

## PLANNING COMMISSION MINUTES

**Date of Meeting:** Tuesday, February 24, 2009

**Time of Meeting:** 5:15 p.m.

**Place of Meeting:** City Council Chambers  
555 Washington Street  
Red Bluff, CA

**Commissioners Present:** Greg Latourell  
Kevin Fitzpatrick  
Andrew Christ  
Doug Dale

**Commissioners Absent:** Jean Moran (absent-excused)

**Staff Present:** Scot Timboe, Planning Director  
Cheryl Smith, Deputy City Clerk  
Mike Bachmeyer, Division Chief  
JD Ellison, Building Official/Director

Chairperson Latourell called the meeting to order at 5:17 p.m.

The Pledge of Allegiance was led by Chairperson Greg Latourell and the assemblage joined in.

Scot Timboe, Planning Director, asked that the Planning Commission take a recess at 6:05 p.m. to allow the City Council to call their special meeting to order and adjourn to a closed session.

Mr. Timboe then introduced and welcomed new Planning Commissioner Kevin Fitzpatrick.

Chairperson Dale congratulated Michael Bachmeyer on his recent promotion to Fire Chief.

### **CITIZEN'S COMMENT:**

None

### **CURRENT BUSINESS**

#### **SELECTION/APPOINTMENT OF NEW CHAIR AND VICE-CHAIR\_**

Motion by Chairperson Latourell nominating Commissioner Christ to serve as Chair died due to the lack of a second.

Motion by Commissioner Christ, seconded by Commissioner Fitzpatrick nominating Commissioner Dale to serve as Chair.

AYES: Commissioners: Christ, Dale, Fitzpatrick and Latourell

NOES: None

ABSENT OR NOT VOTING: Commissioner Moran (absent-excused)

Motion by Commissioner Latourell, seconded by Commissioner Dale nominating Commissioner Christ to serve as Vice Chair.

AYES: Commissioners: Christ, Dale, Fitzpatrick and Latourell

NOES: None

ABSENT OR NOT VOTING: Commissioner Moran (absent-excused)

### **APPROVAL OF MINUTES**

**December 9, 2008**

M/S/C Christ, Dale to approve the minutes of December 09, 2008 as written.

AYES: Commissioners: Dale and Christ

NOES: None

ABSENT OR NOT VOTING: Commissioners Latourell (abstained - absent that meeting) and Fitzpatrick (abstained – not on Commission at that time) Moran (absent-excused)

**SETBACK ADJUSTMENT NO. 2009-001; TO ALLOW TWO REDUCED REAR YARD SETBACK ADJUSTMENT OF 12 FEET AND 6 FEET RESPECTIVELY, TO INCLUDE NO-COVERED TWO-CAR TANDEM OFF-STREET PARKING REQUIREMENT REDUCTION (RBCC SECTION 25.224) ON EACH LOT WITH REMODEL EXPANSIONS OF EXISTING HOMES; 1348 THIRD ST. & ALLEY HOME 1350 THIRD ST.; APN(s) 029-223-11 7 12; NEIL GILL**

Scot Timboe, Planning Director, reviewed the staff report and gave staff's recommendation that the Planning Commission adopts Resolution No. 2009-001 approving Setback Adjustment 2009-001.

Chairperson Dale requested clarification on if the lots would only qualify with the uncovered parking request.

Mr. Timboe stated that was correct.

Mr. Neil Gill stated that he was available to answer any questions the Commission may have.

Chairperson Dale requested clarification on stacked spaces being avoided in new construction.

Mr. Timboe stated that was correct and that the concession is that there would not be any carports and/or garages.

Chairperson Dale requested clarification on the 1970 gas line statement in the staff report.

Mr. Timboe stated it was to show the history of the area.

M/S/C Latourell, Christ to adopt Resolution No. 2009-001 approving Setback Adjustment 2009-001.

