

Jackson Planning Commission
Minutes
Regular Meeting of October 17, 2011

COMMISSION MEMBERS PRESENT:

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

CITY STAFF PRESENT:

Susan Peters, City Planner
Gisele Cangelosi, City Clerk

COMMISSION MEMBERS ABSENT:

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 at the last City Council meeting Vice-Mayor Sweet requested the City Council write a letter of support for the McDonalds Design Appeal. He was disappointed with the City Council's decision to draft a letter stating they encourage all jurisdictions to follow their own design guidelines that preserve the historic character of the community. The Board of Supervisors' decision sets a precedent to get rid of their development code and the city should not support this.

2. Approval of Minutes. Minutes from the September 19, 2011 Meeting.

Moved by Vice-Chairman Devlin, seconded by Commissioner Assereto, and carried by a 4 to 1 vote (Commissioner Selman abstained) to approve the Minutes of the September 19, 2011 meeting as presented.

Commissioner Selman abstains from the approval of September 19, 2011 meeting because he was not present at that meeting.

3. Public Hearing – Variance 2011-02, James Carter and Linda Cantando, 215 Court Street, APN 020-198-01.

Commissioner Butow stepped down from the dais because he lives within 300 feet of this property.

City Planner Peters reported the applicants are requesting a variance to allow for a reduction in the residential off-street parking requirements so the residence at 215 Court Street can be divided into four residential units (three two bedroom units and one studio). The General Plan Land Use Designation and

Zoning of the project site is Historic Commercial (HC) which allows for multi-family residential use. According to Development Code, Article III, Section 17.48.040, residential units require two off-street parking spaces per unit – one must be enclosed in a garage. This would require the applicants to provide four open parking spaces and four garaged parking spaces for a total of eight spaces. Due to the lot size and configuration, the applicants can only provide five off-street parking spaces – none of which are in a garage to be accessed from the Vicini right-of-way behind the building. Currently there are three parking spaces in the back.

Staff has reviewed the proposed parking plan submitted by the applicant and has the following concerns:

1. Currently there is limited emergency access on the two alleyways that serve the site. Any parking along either side of either alleyway or in the proposed parking additions behind 215 Court Street will prevent fire engine access to the rear of the church, to the rear of the homes along those alleyways, and to the fire hydrant in the alley at the back of the school building.
2. The applicant is proposing all five parking spaces be compact which will not accommodate larger vehicles.
3. The proposed parking spaces do not meet the City's standards for ingress/egress, turning radius, or backing distance.
4. The existing Vicini access alley does not meet the City's minimum width of 16 feet.

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 choose to approve the variance for James Carter & Linda Cantando at 215 Court Street (APN 020-198-011) the following actions are recommended:

1. Instruct Staff to file a Categorical Exemption; and,
2. Adopt a Resolution approving Variance 2011-02 for James Carter & Linda Cantando at 215 Court Street (APN 020-198-011) based on the Findings in this report.

James Carter and Linda Cantando, applicants were present to answer questions of the Planning Commission. They explained the existing property is zoned for multiple family and has three electrical meters, two gas meters and two additional gas meters have been removed. The building has a separate entry way indicating it has been used as multiple units in the past.

Letters of opposition were submitted for the record from the following individuals: Bill Orescan, Jessica Martinsen and Robert Saracino.

Staff received an email from Fire Chief Crain with the following concerns:

1. Any parking along either side of either alleyway or in the proposed parking additions behind 215 Court Street will prevent fire engine access to the rear of the church and to the rear of the homes along those alleyways.
2. There are alleyway has two choke points and if a vehicle is parked near either of these choke points the department will be unable to get a fire engine to the back of the school building or to the fire hydrant at the end of the alley.
3. Delay due to inadequate access will lengthen the reflex time and certainly increase the time it takes our firefighters to put water on the fire.

Chairman Hoeser opened the public hearing. The following individuals spoke in opposition to Variance 2011-02 for James Carter & Linda Cantando at 215 Court Street: Thornton Consolo, Bill Orescan, Judy Jebian and Robert Fourt. 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 Assereto, seconded by Commissioner Selman, and carried by a 4 to 1 vote (Commissioner Butow absent) to deny Variance 2011-02, James Carter and Linda Cantando, 215 Court Street, based on Finding #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.**

City Planner Susan Peters stated the action is appealable to the City Council with a written request and a \$200.00 fee to the City Clerk within 10 calendar days.

