

# Jackson Planning Commission

## Minutes

### Special Meeting of January 30, 2012

#### COMMISSION MEMBERS PRESENT:

Joe Assereto  
Kathryn Devlin, Vice-Chairman  
Dave Butow  
Fred Hall  
Walt Hoeser, Chairman

#### CITY STAFF PRESENT:

Susan Peters, City Planner  
Gisele Cangelosi, City Clerk

#### COMMISSION MEMBERS ABSENT:

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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. Chairman Hoeser introduced new member Fred Hall.

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

None.

#### 2. Approval of Minutes. Minutes from the October 17, 2011 Regular Meeting.

Commissioner Butow noted it should be Vicini access alley not Blair.

Thornton Consolo, requested his statement regarding the McDonalds Design Appeal be changed to he was disappointed with the City Council's decision.

**Moved by Vice-Chairman Devlin, seconded by Commissioner Assereto, and carried by a 4 to 1 vote (Commissioner Hall abstained) to approve the Minutes of the October 17, 2011 meeting as amended.**

#### 3. Election of Chairman and Vice-Chairman.

**Moved by Commissioner Butow, seconded by Commissioner Assereto, and unanimously carried to reappoint Walter Hoeser as Chairman and Kathryn Devlin as Vice-Chairman.**

#### 4. Public Hearing – Sign Exception Request, Johnson United, Inc. for Grocery Outlet, 9 N. Highway 49/88.

City Planner Peters reported the applicant, Grocery Outlet, is proposing to replace the existing 6 foot by 26 foot double-sided former Safeway internally lit cabinet sign with a new 5.5 foot by 18 foot (99 square feet) internally lit cabinet sign. Additionally, the 6 foot by 8 foot sign below the main cabinet is proposed to be

replaced with a 4 foot by 6 foot (24 square feet) internally lit cabinet sign with a blank face to accommodate an additional tenant. Grocery Outlet will be utilizing approximately two thirds of the existing building and is seeking a second tenant to utilize the remainder of the building. Plans for the pole signs along with the proposed building signage were provided.

Section 17.54.175(D) of Article III of the Development Code allows for 32 square feet per side for pole signs. The proposed signs total 123 square feet per side. The applicants are requesting the exception to allow for the larger signs (which are smaller than the old Safeway signs) because the building and signage on the building is difficult to see from Highway 49/88. In order to allow for the sign exception one of the following findings from Section 17.54.160 must be made:

- A) The proposed exception is required to provide for safe installation of the proposed sign; or
- B) The proposed exception is consistent with the purpose and intent of Sign Ordinance as set forth in Section 17.54.010 and the resulting sign will be superior to the sign which would otherwise be allowed by this Chapter in its design, construction, and placement.

In 2009, the City Council reviewed a request by Safeway to place blanks in the existing two cabinets. The request was denied because of the poor condition of the cabinets. The Grocery Outlet application includes refurbishing or replacing the existing cabinets.

While exceptions 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.

Should the Planning Commission choose to approve the sign exception for Grocery Outlet at 9 State Highway 49 (APN 020-400-026) the following actions are recommended:

1. Instruct Staff to file a Categorical Exemption; and,
2. Adopt a Resolution approving Variance (Sign Exception) 2012-01 for Grocery Outlet at 9 State Highway 49 (APN 020-400-026) based on the Findings in this report.

Chairman Hoeser opened the public hearing. Thornton Consolo spoke regarding the Sign Exception Request, Johnson United, Inc. for Grocery Outlet. Hearing no further comments from the public, Chairman Hoeser closed the public hearing.

Sean Campbell, Johnson Sign, was present to answer questions of the Planning Commission. He stated it was a brand new cabinet and that the sign is consistent with other signs with LED lighting.

Ron Curtis, Grocery Outlet representative, was present to answer questions of the Planning Commission. He stated he did not have a problem changing the smaller sign cabinet's blank to red in order to be less intrusive. He agreed the Grocery Outlet could advertise the hours of operation until a new tenant is in place.