AYES: Commissioners: Christ, Dale, Fitzpatrick and Latourell

NOES: None

ABSENT OR NOT VOTING: Commissioner Moran (absent-excused)

**CITY OF RED BLUFF TECHNICAL ADVISORY COMMITTEE PRELIMINARY REVIEW APPEAL RBCC SECTION 20.11 (PROPOSED 3 PARCEL LOT LINE**

**ADJUSTMENT & MERGER); ASSESSOR'S PARCEL 33-140-16; MR. & MRS. BROWN AND MR. RALPH HOLDEN**

Scot Timboe, Planning Director, reviewed the staff report and gave staff's recommendation that the Planning Commission:

1. Consider all information presented within the report and presented at the meeting; and,
2. Provide direction to staff regarding the two outstanding items in question as noted:
  - A. Direct staff to coordinate formal application with the information currently on LLA & MRG Diagram; or
  - B. Provide specific direction of additional information and modification necessary for the next submittal.

Chairperson Dale opened the public hearing at 5:36 p.m.

Steve Judson, Engineer for applicant, stated that they are trying to create property lines that would allow for each parcel to be sold separately if needed.

Ralph Holden, owner, stated that the issues they are faced with are the zero lot line and parking. With 40 units occupied there are only approximately 16 cars parked there. The commercial and hotel counter balance each other as they can share the same parking spaces.

Mr. Jim Brown, owner, stated that they have done a lot of work on the property. One issue that they have is that lenders don't like to lend on a mixed use so reconfiguring the lot lines will allow them to attract lenders. He stated that there was an area that could handle any overflow parking.

Chairperson Dale questioned if that was the gravel area behind the restaurant.

Mr. Brown stated yes and that it was part gravel and partly paved.

Mr. Timboe stated that this was an appeal and that it would come back to the Planning Commission.

Chairperson Dale closed the public hearing at 5:53 p.m.

Chairperson Dale requested clarification on the proposed 6 new parking spaces to the north of Building A, but none immediately behind the restaurant.

Mr. Judson stated that 23 additional spaces were shown at one time, so that planning could see that 6 spaces were making up for what was lost in providing emergency access to the back of the building. Trying to keep what parking is currently there.

Chairperson Dale requested clarification from Mr. Timboe on the additional trees or planters and whether this would result in the loss of additional parking spaces.

Mr. Timboe stated that was correct, if they put one in the middle of each of the buildings it would result in 10 throughout the whole complex. He felt that this was a good compromise. He continued by saying that there is merit in everything that Mr. Judson, Brown, and Holden have said and that a lot of work has been done.

Commissioner Latourell stated that they were making the best of an unusual situation.

Chairperson Dale stated that whether or not there is a lot line adjustment the City has lived with the setbacks and parking. He finds merit that no additional spaces are needed at this time. He appreciates Mr. Timboe trying to get more foliage in the area, but doesn't see the need for it.

Chairperson Dale questioned Chief Bachmeyer if he had any concerns with Apartment Building A and the Aquarium Building right next to it.

Chief Bachmeyer stated no, it's existing now and he is satisfied with the work that has been done.

Mr. Brown stated that there are a lot of mature trees that currently exist on the property.

Chairperson Dale stated that they had done an excellent job and felt that the Planning Commission should go with Option A.

Commissioner Latourell stated that he felt that was the best case scenario with what currently exists.

M/S/C Latourell, Fitzpatrick to direct staff to coordinate a formal application with the information currently on LLA & MRG Diagram.

AYES: Commissioners: Christ, Dale, Fitzpatrick and Latourell

NOES: None

ABSENT OR NOT VOTING: Commissioner Moran (absent-excused)

Chairperson Dale called for a recess at 6:05 p.m.

Chairperson Dale reconvened the meeting at 6:23 p.m.

**PUBLIC HEARING TO CONSIDER ORDINANCE NO. 990; REZONE NO. 209; REVISIONS CITY CODE SECTION 25.79 OF THE RED BLUFF CITY CODE ALLOWING MOBILE VENDORS IN A C-3 (GENERAL COMMERCIAL) ZONING DISTRICT ALONG WITH AMENDING CHAPTER 25 BY ADDING SECTION 25.198 MINIMUM STANDARDS FOR MOBILE VENDORS AND AMENDING RED BLUFF CITY CODE SECTION 25.239 DEFINITIONS BY ADDING A DEFINITION WITHIN THE CITY OF RED BLUFF AND REFORMATTING ARTICLE XX CORRECTION**

Scot Timboe, Planning Director, reviewed the staff report and gave staff's recommendation that the Planning Commission:

1. Conduct the public hearing and consider all public testimony and other information submitted relating to Ordinance No. 990; Rezone No. 209.
2. Find that Ordinance No. 990; Rezone No. 209 is exempt from CEQA pursuant to Section 15308 of the CEQA Guidelines, (Class 8 Categorical Exemption, Actions by Regulatory Agencies for Protection of the Environment).
3. Recommend that the City Council adopt Ordinance No. 990; Rezone No. 209, amending Section 25.79 COMMERCIAL ZONES AND PERMIT REQUIREMENTS; Miscellaneous: "MOBILE VENDOR", Section 25.198, Section 25.239 and ARTICLE XX: CERTIFICATES OF OCCUPANCY.

Mr. Timboe noted that he has not heard from one of the individuals that originally started this and the other had not shown up.

Chairperson Dale requested clarification on what would happen if a discretionary permit and CEQA was found not to be exempt.

Mr. Timboe stated that it would have to be reviewed and a Negative Declaration/Mitigated Negative Declaration or a CEQA document would need to be prepared and would then send to Planning Commission for approval with a Conditional Use Permit.

Chairperson Dale questioned if the food trailer in front of Home Depot was grandfathered in.

Mr. Timboe stated that Home Depot had planned for it and had it drawn into the plans which were then adopted by the City Council.

Chairperson Dale opened the public hearing at 6:46 p.m.

Julieta Hernandez stated that prior to an illness in her family; she had been catering for years and now would like to obtain a license again. She has been looking for a location, but with new regulations wants to know if it will be too difficult to obtain. She understands that if the truck is parked where the owner allows use of restrooms, she doesn't have to provide any and most people are in a hurry to get their food and go back to work. She explained that new trucks are expensive, so she wants to make sure that she will be able to use it within the City and questioned how long she would have to wait to know.

Mr. Timboe explained how she would need to take a photo, draw up a sketch showing where she would be located. Once all the standards are met then it would be reviewed by the Planning Commission for a final decision. He told her that she should get approved first and then purchases her truck.

Chairperson Dale questioned if a color photo was required.

Mr. Timboe stated color elevation of everything was required. He continued by saying that if an application was submitted on a Monday, met all standards then would get back to the applicant on Thursday to submit their fees and schedule the Planning Commission hearing.

Ms. Hernandez requested clarification on the 3 parking spaces required.

Mr. Timboe stated that if she had a regular size truck and questioned if she thought 3 parking spaces were enough or not.

Ms. Hernandez stated that 2 parking spaces would be enough, but it depends on how fast the business is in preparing the food.

John Elko, concerned citizen, spoke in favor of the mobile vendors being allowed within the City and that he felt the City was trying to place too many regulations on them to limit the sites where they can establish their business. He also requested clarification on the setbacks being required of the trucks.

Mr. Timboe stated that all applications would be reviewed on an individual basis. The setbacks are to protect the businesses that these trucks may be parked near as the

trucks usually have hot oil etc., which could cause a fire and if too close to a building could damage and/or destroy.

Mr. Elko stated that some businesses do not allow public access to restrooms and asked if restrooms had to be made available at service stations.

Mr. Timboe stated that by law they do have to provide access.

J. D. Ellison, Building Director/Official, stated that if the business is open it has to have restrooms available for the public.

Chairperson Dale closed the public hearing at 7:12 p.m.

Chairperson Dale requested clarification from the Fire Chief on the semi-annual Fire Inspections and if ansel's are checked twice a year.

Mike Bachmeyer, Fire Chief, stated that any commercial vendor has to be protected by hood vents and that they have to be checked every 6 months.

Commissioner Latourell requested clarification on the size of vehicles allowed.

Mr. Timboe stated that the control would be if they can meet the requirements and are approved by the Planning Commission, if the vehicle was a big rig than that would cause problems and mostly likely need additional studies and CEQA review.

Commissioner Fitzpatrick requested clarification on the vendor still needing a permit and submitting plans.

Mr. Timboe stated that they would have to go through the Conditional Use Permit process.

Commissioner Christ stated that the current Ordinance is a straight out ban on mobile vendors.

Mr. Timboe stated that was the current interpretation and that the City Council wants a very clear policy.