Commissioner Butow returned to the dais.

4. Public Hearing – Conditional Use Permit 2011-03, Perla Aguirre 645 State Highway 49/88, APN 020-140-023.

City Planner Peters reported the applicants are proposing to operate a mobile food facility (taco truck) in the Amador Auction House parking lot at 645 Highway 49/88. Staff was notified at 5:07 p.m. today via fax from Elizabeth Williams, the property owner of 645 Highway 49/88, Ms. Williams requested this application be pulled from the agenda because she did not authorize the applicant to submit this application.

City Planner Peters reported Mike Koll, the lessee signed the application as the authorized representative of the property. Ms. Williams informed staff she would be discussing this conditional use permit with the applicant to determine whether a new application would be submitted for consideration in the near future.

Staff provided the Commissioners with Commissioner Butow's email from HCED Listserve regarding Mobile Food Trucks: Studies and Regulations.

5. Public Hearing – Planned Development Amendment 2011-01, David Stark, 365 South Avenue, APNs 020-311-019, 020, 021.

City Planner Peters reported the applicant is requesting an amendment to the Planned Development for 365 South Avenue to allow for two single family residential lots with reduced lot sizes and decreased setbacks as opposed to the three lots with reduced lot sizes and zero lot lines. In July 2003 the City Council approved a Tentative Parcel Map and Planned Development creating three single family residential lots to be developed with zero lot lines at 365 South Avenue. Recently, the applicant moved a manufactured home and temporarily placed it across the three parcels. The manufactured home, as placed, meets all Residential Single Family development standards. The applicant has submitted a Boundary Line Adjustment application to adjust the parcel lines to accommodate two single family residential lots including permanent placement of the manufactured home. The BLA proposes Lot 1 to be 4,360 square feet and Lot 2 to be 3,620 square feet.. Set backs on Lot 1 meet the development standards. Set backs on Lot 2 have yet to be determined. Depending upon the design of the structure for Lot 2 an additional Planned Development Amendment may be required to address setbacks for that lot.

The project site is designated and zoned Commercial (C) with a Planned Development Overlay. While amendments to a Planned Development 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. Because no environmental impacts are anticipated as a result of the proposed amendment the project qualifies for a categorical exemption in accordance with Section 15061(b)(3) of CEQA.

The Planning Commission may approve a Planned Development, only if all of the following findings can be made:

- A. The proposed development is:
 1. Allowed within the subject zoning district;
 2. Generally complies with all of the applicable provisions of this Development Code and Public Improvement and Engineering Standards relating to both on- and off-site improvements that are necessary to accommodate maximum flexibility in site planning and property development and to

carry out the purpose, intent, and requirements of the respective zoning district, including prescribed development standards and applicable design guidelines; and

3. Consistent with the General Plan and any applicable Specific Plan.

B. The proposed project would produce a comprehensive development of superior quality (e.g., appropriate variety of structure placement and orientation opportunities, appropriate mix of land uses and structure sizes, high quality architectural design, increased amounts of landscaping and open space, improved solutions to the design and placement of parking facilities, etc.) than which might otherwise occur from the strict application of the provisions and standards identified in this Development Code;

C. The proposed development is consistent with the design guidelines, achieves the overall design objectives of the design guidelines, and would not impair the design and architectural integrity and character of the surrounding neighborhood;

D. There are adequate provisions for public and emergency vehicle access, sanitation, water, and public utilities and services to ensure that the proposed development would not be detrimental to public health and safety. Adequate provisions shall mean that distribution and collection facilities and other infrastructure are installed at the time of development and in operation prior to occupancy of buildings and the land, and all development fees have been paid prior to occupancy of buildings and the land;

E. The design, location, size, and operating characteristics of the proposed development would not be detrimental to the public health, safety, or welfare of the City, or injurious to the property or improvements in the vicinity and zoning district in which the property is located;

F. The approval of the Planned Development 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; and

G. The subject site is:

1. Physically suitable for the type and density/intensity of development being proposed;
2. Adequate in size and shape to accommodate the use and all fences and walls, landscaping, loading, parking, yards, and other features required by this Development Code; and
3. Served by streets adequate in width and pavement type to carry the quantity and type of traffic generated by the proposed development.