After considered conversation among the Planning Commission and staff the following motion was made:

**Moved by Commissioner Assereto, seconded by Vice-Chair Devlin, and unanimously carried to approve the sign exception for Grocery Outlet at 9 State Highway 49 (APN 020-400-026) the following actions are recommended:**

1. **Instruct Staff to file a Categorical Exemption; and,**
2. **Adopt a Resolution approving Variance (Sign Exception) 2012-01 for Grocery Outlet at 9 State Highway 49 (APN 020-400-026) based on the Findings in this report.**
3. **The 6 foot by 8 foot sign below the main cabinet blank face be changed from white to red in order to be less intrusive and that Grocery Outlet advertise the hours of operation in lower sign until a new tenant is in place.**

**5. Workshop – Implementation of the Resource Constraints and Priority Allocation Policy.**

City Planner Peters reported the objective tonight is to review the information provided in the memorandum provided and other resource constraint issues that might be identified and make a recommendation to the City Council regarding HEU availability for 2012 along with the allocation evaluation criteria. In December 2004 the City Council adopted the Resource Constraints and Priority Allocation Policy. Since 2004 the Planning Commission and City Council have established the following HEU's:

- 2005 - 116 Housing Equivalent Units. Three developments, Stonecreek, Jackson Hills and the Shealor Trust Property, received the HUE allocations.
- 2006 - Zero Housing Equivalent Units. This was due to the uncertainty regarding the disposition of the discharge permit for the City's wastewater treatment plant, questions about will serve letters from the Amador Water Agency due to the transmission project litigation, and the lack of community consensus regarding transportation improvement options. Subsequently, no Notices of Intent to Develop were accepted.
- 2007 - 68 Housing Equivalent Units. This was based on the remaining sewer capacity of 318 HEUs divided by the three years the Council believed it may take to address the sewer constraint issue. On May 29, 2007 the City Council reviewed the Notices of Intent to Develop and awarded 86 HEUs to St. Patrick Park by St. Patrick's Catholic Church and 20 HEUs to Creekside at Jackson by Reynen & Bardis.
- 2008 - Zero Housing Equivalent Units. The zero allocation was due to a desire to see the impacts of previously approved allocation projects since none had been built and occupied.
- 2009 - 150 Housing Equivalent Units. An additional 80 HEUs was awarded to the Fuller Family Partnership (previously the Reynen & Bardis project) for a total of 100 HEUs for the proposed subdivision.
- 2010 - 140 Housing Equivalent Units. No Notices of Intent to Develop were received.
- 2011 - 150 Housing Equivalent Units. No Notices of Intent to Develop were received.

At their January 9, 2012 meeting, the City Council extended the HEU allocations for the following three projects: Shealor Trust Property – 26 HEUs, Fuller Family Partnership – 100 HEUs, and St. Patrick's Church – 86 HEUs.

The number of HEUs previously allocated totals 306. When approving these extensions for 2012, the City Council made it clear that these additional one year extensions would be the last extension of time for these specific projects.

The Resource Constraints and Priority Allocation Policy sets due dates for tasks to be completed by both the Planning Commission and the City Council. The following is the schedule set forth in the policy:

- January – Planning Commission and City Council establish the Housing Equivalent Units (HEUs) available for the year and establishes allocation criteria. Upon Completion of HEU availability and the design criteria the City will advertise for Notices of Intent to Develop.
- March 31 – Notices of Intent to Develop are due to the Planning Department.
- By April 30 – Planning Commission reviews Notices and recommends to the City Council which development projects should be awarded an allocation.
- By May 31 – City Council reviews Planning Commission recommendations and awards allocations.

