



CITY OF RED BLUFF

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PLANNING COMMISSION MINUTES Tuesday, January 28, 2020 City Council Chambers

1. Call to Order

Chairman Piffero called the meeting to order at 5:27 p.m.

2. Pledge of Allegiance

Chairman Piffero led the assembly in the pledge of allegiance.

3. Roll Call

Planning Commissioners Present:	Planning Commissioners Absent:
Steve Piffero, Chairperson	Gerry Reyes, Commissioner (Resigned)
Doug Dale, Vice Chair	Robert James, Commissioner (Excused)
Tyler Miranda, Commissioner	
Ron Johnson (Introduction)	

4. Introduction of Newly Appointed Planning Commissioner – Officer Ronald Johnson

Chairman Piffero introduced Officer Ronald Johnson to the Planning Commission.

5. Election of Chairperson and Vice Chair

Scott Friend, Community Development Director, received direction from the Commission to move forward in the election of Chair and Vice Chair, even though Commissioner James was absent. Mr. Friend called for nominations for Chairman 2020. Vice Chair Dale nominated Tyler Miranda for Chairman and Commissioner Johnson seconded the motion.

AYES: Commissioners Miranda, Piffero, Dale and Johnson

NOES: None

ABSENT: Commissioner James

Mr. Friend called for nominations for Vice Chair and hearing none, he asked current Vice Chair Dale if he would like to maintain his seat as Vice Chair, and he agreed to do so.

6. Citizen Comment

None

7. Public Hearing - Use Permit No. 2019-03; Consider a Mobile Vending Unit 212 S. Main St.

Mr. Friend reviewed the staff report and explained that the purpose of the public hearing is for the approval/denial of a Conditional Use Permit to allow a mobile vender unit in a Central Business (C-2) zoning district. Notice of this public hearing was published in the newspaper, posted (on and off site) and mailed to surrounding

property owners located within 300 feet, on November 9th, 2019. This agenda item is carried over from the November 24th Meeting.

Staff recommended the following:

- Deny Conditional Use Permit 2019-03.
- However, if the Commission chooses to approve USE Permit 2019-03, Resolution PC10-2019 alternate locations are suggested so the truck is outside of any vehicular circular paths and that the patrons do not negatively impact the other businesses.

Chairman Miranda opened the public hearing at 5:28 p.m. and invited Mr. Bautista (food truck owner) to the podium. Mr. Bautista showed the Commission a diagram of alternate locations. He explained that often, the parking lot is empty when the other businesses are closed.

Chairman Miranda asked if the PC has the authority to rule on private parking lots.

Mr. Friend explained that the Commission has the authority to decide the USE of the parking lot.

Chairman Miranda stated he preferred the second location which is the row of four spaces closest to the where the bollards used to be, next to Main Street side, with the bollards reinstalled.

From the audience, Mayor Daniele Eyestone stated she's in favor of denial as long as alternative suggestions are given; for instance, using the Furniture Depot parking lot.

Commissioner Johnson asked if the neighboring business owners have any objections and Mr. Friend stated that he had spoken with the business owners and there was less concern if the truck is parked in the parking spaces near Main Street versus in front of the business.

Mr. Friend explained that food trucks are typically longer and wider than a parking space. The parking lot would likely lose two parking lots. One-way driveways are typically 15 feet in width and two-way driveways are 24 feet. The parking lot has a two-way driveway and if the food truck is allowed to run its business at the grassy area, the patrons could potentially be standing in the two-way driveway.

Chairman Miranda closed the public hearing at 5:40

Commissioner Piffero moved to approve the Use Permit with the condition the food truck is located at position 2 (parallel along Main Street) Chairman Miranda seconded the motion.

Vice Chair Dale asked what Mr. Bautista's relationship is with Kevin's Donoughts.

Mr. Bautista explained he owns the Mexican Market next door.

Commissioner Johnson asked for a stipulation that the bollards are mandatory.

Mr. Friend stated the motion would have a "friendly amendment".

Commissioner Piffero accepted the friendly amendment.

Chairman Miranda clarified the motion to approve the Use Permit with the condition the food truck is located at position 2 (parallel

along Main Street) with a series of bollards in place to protect the customers. Chairman Miranda seconded the motion.