H. The proposed development is consistent with all applicable regulations of the Amador County Department of Environmental Health and the City of Jackson Fire Department for the transport, use, and disposal of hazardous materials.

Should the Planning Commission chose to approve the Planned Development Amendment at 365 South Avenue, staff recommends that the applicant be required to complete the following Condition of Approval:

1. Complete the Boundary Line Adjustment process.

Should the Planning Commission chose to approve the Planned Development Amendment for Mr. David Stark, the following actions are recommended:

1. Instruct Staff to file a Categorical Exemption; and,
2. Adopt a Resolution approving a Planned Development Amendment for David Stark, 365 South Avenue based on the Findings and subject to the Condition of Approval in this report.

Chairman Hoeser opened the public hearing. Thornton Consolo spoke in support of Planned Development Amendment 2011-01, David Stark, 365 South Avenue. 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 Vice-Chairman Devlin, seconded by Commissioner Assereto, and unanimously carried to approve:

1. **Instruct Staff to file a Categorical Exemption; and,**
2. **Adopt a Resolution approving Planned Development Amendment 2011-01, David Stark, 365 South Avenue based on the Findings and subject to the Condition of Approval in this report.**

6. Sign Ordinance Amendments Update.

City Planner Peters recommended the Planning Commission hold a public hearing and recommend that the City Council approve the updated of Development Code, Article III, Chapter 17.54, Sign Regulations. Should the Planning Commission recommend approval, the updated Sign Regulations will forward to the City Council for consideration at the November 14, 2011 meeting. Additionally, it is recommended the Planning Commission review and approve the provided letter to City of Jackson business owners regarding the sign clutter reduction program and brochure that the Planning Commission approved at the September 19, 2011 meeting.

Vice-Chairman Devlin suggested the second paragraph be changed from City's economic well-being to our community's economic well-being. She also suggested the letter also include the signature of an elected official.

Chairman Hoeser opened the public hearing. Hearing no 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 Assereto, seconded by Vice-Chairman Devlin, and unanimously carried to:

1. **Forward the updated Sign Regulations to the City Council for consideration at the November 14, 2011 meeting; and**
2. **Approve the letter to City of Jackson business owners as amended.**

7. Announce Upcoming Planning Commission Vacancy. Application deadline set for November 3, 2011.

City Planner Peters reported City Clerk Cangelosi was recently informed by Planning Commissioner Darek Selman that he would be relocating his residence outside the city limits of Jackson and will no longer be eligible to serve on the Commission. She stated tonight would be Mr. Selman's last meeting. The term of Mr. Selman's seat is scheduled to expire on June 30, 2012. It is recommended the City accept applications for this seat until Wednesday, November 2, 2011, in order to allow time for the City Council appointment at its first meeting in November.

Chairman Hoeser thanked Commissioner Selman for serving on the Planning Commission and stated he would be missed.

8. Administrative Reports.

City Planner Peters reported she has nothing for the agenda for the month of November.

City Planner Peters reported the Design Review Committee held its first meeting Tuesday, October 4, 2011. Chairman Hoeser stated he was very impressed on how they held their meeting and they basically handle their meeting the same way as the Planning Commission does.

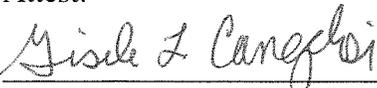
Chairman Hoeser requested an update on the Housing Element. City Planner Peters stated the City Council approved the 2007-2014 Housing Element and its Negative Declaration June 2010. She received HCD comments and noted there was nothing major. She stated this item was put on hold in order to completion and adoption of the Architectural Regulations. Staff is performing basic housekeeping. However 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 reiterated 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.

Chairman Hoeser inquired a status updated on the Amador-Tuolumne Community Action Agency Regarding "Sutter Family Homes" Project on Argonaut Drive near Sutter Street. City Planner Peters stated she does not have any additional information except that she heard the Agency put out a Request for Proposal for turnkey project.

Adjourn 7:52 p.m.

Attest:



Gisele L. Cangelosi, City Clerk

Date Approved: January 30, 2012