PLANNING COMMISSION
CITY OF SONORA

NOVEMBER 13, 2017

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: Chair, Chris Garnin, Vice-Chair, John Richardson and Commissioners Gary Anderson, Kevin Anderson, and Ron Jensen.

PUBLIC APPEARANCES: None

MINUTES:

MOTION: Approve the minutes of the October 10, 2017 Planning Commission Meeting, as mailed.

MOTION:	Richardson	**SECOND:**	Jensen
VOTE:	**AYES:**	Richardson, Jensen, G. Anderson, K. Anderson and Garnin (5)	
	NOES:	None (0)	
	ABSTAIN:	None (0)	
	ABSENT:	None (0)	

DESIGN REVIEW:

1) Application by Ted Radetich, for Neil Goodhue, for a Design Review Permit to replace the existing flat metal awning with a sloped canvas awning, located at 93 S. Washington Street, in a C, Commercial zone; APN: 001-195-002.

Planner, Paula Daneluk, presented the staff report for the project.

Commissioner Jensen asked staff to clarify the proposed color for the awning.

Planner, Paula Daneluk, stated that the color would be green as included within the staff report.

Applicant, Ted Radetich, stated he was available to answer questions.

Commissioner, Gary Anderson, asked if the awning would cover the sidewalk. Applicant, Ted Radetich, stated that it would.

Commissioner, Kevin Anderson, asked if it was an aluminum frame. Applicant, Ted Radetich, stated that it was and it would be an improvement over the previous awning.

Chairman Garnin asked for public comment and there was none.

MOTION: To approve a Design Review permit to replace the existing flat metal awning with a sloped canvas awning, subject to the following conditions and findings:

MOTION:	Richardson	**SECOND:**	Jensen
VOTE:	**AYES:**	Richardson, Jensen, G. Anderson, Garnin and K. Anderson (5)	
	NOES:	None (0)	
	ABSTAIN:	None (0)	
	ABSENT:	None (0)	

Findings for Design Review Permit:

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 awning conforms with features found on those typical of the period for which the structure was constructed;

4) The proposed awning reflects 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.

Conditions of Approval Design Review Permit
93 S. Washington Street

General:

1. This Design Review Permit is issued for the replacement of the awning on the awning as shown in Figure 2. All exterior alterations shall be in accordance with plans approved by the Sonora Planning Commission on November 13, 2017. The Community Development Director may approve minor changes to the design that are in substantial compliance with the plans approved by the Planning Commission.

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. [SMC Section 17.69.010 (Ordinance 776)].

3. Applicant shall comply with all local, state and federal regulations and requirements. (SMC Section 17.32.090).

PUBLIC HEARINGS:

1) Text Amendment to Chapter 17.52, Sonora Municipal Code – Site Plans

Planner, Paula Daneluk, presented the staff report. She stated that the proposed text amendment is to address issues related to current and past commercial projects in that many were exempt from site plan review.

Commissioner, Gary Anderson, asked why an accessory structure is defined as totally less than one hundred twenty square feet and not one hundred and forty-four square feet.

Community Development Director, Rachelle Kellogg, stated it was tied to whether or not the project triggers a building permit.

Chairman Garnin opened the Public Hearing at 5:45 p.m.

A member of the public asked if the Kentucky Fried Chicken (KFC) project would be subject to the new site plan requirements.

Planner, Paula Daneluk, stated that the KFC project would be under the current regulations as proposed changes would not be retroactive to any project which had submitted a previous application.

There being no further public comment, Chairman Garnin closed the Public Hearing at 5:50 p.m.

Commissioner, Kevin Anderson, stated that Section 17.52.020(I) should be revised to read "totaling up to three units" instead of "two".

MOTION: Recommend to the City Council, with a change to Section 17.52.020 (I), to read "totaling up to three units", adoption, by Ordinance, Text Amendments to Chapter 17, Zoning Ordinance of the Sonora Municipal Code, Section 17.52.010, Applicability; Section 17.52.020, Exemptions; and Section 17.52.035, Underground Utilities contained in Ordinance No. 846, and subject to the following recommended findings:

MOTION:	Richardson	**SECOND:**	G. Anderson
VOTE:	**AYES:**	Richardson, G. Anderson, K. Anderson, Garnin and Jensen (5)	
	NOES:	None (0)	

ABSTAIN: None (0)

ABSENT: None (0)

Recommended findings for Text Amendments to Chapter 17, Zoning Ordinance – Site Plans:

The proposed rezoning:

A. Is consistent with the objectives, policies, general land uses and programs specified in the General Plan;

B. Is in conformity with public convenience, general welfare and good land use practice;

C. Will not be detrimental to the health, safety and general welfare;

D. Will not adversely affect the orderly development of property or the preservation of property values; and

E. The project has been reviewed in compliance with CEQA and is exempt from further review pursuant to the California Environmental Quality Act.