AYES: Commissioner Miranda, Piffero and Johnson

NOES: Commissioner Dale

ABSENT: Commissioner James

RESOLUTIONS

8. Public Hearing - Resolution 3-2020 – Accessory Dwelling Units (ADU) & Junior ADUs

Mr. Friend reviewed the staff report and recommended the Commission conduct a public hearing and move to adopt Resolution No. 03-2020 recommending for approval to the City Council an Amendment to the Red Bluff Municipal Code including Chapter 25: Zoning, Article VI: Residential Districts, §25.52 Residential Zones and Permit Requirements; Article IX: Industrial Districts; §25.92 Industrial Zones and Permit Requirements; Article XIX: General Provisions; Article XXV: Definitions as presented herein and approval of the Categorical Exemption as presented. Notice of the public hearing was published, posted, and mailed to surrounding property owners located within 300 feet of the subject parcel at least ten (10) days prior to the date of the meeting as required by law.

Mr. Friend explained that the new state law prohibits cities from denying ADUs and JADUs and the only way the Planning Commission could rule against allowing an ADU or Junior ADU is if the water and or sewer systems are inadequate. Tonight, the Commission is acting in the capacity as an advisory body to the City Council. Additionally, staff has recommended approval of a CEQA exemption, and it should be included in the motion.

Chairman Miranda opened the Public hearing at 5:55 p.m. and hearing no comment, he closed the hearing at 5:55 p.m.

Chairman Miranda summarized that the code amendment will increase the housing units but also increase the sub-standard housing units. Every parcel that has a garage, shed carport could potentially be converted into an ADU. The amendment changes the dynamics of low-density neighborhoods into hi-density neighborhoods without the consideration of increased need of parking. The amendment allows anyone with a garage, carport or shed, attached, or detached, to convert that area plus 150 sq. ft. of living space but they cannot be charged impact fees, The water and sewer utilities are not required to connect to the City's services; they can be hooked into the existing house.

Mr. Friend agreed that the new law states that parking cannot be enforced by Cities charging fees for units under 705 sq. ft. but for units over 750 sq. ft., the fee must be proportionate to the size of the unit. Additionally, before January 1st, the owner had to live in the main house in order to allow an ADU on the property. Now, according to the new state law, the owner doesn't have to live in either house. The rational of the state is to use the new law to generate affordable housing.

Chairman Miranda stated the City would be fined if the code amendment is not enforced.

Vice Chair Dale motioned to adopt Resolution 3-2020 including the CEQA recommendation and Commissioner Piffero seconded the motion.

AYES: Commissioners Miranda, Dale, Piffero and Johnson

NOES: None

ABSENT: Commissioner James

9. Public Hearing - Resolution 1-2020 – Set Back - to Allow Solar- 100 Jackson St.

Mr. Friend reviewed the staff report and explained that this item is a public hearing. Notice of the public hearing was published, posted, and mailed to surrounding property owners located within 300 feet of the subject parcel at least ten (10) days prior to the date of the meeting as required by law. Staff's recommendation is to move to adopt Resolution No. 01-2020, subject to the Findings and Conditions in the staff report and a recommendation for approval of a variance to the City Council.

Mr. Friend explained that the contractors, Phoenix Solar (PS), are requesting a variance to allow for a 6 ½ ft. setback versus the existing 10 ft. setback which is required in City's R-4 zoning district so that the new construction does not have to be torn down. He explained that the Commission's decision could be appealed to the City Council should the Commission deny the variance. He also stated that the Phoenix Solar representatives were in the audience and available for questions.

Vice Chair Dale inquired why the Building Department allowed a 6.5 ft. setback when they inspected the holes for the structure posts.

Mr. Friend stated that Staff responds to calls for inspections, but it was already built by the time staff performed the inspection.

Chairman Miranda opened the public hearing at 6:15 p.m.

Cody Thurman, owner of PS, admitted PS made a mistake in placing the holes for the structure posts and the cost to dig them out is astronomical. However, the placing of the structure posts is beneficial to the Fire Department's access and they are putting

gutters on the awning so that water doesn't drip on the pedestrians using the sidewalk. It is a sidewalk and carport; it's not like they are impeding on someone's property.

Commissioner Johnson asked and received confirmation that the solar panels do not hang out over the sidewalk.

Commissioner Piffero asked if from the east side of the parking lot, is there enough clearance for a fire truck to access the parking lot.

Mr. Thurman explained that the original plans called for 20 ft clearance and this way, it is 23.75 ft. and the solar panels do not hang out further than the structure.

Mr. Friend explained that the initial concerns of the Fire Department were not the 20 ft. clearance but the height of the structure and that it would not hit the low nature of the roofing structure.

