

**PLANNING COMMISSION
CITY OF SONORA
SEPTEMBER 12, 2016
5:30 P.M.**

A regular meeting of the Planning Commission of the City of Sonora was scheduled on this date at 5:30 p.m. in the Sonora City Hall Council Chambers.

The following members were present: Chairman Chris Garnin, Vice-Chair, John Richardson and Commissioners Darren Eaton and Ron Jensen. Absent was Commissioner Gary Anderson.

PUBLIC APPEARANCES: A member of the public stated that the wall sign on Sonora Lumber looks good but it should have been allowed to be bigger.

MINUTES:

MOTION: Approve the minutes of the July 11, 2016 and August 8, 2016 Planning Commission Meetings, as mailed.

MOTION: Eaton **SECOND:** Richardson
VOTE: **AYES:** Eaton, Richardson, Jensen and Garnin, (4)
 NOES: None (0)
 ABSTAIN: None (0)
 ABSENT: Anderson (1)

PUBLIC HEARINGS:

- 1) Revocation of Use Permit, which allowed the site to be used as a commercial office; located at 115 W. Bradford Street, in an R-3, Limited Multi-family residential zone; APN: 001-252-05.

Planner, Paula Daneluk, presented the staff report.

Property owner, Ken Hedges, stated that he was available for questions.

Chairman Garnin opened the public hearing at 5:38 p.m.

No comments from the public were received.

Chairman Garnin closed the public hearing at 5:39 p.m.

MOTION: To approve a revocation of a Use Permit for a commercial office and bring the property back to a residential use, subject to the following findings:

MOTION: Richardson **SECOND:** Jensen

VOTE:

AYES: Richardson, Jensen, Eaton and Garnin (4)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: Anderson (1)

Findings for Use Permit Revocation:

1. The commercial office use has been suspended on the specific parcel over a year; and
 2. The commercial office use for which the Use Permit was granted is not being exercised.
- 2) Application by Heide Cortopassi, for a request for demolition permits to demolish the existing buildings located at 549 S. Washington Street (APN: 002-181-24); 559 S. Washington Street (APN: 002-181-13), and 558 S. Washington Street (APN: 002-181-13), and 558 S. Stewart Street (APN: 002-181-12); all parcels are zoned C, Commercial.

Community Development Director, Rachelle Kellogg, presented the staff report. She provided Commissioners with the Sonora Police Department's report indicating calls for service for the subject properties. She discussed the current condition of the properties and the impact that this has had on the neighborhood and City services. She stated that the City has not received an application to develop the property after the demolition occurs. She discussed General Plan and zoning consistencies along with the findings and proposed conditions.

Commissioner Richardson asked if the Commercial zoning will remain on the property.

Community Development Director, Kellogg, confirmed that the zoning was not being changed under this application.

Commissioner Garnin questioned the removal of the trees.

Community Development Director, Kellogg, stated that the applicant had removed diseased trees and shrubbery to provide for more visibility into the property. She stated that the City Arborist confirmed that the oak trees removed were diseased.

Applicant, Heide Cortopassi, stated that her focus at this point in time was to clean up this blighted property. She expressed concern over vagrants entering these vacant homes and the likelihood that they would cause a fire to occur in one or more of the structures. She stated that

the three homes are no longer structurally sound and need to be removed from the property, however she plans to restore the McGowan House located adjacent to these homes.

Commissioner Eaton asked the applicant if she had plans for developing the property.

Applicant Cortopassi confirmed that she has no plans at this time to develop the property beyond restoring the McGowan House. She stated she will also be planting some trees on the property.

Chairman Garnin polled the audience to determine the number of speakers on the topic and set a time limit of 5 minutes per speaker. He opened the public hearing at 5:51 p.m.

Sharon Marovich, Tuolumne County Heritage Committee, spoke in opposition to the demolition request. She stated that City staff's CEQA determination was incorrect citing the infill exemption. She stated that the exemption was only for vacant land. She also stated that demolition should not be considered until the applicant submits a proposal to develop the property. She stated that consideration should be postponed until after the City's cultural resources study is complete to determine if those homes were a possible contributor to a potential historic district. She felt that the homes were historic due to the past owners of the parcels. She also expressed concerns over allowing the Sonora Fire Department to conduct fire training exercises within the homes to be demolished.