2) Text Amendment to chapter 17.59, Sonora Municipal Code – Home Occupations

Community Development Director, Rachelle Kellogg, presented the staff report. She stated that the reason for the proposed text was to all Home Occupations within any zoning district and establishing clear regulations that better control the impacts of these types of operations within residential neighborhoods.

Commissioner, Gary Anderson, questioned staff about the proposed traffic limitation.

Community Development Director, Rachelle Kellogg, explained that this is in addition to the normal trip generation for a residential unit. Staff stated that restricting the number of additional trips for a Home Occupation is consistent with other city and county Ordinances.

Commissioner, Kevin Anderson, asked if the vehicle sign restriction of two feet is strictly for the Home Occupation business.

Community Development Director, Rachelle Kellogg, stated that it was.

Chairman Garnin opened the Public Hearing at 6:00 p.m.

There being no public comment, Chairman Garnin closed the Public Hearing at 6:01 p.m.

MOTION: Recommend to the City, adoption, by Ordinance, Text Amendments to Chapter 17, Zoning Ordinance of the Sonora Municipal Code, Section 17.59.020 Criteria and conditions;

Section 17.59.030 Application – Filing; Section 17.59.050 Appeals, contained in Ordinance No. 843, and subject to the following recommended findings:

MOTION:	Jensen	**SECOND:**	K. Anderson
VOTE:	**AYES:**	Jensen, K. Anderson, G. Anderson, Garnin and Richardson (5)	
	NOES:	None (0)	
	ABSTAIN:	None (0)	
	ABSENT:	None (0)	

Recommended findings for Text Amendments to Chapter 17, Zoning Ordinance – Home Occupations:

The proposed rezoning:

A. Is consistent with the objectives, policies, general land uses and programs specified in the General Plan;

B. Is in conformity with public convenience, general welfare and good land use practice;

C. Will not be detrimental to the health, safety and general welfare;

D. Will not adversely affect the orderly development of property or the preservation of property values; and

E. The project has been reviewed in compliance with CEQA and is exempt from further review pursuant to the California Environmental Quality Act.

3) Text Amendment to Chapter 17.58, Sonora Municipal Code – Nonconforming Uses and Structures and to Chapter 17.62, Sonora Municipal Code – Use Permit and Variance Procedure.

Community Development Director, Rachelle Kellogg, presented the staff report. She explained that the Text Amendment would allow an abandoned residential use, if not a use allowed by right, to be re-instated with a Use Permit if the structure was originally constructed for residential purposes. She also stated that the changes would provide for a voluntary revocation of a Use Permit and allow the Community Development Director to approve minor changes to an existing Use Permit.

Commissioner Jensen asked if this was strictly for residential use.

Planner, Paula Daneluk, stated yes and further explained the issue related to residential properties within specific zoning districts.

Chairman Garnin opened the Public Hearing at 6:12 p.m.

There being no public comment, Chairman Garnin closed the Public Hearing at 6:13 p.m.

MOTION: Recommend to the City Council, adoption, by Ordinance, Text Amendments to Chapter 17, Zoning Ordinance of the Sonora Municipal Code, Section 17.58.010 Applicability; Section 17.58.030 Reconstructing, restoring, and moving prohibited – Exceptions; Section 17.62.030 Application-Notice of hearing; Section 17.62.040 Hearing – Decision by Commission; Section 17.62.080 Effective date; Section 17.62.100 Appeal to Council; Section 17.62.110 Revocation of modification; and the addition of Section 17.62.111 Revocation, voluntary and Section 17.62.112 Minor modifications, contained in Ordinance 844, and subject to the following recommended findings:

MOTION:	Richardson	**SECOND:**	G. Anderson
VOTE:	**AYES:**	Richardson, G. Anderson, K. Anderson, Garnin and Jensen (5)	
	NOES:	None (0)	
	ABSTAIN:	None (0)	
	ABSENT:	None (0)	

Recommended findings for Text Amendments to Chapter 17, Zoning Ordinance – Nonconforming Uses and Structures and Use Permit and Variance Procedure:

The proposed rezoning:

A. Is consistent with the objectives, policies, general land uses and programs specified in the General Plan;

B. Is in conformity with public convenience, general welfare and good land use practice;

C. Will not be detrimental to the health, safety and general welfare;

D. Will not adversely affect the orderly development of property or the preservation of property values; and

E. The project has been reviewed in compliance with CEQA and is exempt from further review pursuant to the California Environmental Quality Act.