The list of resource constraints which included: Sewer capacity, Water supply, Road capacity, Fire Protection, Police Protection, Schools and Childcare. The following is the minimum evaluation criteria required by the Resource Constraints and Priority Allocation Policy:

- Economic benefit to the City of Jackson
- Improvements which help to alleviate infrastructure constraints including:
  - Traffic improvements
  - Recreational amenities (especially recreational fields)
  - Sewer treatment plant improvements or new facilities
  - Tree, wetland, open space, etc., preservation
  - School facilities
- Affordable housing component
- Commercial use of commercially zoned property
- In-fill projects
- Environmental constraints
- Sensitivity to historic features

The Resource Constraints and Priority Allocation Policy requires a percentage of HEUs be available for ministerial projects. The number of remaining vacant parcels available for ministerial project for this year is 200 (74 in-fill lots and 126 lots in approved subdivisions).

Chairman Hoeser opened the public hearing. The following individuals spoke regarding Implementation of the Resource Constraints and Priority Allocation Policy: Judy Jebian, Bill Orescan, Jack Georgette and Thornton Consolo. Hearing no further comments from the public, Chairman Hoeser closed the public hearing.

City Planner Peters suggested another option would be to temporarily suspend the need for establishing an allocation and the Notice of Intent to Develop process. With the housing slump, the City has not received a new Notice of Intent to Develop for several years. Staff is concerned that if the Notice of Intent to Develop process stays in effect for 2012, that potential subdivision requests that evolve after March 31, 2012 would be prohibited from submitting application information for consideration. She explained Applications would still be required to comply with the above design criteria and would be processed in accordance with the Subdivision Map Act and the California Environmental Quality Act – both of which require Planning Commission review and approval.

**Moved by Vice-Chairman Devlin, seconded by Commissioner Butow, and unanimously carried to recommend suspending the allocation requirement and the Notice of Intent to Develop process for 2012, thereby allowing a developer to submit a subdivision application at any time during 2012. Applications will still be required to comply with the design criteria and would**

**be processed in accordance with the Subdivision Map Act and the California Environmental Quality Act.**

**6. Demolition Permit, 215 Court Street, Jim Carter and Linda Cantando.**

Commissioner Butow recused himself due to a conflict of interest.

City Planner Peters reported the applicants are requesting a permit to demolish an addition at the rear of the residential structure. The addition, which appears to have been added on to the main structure in the 1970s, was a suite when the home was utilized as a bed and breakfast. The property has recently changed hands and the new owners have no intention of reestablishing the bed and breakfast. The addition is an unusual shape and size, is very close to the side property line, and is in disrepair. For these reasons, the applicants are requesting the Planning Commission allow demolition of the addition. Furthermore, removal of the addition may allow for additional parking in the rear of the structure which would help alleviate parking congestion on Court Street. The addition can be viewed from the alley off of Church Street next to the Methodist Church. A plan drawing of the addition and a picture were provided for Planning Commission review.

Development Code, Article IV, Chapter 17.83 Demolition Review requires review and recommendation by the Design Review Committee and Planning Commission approval for demolition for any potential historic resource. The Chapter requires use of the attached Section 15064.5(a) of the California Environmental Quality Act Guidelines to determine if the structure is considered a historic Resource.

On January 17, 2012 the Design Review Committee (DRC) met and concluded the addition is not a historic resource and removal would improve the historic value of the main structure. The DRC voted unanimously to recommend Planning Commission approval of the demolition.

In accordance with Development Code Section 17.83.040 – Findings and Decision, one the following findings must be made for approval of the requested design:

1. Maintaining the resource is not economically feasible based on policies, criteria, and guidelines adopted by the City Council.
2. Within one year of the demolition of the resource, the resource will be replaced by a building reconstructed to replicate the resource from a period of the historic significance of the resource and the reconstruction of the building is done in accordance with the "Standards for Reconstruction and Guidelines for Reconstructing Historic Buildings" as set forth in the Secretary of the Interior's Standards for the Treatment of Historic Properties.
3. The historic resource poses an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public; there are no other reasonable actions that may be taken by the City or property owner to eliminate or reduce the immediate danger to an acceptable and safe level; and the historic resource must be demolished immediately to safeguard the public health, safety, and welfare.
4. The historic resource must be removed from the site in order for the property to be utilized for a public structure or use which substantially benefits the public.
5. The project is not considered historic as defined by Section 15064.5(a) (Determining the Significance of Impacts to Archeological and Historical Resources) of the California Environmental Quality Act Guidelines.