A member of the public stated he supported the demolition of the three homes. He stated that they had been boarded up for 16 years. He also stated he was a contractor for many years and the buildings were damaged beyond repair.

Mark Endicott spoke against the proposed demolition of the buildings. He stated that tourists come to Sonora to see the historic buildings and the homes should be restored. He stated that once the historic buildings are removed they are gone forever. He stated that it was shameful to have let these homes go to this state of disrepair and the City should have acquired them years ago.

The former real estate agent for the property spoke in favor of the demolition permit request. He stated that the properties strain the City's Police and Fire resources. He stated that the former owners did not have the resources to adequately maintain the property. He felt that removal of the homes would be an improvement to the area.

Police Chief, Mark Stinson, urged the Commissioners to support the demolition of the three homes. He stated that, due to the vagrancy issues, they have definitely been a resource drain on the Police Department. He also stressed that he was concerned about the likelihood of a fire occurring due to candles and warming fires being lit in the vacant homes. He also stated that a

lot of illegal drug activity has occurred on the property and that they were an eyesore to the community.

Fire Chief, Aimee New, expressed concerns over the condition of the residences. She stated that the Fire Department was dispatched to a fire that occurred in the gazebo behind the McGowan House in June of 2016. The fire caused damage to the back stairs of the McGowan House and the fence separating the adjoining parcel to the north.

She stated that, due to the vagrancy issues, it will only be a matter of time until someone starts a fire in one of the structures. She stated that the structures are not safe and are an eyesore. She explained the anticipated fire training exercises that could occur if the demolition permit was approved.

Vern Jones stated that he would like the opportunity to repurpose some of the building components.

A member of the public asked staff to address Sharon Marovich's concern over the City's CEQA determination.

Planner, Paula Daneluk, verified that the City's CEQA determination was accurate.

Community Development Director, Rachelle Kellogg, stated that the former property owners requested that these properties not be included in the City's historic resources inventory so they will not be evaluated beyond the historic report from WSA that was included with the staff report.

A local business owner supported the demolition permit requested. He stated that they were an eyesore along a gateway entrance into downtown Sonora.

Kurt Bryant, volunteer for the Tuolumne County Historical Society, stated that he had conducted research on the residences and did not find them a historic resource. He found the homes to be in a severely deteriorated state and supports the demolition request. He stated that building components that could be re-purposed should be salvaged, if possible.

Richie Grant stated that she had family that lived at 549 S. Washington Street and she was married in the back yard. She felt that this residence was now past the point of saving it and should be demolished.

Chairman Garnin closed the public hearing at 6:29 p.m.

Commissioner Richardson stated he understands the importance of the City's historic structures but these residences are an eyesore and they are beyond repair. The cost to restore the buildings would not be cost effective.

Commissioner Jensen stated he was in favor of the demolition. He said that he has looked at the buildings and, as a contractor, he feels it would cost several thousand dollars to restore each one. He stated that this was a gateway for the City and people do not want to see these deteriorated buildings.

Commissioner Eaton stated that this is an entrance into the City and that they are an eyesore in their horrible condition.

Commissioner Jensen expressed some concerns over the structures being used for a burning exercise for the Fire Department.

Fire Chief, Aimee New, explained that the Fire Department would mainly use the structures for forced entry exercises and if burning occurred, it would be in small areas. She stated that prior to any demolition activities, the properties will have to be cleared of any toxic material, asbestos, etc.

Chairman Garnin stated that the three homes were exposed on the real estate market for a long time and he was glad that someone purchased them to clean up the property. He said if they were able to be restored someone would have purchased them to do so but they are beyond repair and you cannot burden the new owner with a costly restoration. He said sometimes you just have to make the call and take them down.

MOTION: Approve request for Heide Cortopassi, for demolition permits to demolish the existing buildings, located at 549 and 559 S. Washington Street and 558 S. Stewart Street, subject to the conditions and findings below:

MOTION: Richardson **SECOND:** Jensen
VOTE: **AYES:** Richardson, Jensen, Eaton and Garnin (4)
 NOES: None (0)
 ABSTAIN: None (0)
 ABSENT: Anderson (1)

Conditions of Approval of Demolition Permit at 549 and 559 S. Washington Street and 558 S. Stewart Street:

General:

- 1) The Demolition Permit is issued for the residences and accessory structures located at 549 S. Washington Street, 559 S. Washington Street and 558 S. Stewart Street, Sonora, CA.
- 2) The property owner or authorized applicant, their successors and assigns, will defend, indemnify, and hold harmless the city and its agents, officers, attorneys and employees from any claim, action, or proceedings brought against the city or its agents, officers, attorneys or employees within the applicable statute of limitations to:
 - a. Attack, set aside, void, or annul any action approving an application (including any action to provide environmental clearance in compliance with the California Environmental Quality Act (CEQA), by city staff any city planning or advisory agency, any city appeal board, or the city council; or
 - b. Seek damages for property damage or personal injuries resulting from development authorized by the city pursuant to the application.
- 3) Applicant shall comply with all local, state and federal regulations and requirements. (SMC Section 17.32.090).
- 4) Any regulated asbestos containing material removed shall be disposed of in a manner consistent with state and federal law.
- 5) Applicant shall provide the Community Development Department with an asbestos report identifying all asbestos within all structures to be demolished and a clearance report prior to issuance of the demolition permit.
- 6) If property is used for Sonora Fire Department Training purposes it will be conducted subject to Air Resources Board requirements.
- 7) No demolition debris may be burned with the exception of activities associated with Condition #5 above.
- 8) Applicant shall comply with the recycling and re-use requirements of the applicable building codes.
- 9) Applicant shall provide dust suppression during demolition activities as approved by the Community Development Department.
- 10) Demolition activity shall be limited to the hours between 7:00 am and 7:00 pm, Monday through Friday; 8:00 am and 5:00 am on Saturday; and, 10:00 am and 3:00 pm on Sunday and Federal Holidays.

Findings:

- 1) The structure is in such a deteriorated condition that demolition will not have a significant effect on the achievement of the purposes of this Chapter or the City’s General Plan.
- 2) The demolition of the structure is consistent and does not conflict with the City’s goals, policies, and programs with respect to the management of cultural resources in the City as reflected in the City’s General Plan.

DESIGN REVIEW:

- 1) Application by Doug Kennedy of Trado Restaurant Corporation, for a Design Review Permit to make alterations to the structures located at 198 S. Green Street, in a C, Commercial zone; APN: 002-152-06.

Planner, Paula Daneluk, presented the staff report. She stated this was a change from the original Design Review approval granted by the Planning Commission in April of 2016. She discussed the recommended project conditions.

Chairman, Chris Garnin, asked if the project occupied the same footprint as the original project.

Planner Daneluk stated that the applicant has now purchased the properties housing the Bourbon Barrel, State 3 Theatre and the future Beer Garden location. She also stated that they have also included a new wall along the front of the property in the proposal.

Commissioner Richardson stated he liked the building design and asked if the exterior has stucco.

Planner Daneluk stated the proposed exterior material is stucco to match the Bourbon Barrel.

Doug Kennedy, applicant, stated he was available to answer any questions.

Commissioners expressed that they liked the proposed design.

MOTION: Approve a Design Review Permit to make alterations to the structures located at 198 S. Green Street, subject to the following conditions and findings:

MOTION:	Eaton	SECOND:	Richardson
VOTE:	AYES:		Eaton, Richardson, Jensen, and Garnin (4)
	NOES:		None (0)
	ABSTAIN:		None (0)

ABSENT: Anderson (1)

Conditions of Approval of Design Review Permit for 198 S. Green Street:

General:

1. This Design Review Permit is issued for the proposed improvements for 198 South Green Street as shown on the proposed elevations as amended by the following Conditions of Approval. All alterations shall be in accordance with plans approved by the Sonora Planning Commission on September 12, 2016. The Community Development Director may approve minor deviations that are consistent with the intent of the Planning Commission's findings, discussion and conditions of approval.
2. All building plans shall be designed to comply with the California Commercial Building Code.
3. The use, plans and improvements of the adjacent parking lot shall be approved by the City. Show the full layout, including dimensions as required by the parking regulations, of the adjacent City parking lot to include drive aisle, parking spaces, a safe walkway and ADA parking. The layout and improvements shall be approved by the City. An agreement with the City (as approved by the City Council) shall be obtained by the applicant prior to issuance of a building permit. Said parking lot improvements shall be completed prior to issuance of a Certificate of Occupancy.
4. Provide vehicular and city personnel access to the storm drainage manhole located on site and an easement to the City of Sonora for said access and maintenance or move the manhole into the adjacent City parking lot.
5. Applicant shall merge the two lots (APNs 002-015-006 and 002-015-007) prior to certificate of occupancy.
6. LPG tank must be located outside of a structure, unless it meets the following exception:
 - a. 10-foot minimum separation between LP-Gas containers and buildings, public ways or lot lines of adjoining property and combustibles.
 - b. No smoking signs – 25 foot no smoking signs posted on LP-Gas.
 - c. Portable fire extinguishers (2A10BC extinguishers) placed within maximum travel distance of 75 feet, and mounted per CFC2013.
7. Clearly mark the exit egress (path of travel) from Stage 3 to Green Street and west exit to City parking lot.