4) Text Amendment to Chapter 17.50, Wireless Telecommunication Facilities, 17.04 Definitions, and Chapter 17.60, Sonora Municipal Code – Uses Permitted by Use Permit.

Community Development Director, Rachelle Kellogg, informed the Commissioners that these are the first Wireless Telecommunication Facilities Regulations for the City. She stated that staff reviewed Ordinances from other Cities to draft the proposed Ordinance. The Ordinance defines exempt facilities, establishes application and approval requirements, sets standards, and addresses various issues related to these types of facilities.

Commissioner Garnin questioned why the proposed changes to Section 17.60.040 (I) does not include the R-1, Single Family Residential and R-2, Limited Multi-Family Residential zoning districts.

Community Development Director, Rachelle Kellogg, stated that the Ordinance could be modified to allow a building or structure to exceed 35 feet in height in any zone with a Use Permit.

Commissioner Jensen expressed concerns over allowing towers within a residential neighborhood.

Community Development Director, Rachelle Kellogg, explained the importance of the City adopting reasonable regulations for wireless facilities due to the push at the State level to limit local regulation. She stated that without such regulations, the City may be very limited on its ability to regulate these facilities in the future. She also stated that people are reliant on internet access for their day to day lives so the demand for better service is large.

Planner, Paula Daneluk, explained that the new Ordinance provides the mechanisms necessary to limit the size of the facilities, review design and stealth features, evaluate view sheds, address noise issues along with other concerns through the permitting process. She stated without this Ordinance, the City's review is very limited.

Chairman Garnin opened the Public Hearing at 6:37 p.m.

There being no public comment, the Chairman closed the Public Hearing at 6:38 p.m.

MOTION: Recommend to the City Council, adoption, by Ordinance, Text Amendments to Chapter 17, Zoning Ordinance of the Sonora Municipal Code, deleting Chapter 17.50 Poles, Chimneys, Towers and Utility Lines; adding Chapter 17.50 Wireless Telecommunication Facilities, with change to allow a building or structure to exceed 35' in height in any zone with a Use Permit (17.50.050 (B)); adding Section 17.04.355 Wireless Telecommunication Facilities; amending Section 17.60.030 Uses permitted in any zone with a Conditional Use Permit and Section 17.60.040 Uses permitted in specific zones, contained in Ordinance 845, and subject to the following recommended findings:

MOTION: G. Anderson **SECOND:** Richardson

VOTE: **AYES:** G. Anderson, Richardson, K. Anderson, Garnin and Jensen (5)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

Recommended findings for Text Amendments to Chapter 17.50, Wireless Telecommunication Facilities, 17.04 Definitions, and Chapter 17.60, Sonora Municipal Code – Uses Permitted by Use Permit:

The proposed rezoning:

A. Is consistent with the objectives, policies, general land uses and programs specified in the General Plan;

B. Is in conformity with public convenience, general welfare and good land use practice;

C. Will not be detrimental to the health, safety and general welfare;

D. Will not adversely affect the orderly development of property or the preservation of property values; and

E. The project has been reviewed in compliance with CEQA and is exempt from further review pursuant to the California Environmental Quality Act.

DISCUSSION ITEMS:

1) Design Review

Community Development Director, Rachelle Kellogg, provided Commissioners with the City's Design Review requirements. She stated that Commissioners had directed staff to evaluate allowing more approvals at the staff level versus requiring approval by the Planning Commission. She expressed concerns over issues with the subjectivity related to Design Review approvals which is not the case currently as staff approval is limited to like-for-like replacement.

Planner, Paula Daneluk, agreed and also reminded Commissioners that there would also be no public process if approved at the staff level.

Community Development Director, Rachelle Kellogg, stated if the Commissioners wish to proceed, she recommended making the approval specific, such as only for awnings.

Following discussion, staff was directed to bring back a revised Design Review Ordinance that would provide for staff's approval of awnings.

2) Community Development Director's Report

Community Development Director, Rachelle Kellogg, provided project updates and advised Commissioners that there would be a meeting on December 11, 2017.

CORRESPONDENCE: None

ADJOURNMENT: There being no further business to come before the Commission, the meeting was adjourned at 7:05 p.m., to the next regular meeting on December 11, 2017.

Respectfully submitted,

Rachelle Kellogg,
Community Development Director