Chairman Miranda asked if the code enforcers measured the distance of the structure post holes.

Mr. Thurman stated he was not present during the inspection but typically inspectors would measure the distances.

Mr. Friend verified that the construction plan aspects were correct, but the applicant didn't measure where the holes are.

Commissioner Johnson stated he imagined the project was considered a large project for PS and wanted to know why the City requires a 10 ft. setback.

Mr. Friend explained the 10 ft. setback is generally required for utilities and if the sidewalk needs widened or for bus stations but mainly for safety.

From the audience, Mayor Daniele Eyestone asked and received confirmation that the building staff were called for an inspection and saw that the holes were dug, and they missed the 10 ft. requirement. In that case, she stated that the posts should be dug out and corrected. That's what the plans called for, its for a safety reasons and just because their mistake made the driveway wider, it's not ok. What are the plans to stop this from happening with in the Building Department in the future?

Commissioner Johnson asked and received confirmation that the City has not had issues with PS before.

Mr. Friend informed the Commission of the city code's conditions of granting variances.

Chairman Miranda closed public comment at 6:28 p.m.

Commissioner Johnson stated the because it is a large project, and the setback miscalculation is partially on the City and partially on PS, it is something we can work with. Taking the construction posts down does not sound feasible; it would cost a lot of money and time and the Gym owners probably need to conduct business.

Mr. Friend stated that denying the variance would require removal of the structure or, you could provide conditions to the variance.

Commissioner Piffero stated PS cut off 4-5 parking spaces causing people to park across the street which is a concern; the structure could have been constructed in the parking area across the street.

Chairman Tyler stated that because both sides made mistakes and building plans change all the time, he doesn't think it is that big of a deal as long as there are rain gutters installed.

Commissioner Johnson asked if the gutters were added to the plans.

Mr. Friend stated the gutters could be added to the motion as a condition.

Commissioner Piffero expressed concern of how many times we are going to have to keep approving variances.

Commissioner Johnson motioned to approve Variance No. 2020-01 subject to the findings and conditions in the staff report with the addition of implementing gutters to protect the citizen's so that rain water does not run off the structure into the sidewalk and approve the CEQA notice of exemption.

Chairman Miranda Seconded the motion.

AYES: Commissioners Miranda, Dale, and Johnson

NOES: Commissioner Piffero

ABSENT: Commissioner James

10. Public Hearing - Resolution 2-2020 – Set Back - Reduced Front Yard- 795 David Ave.

Mr. Friend reviewed the staff report and explained that this item is a public hearing. Notice of the public hearing was published, posted, and mailed to surrounding property owners located within 300 feet of the subject parcel at least ten (10) days prior to the date of the meeting as required by law. Staff's recommendation is to move to adopt Resolution No. 02-2020, subject to the Findings and Conditions attached to this report, recommending for approval to the City Council a Variance as allowed in RBCC Article XV: Variances to allow for the reduction of the side yard setback to 4 ½ feet.

Mr. Friend explained that the lot at 795 David Avenue is not a regular rectangle lot and the house is placed close to the lot line where the applicant wants to make structure improvements. The code requires a 10 ft. rear yard setback and the house is currently at a 5 ft. setback. The applicant wants to enclose the carport into a garage. Because of the angle of the lot and how the house sits, the applicant will need a setback adjustment to modify the rear yard to allow him to build his additions at the plane of the current house and to enclose the carport so that the corner of the carport is at 16.5 ft. as opposed to 20 ft. Staff recommends approval of the setback adjustment because of the odd shape of the lot and it would allow the applicant to improve his home. Mr. Friend presented photos of the lot for the Commission to view.

Chairman Miranda opened the public hearing at 6:35 p.m. and hearing no comments, closed the hearing at 6:35 p.m.

Commissioner Piffero motioned to approve Resolution 2-2020 including the CEQA and Vice Chair Dale seconded the motion.

AYES: Commissioners Miranda, Dale, Piffero and Johnson
NOES: None

ABSENT: Commissioner James

11. Staff Items and Additional Comments

Mr. Friend reported that the Housing Element is drafted. A public meeting is needed to solicit public input. Staff put in a request to shorten the review period from 60 to 30 days. In order to apply for CDBG funding, the Housing Element must be completed. The Housing Element will be presented to the Commission in the near future.

12. Adjournment

Chairman Miranda adjourned the meeting at 6:52 p.m.