Planner Peters reported the applicant was requesting a variance to allow construction of a covered patio at his single family residence located at 900 Ponderosa Street to encroach approximately 10 feet into the 15-foot street side corner lot setback. The proposed structure would be 19 feet wide by 16 feet deep and be constructed with materials, which match the existing residence. Staff has reviewed the proposed covered patio and determined the addition would not be a detriment to public health and safety. The property line on the street side where the addition is proposed is set back behind a landscape area where there are mature oak trees and a meandering

sidewalk. For this reason site distance at the intersection of Ponderosa Street and French Bar Road will not be impacted.

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.

In accordance with Development Code Section 17.82.030 – Findings and Decision, the following findings must be made for approval of the requested variance:

1. There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, or topography), so that the strict application of this Development Code deprives the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts;
2. The Variance authorized does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and in the same zoning district;
3. The approval of the Variance is in compliance with the requirements of the California Environmental Quality Act (CEQA) and there would be no potential significant adverse effects upon environmental quality and natural resources that could not be properly mitigated and monitored, unless a Statement of Overriding Considerations is adopted;
4. Granting the Variance:
  - a. Does not allow a use or activity which is not otherwise expressly allowed in the applicable zoning district;
  - b. Would not be detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and zoning district in which the property is located; and
  - c. Is consistent with the General Plan and any applicable Specific Plan.
5. The Variance is the minimum departure from the requirements of this Development Code necessary to grant relief to the applicant, consistent with 1 and 2, above.

Should the Planning Commission chose to approve the variance for Chris Floyd at 900 Ponderosa Street (APN 020-580-001) the following actions are recommended:

1. Instruct Staff to file a Categorical Exemption; and,
2. Adopt a Resolution approving Variance 2010-02 for Chris Floyd at 900 Ponderosa Street (APN 020-580-001) based on the Findings in this report.

Chris Floyd, applicant, was present to answer questions of the Planning Commission.

Chairman Hoeser opened the public hearing. Thornton Consolo spoke in favor of Variance 2010-02. Hearing no further comments from the public Chairman Hoeser closed the public hearing.

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

**Moved by Commissioner Selman, seconded by Vice-Chairman Devlin, and unanimously carried to:**

- 1. Instruct Staff to file a Categorical Exemption; and,**
- 2. Adopt a Resolution approving Variance 2010-02 for Chris Floyd at 900 Ponderosa Street (APN 020-580-001) based on the Findings in this report.**

#### **4. Housing Element Update.**

City Planner Peters reported the purpose of this meeting is for the Planning Commission to consider a recommendation of City Council approval of the Housing Element. The Planning Commission was provided a copy of an email received from Kathy duBois regarding her comments of the draft Housing Element. The Planning Commission and staff performed a comprehensive review of the draft Housing Element and comments provided by Kathy duBois.

Commissioner Butow provided the following statement for 4.2.1 Adequate Sites:

*Other Sites: The City of Jackson was fortunate to have a large tract of property (117 acres) grant deeded to it several years ago. While the property has toxic issues due to old mining residues, there may be potential locations for housing. This property, or a portion of it, could be developed into affordable housing and the City could explore with developers, utilizing the site to meet affordable housing requirements.*

With Planning Commission recommendation staff will circulate the Notice of Availability for the Negative Declaration for the Housing Element. The City Council will then consider adoption of the final document with the Negative Declaration at their June 14, 2010 meeting.

City Planner Peters noted there were a few "holes" that still need to be filled and the appendices added, but the document is essentially complete. The missing information would be provided in the document presented to the City Council at the June 14, 2010 meeting.

After considerable discussion among the Planning Commission and staff, staff was directed to incorporate the revisions provided and the following motion was made:

**Moved by Commissioner Butow, seconded by Vice-Chairman Devlin, and unanimously carried to forward the Housing Element to the City Council for consideration of adoption of the final document with the Negative Declaration at their June 14, 2010 meeting.**

#### **5. Administrative Reports.**

City Planner Peters stated at the April 19 meeting Commissioner Sexton requested an update regarding the Jackson Rancheria Recovery Center located at 975 Broadway and Chairman Hoeser requested a formal response for the record. Staff provided a written response from Senior Inspector White reporting the Rancheria is currently reviewing their options for the property.

Vice-Chairman Devlin asked City Planner Peters to address the following items:

1. Tree Removal at Wells Fargo Bank. Staff was contacted regarding this tree removal and noted it was removed in accordance with the Landscape Ordinance because of a health safety issue.
2. Tree Replacement Update at Ann Lintz at 257 New York Ranch Road. Staff reported at the March 10 meeting that according to Ms. Lintz three trees have been purchased and would be planted by April 1, 2010 weather permitting.
3. At the May 3 meeting staff was requested to check into the neon sign at the new restaurant Agave at 210 Main Street. City Planner Peters stated she would have Building Inspector White check out this concern.

Adjourn 8:05 p.m.

Attest:

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Gisele L. Cangelosi, City Clerk

Date Approved: Draft