8. Pay TUD connection fees and / or capacity charges as required by the District. Applicant shall provide written documentation from TUD that this condition has been met prior to issuance of a Certificate of Occupancy.
9. Install the required bi-directional cleanout at the property line if one is required by TUD. Applicant shall provide documentation from TUD of compliance with this condition prior to issuance of a Certificate of Occupancy.
10. Prior to issuance of Certificate of Occupancy, the applicant shall provide either:
 - a. Agreements with nearby property owners for shared parking of available parking spaces in privately held parking lots (spaces not required to meet the primary user's parking requirement); or
 - b. Payment of \$1,500 per space to the City of Sonora as specified in the Parking Regulations to meet this Zoning Condition; or
 - c. A combination of A & B that equals the required number of parking spaces for the occupancy of the site.
11. All speakers shall be located as to be completely shielded from view of the nearby residences and either oriented downward or to the east, away from the nearby residences.
12. Maximum sound levels generated by the proposed sound system should not exceed 80 dBLeq at a distance of 30 feet from the speakers during daytime hours or 75 DBLeq after 10 pm.
13. Upon completion of sound system installation, the system shall be tested by persons qualified in acoustics to calibrate system operation to the levels cited above in condition 9 and to ensure facility sound levels do not exceed the limits (identified in Table 1 of the Bollard noise report conducted for this project dated December 2015) at the nearest residential property line. If additional audio equipment is added to the system in the future, this process shall be repeated.
14. The owner/operator shall procure a sound level meter to ensure that the volume limits listed above are satisfied if the City receives a noise complaint regarding the facility. Said sound level meter shall be maintained onsite to monitor noise compliance.
15. The roof top seating area is limited to a maximum of occupancy of 60 patrons at one time, if not otherwise restricted by the Building Code.
16. The property owner or authorized applicant, their successors and assigns, will defend, indemnify, and hold harmless the city and its agents, officers, attorneys and employees from any claim, action, or proceedings brought against the city or its agents, officers, attorneys or employees within the applicable statute of limitations to:

- a. Attack, set aside, void, or annul any action approving an application (including any action to provide environmental clearance in compliance with the California Environmental Quality Act (CEQA), by city staff any city planning or advisory agency, any city appeal board, or the city council; or
 - b. Seek damages for property damage or personal injuries resulting from development authorized by the city pursuant to the application. [SMC Section 17.69.010 (Ordinance 776)]
17. Applicant shall comply with all local, state and federal regulations and requirements. (SMC Section 17.32.090).

Findings:

1. The use is consistent with the City of Sonora General Plan;
2. The use is consistent with Title 17 of the Sonora Municipal Code and with the purposes of the zone in which it is located;
3. The proposed design conforms with features found on the surrounding buildings;
4. The proposed exterior architectural features reflect the traditional architectural characteristics of the community, blends with the adjacent neighborhood, and is consistent with the applicable design standards in the General Plan and Sonora Municipal Code.

DISCUSSION ITEMS:

1. Community Development Director's Report

Community Development Director, Rachelle Kellogg, advised Commissioners that there will be an October meeting and it will be held on Tuesday, October 11, 2016 due to the Columbus Day holiday on October 10th.

She also stated that the City's construction loan had closed for the Stewart Street Multi-Family Housing Project at 489 S. Stewart Street. Construction should begin by the 14th of September with an end of construction date of May 1, 2017.

CORRESPONDENCE: None

ADJOURNMENT: There being no further business to come before the Commission, the meeting was adjourned at 7:06 p.m., to the next regular meeting on Tuesday, October 11, 2016.

Respectfully submitted,

Rachelle Kellogg,
Community Development Director