It is recommended that the Planning Commission review the demolition request and the recommendation of the Design Review Committee for 215 Court Street and consider a resolution approving the proposed demolition permit for the addition at the rear of the building based on at least one of the findings in this report.

Jim Carter, applicant was present to answer questions of the Planning Commission. He stated the structure is substandard and no one should live there. He would be removing the retaining wall and hoped to get approval to build a two car open carport.

Chairman Hoeser opened the public hearing. The following individuals spoke regarding Demolition Permit, 215 Court Street: Bill Orescan, Katherine Orescan, Judy Jebian and Thornton Consolo. Hearing no further comments from the public, Chairman Hoeser closed the public hearing. The following concerns were discussed:

1. Concerned about the accuracy of facts in staff report.
2. Additional parking spaces.
3. Boundary lines.
4. The Historical Society should have been contacted.
5. Whether demolition of this structure was a contributing factor with regards to the Historic Register.
6. Engineer Plan/Demolition Plan was not submitted outlining the complete project.

Commissioner Assereto clarified for the record; the application submitted was a Demolition Permit for 215 Court Street. At this time no plans have been submitted to add a carport and additional parking spaces is a separate issue. If the demolition permit is approved and the Applicant wants to build a carport it would have to be submitted to the Design Review Committee for consideration.

City Planner Peters noted for the record all historic issues goes before the Design Review Committee and is appealable to the Planning Commission.

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

**Moved by Commissioner Hall, seconded by Vice-Chairman Devlin, and carried by a 4 to 1 vote (Commissioner Butow abstained) to approve the recommendation of the Design Review Committee for 215 Court Street and consider a resolution approving the proposed demolition permit for the addition at the rear of the building based on finding number 5.**

1. **The project is not considered historic as defined by Section 15064.5(a) (Determining the Significance of Impacts to Archeological and Historical Resources) of the California Environmental Quality Act Guidelines.**

Commissioner Butow returned to the dais.

## **7. Administrative Reports.**

City Planner Peters reported she will start working on Housing now that the Sign Ordinance is concluding. The Planning Commission meeting for Tuesday, February 21, 2012 has been cancelled. She provided an update on the Sign ordinance: Staff held three sign regulation workshops and participation at the three workshops combined represented less than 20 businesses. There has been mostly positive feedback

resulting from the brochure and the request to remove illegal temporary type signs. The following are the proposed regulation:

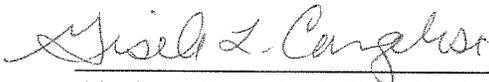
1. Temporary Signs – No change proposed.
2. A-Board or Sandwich Board – No change proposed.
3. Wall Sign – No change proposed.
4. Pole Sign – Maximum height 6 feet. No change to size.
5. Internally lit Cabinet Sign - Internally lit cabinet signs – No change proposed.
6. Channel letter signs allowed in the Commercial zone.
7. Window Signs – Twenty five percent of the total window or glass door surface.
8. Aggregate Signage – One square foot of sign area per lineal foot of public street frontage.
9. Prohibited Signed (flashing, moving or animated and roof mounted signs) – Same as the existing regulations with the addition of attention getting devices including spinners, balloons, inflatable signs, and search lights and changeable copy signs or electronic display screens.

Commissioner Butow inquired if Rosebud was provided a historic color palate. City Planner Peters stated they did get it off historic palate and that the Design Review Committee is requiring color palates.

Commissioner Butow inquired if the sidewalk in front of the Main Event met ADA requirements. City Planner Peters stated she would verify this matter with Senior Building Inspector White.

Adjourn 9: 03 p.m.

Attest:



Gisele L. Cangelosi, City Clerk

Date Approved: April 16, 2012