Commissioner Christ stated that Mr. Elko had brought up some valid points and that the mobile vendor should have to have a written agreement with the property owner showing that they would have access to restrooms.

Mr. Timboe stated that could be added.

Commissioner Christ requested clarification on how the 12 foot distance between buildings and the vehicle was reached.

Mr. Timboe stated that originally he had 20 feet.

Chief Bachmeyer stated that the Fire Department was satisfied with the 12 foot standard so that they have good access between the building and vehicle.

Chairperson Dale requested clarification on how this was decided and if the Fire Department would settle for less.

Chief Bachmeyer stated that this was the consensus of the Technical Advisory Committee and that he would not want to go with anything less.

Mr. Ellison stated that he had originally wanted 15 feet due to the greater potential for grease fires so have to be very careful.

Commissioner Christ questioned if that was why it from the property lines.

Mr. Timboe stated that in some cases you may have buildings with zero clearance on property lines.

Commissioner Christ questioned if there was any concern with the type of building or fence.

Chief Bachmeyer stated that he was concerned with both for access.

Chairperson Dale stated that he could see the fire distance issue being picked up when the permit process get to the Planning Commission for review and approval.

Commissioner Fitzpatrick stated that 10 feet sounds like a lot until you have your turnouts on.

Mr. Elko stated that depending on the site, but there should be some leeway, maybe getting a waiver for fire access.

Mr. Timboe stated that his concern is how he tells one person one thing and someone else something different when you don't know what the building next door will be.

Mr. Ellison stated that TAC settled on 12 feet as most buildings have a 2 foot overhang, so the edge of the combustible area to the truck is actually 10 feet.

Chairperson Dale noted that this was only for C-3 zones and questioned why C-1 or C-2 was not included, as there may be places that these would fit.

Mr. Timboe stated that the City Council would support C-3 zones and this was the most requested areas by vendors.

Commissioner Christ stated that they would have to meet all the conditions.

Mr. Timboe stated that the C-3 general commercial area is where they want to be. C-1 or C-2 often are right across from schools, which he would not support.

Chairperson Dale stated that it could be looked at on a case by case basis and questioned what the cost would be for people to go through the review process.

Mr. Timboe stated that the cost was \$1,700, but they don't have to build a building.

Chairperson Dale stated that he was concerned with Condition No. 3, and questioned why staff was requiring color.

Mr. Timboe stated that it will be up to the Planning Commission, he is not going to say what color a truck should be and that this was for shade structures etc.

Chairperson Dale stated that he felt it was treating these people different and that if he had a building on Main Street he could paint it any color he'd like.

Mr. Timboe stated that was correct, but a new project such as a Conditional Use Permit could have color conditioned.

Chairperson Dale requested clarification on why 800 feet between vendors, why not 200 feet.

Mr. Timboe stated that he was required by City Council to put in a separation and a city block is usually 600 feet with an 80 foot right of way. He stated that as a steward for the community he felt 800 feet was a better separation.

Commissioner Christ stated that it seemed restrictive but right now they were banned and the Planning Commission needs to send something to the City Council.

Chairperson Dale stated that this is the chance for the Planning Commission to say their piece.

Commissioner Latourell questioned if there was a fee for the semi-annual fire inspections.

Chief Bachmeyer stated that fire inspections currently are not charged for. The vendor schedules a time and come by for the inspection.

Chairperson Dale stated that he was in favor of allowing in all C zones.

Mr. Timboe asked that the Planning Commission review the Ordinance by sections and recommend approval and or changes to them.

The Planning Commission reviewed the Ordinance and asked for the following changes:

Section 1 – add C-1 & C-2 Zone Districts with Conditional Use Permit requirement.

Section 2 – C 1 – change from at least 3 off-street parking to 2 off-street parking.

Section 2 – C-9 – change to no closer than 300 feet from 800 feet to each other.

Section 25.201 BUILDING PERMIT FINAL EQUIVALENT TO OCCUPANCY APPROVAL – change to read:

New or remodeled buildings for which a building permit has been issued may be occupied for the construction, erection, placement, addition, remodel or as approved by Building Official during construction on the building and is allowed for final business/residential occupancy upon building permit finaling of all departments.

M/S/C Commissioners Latourell, Fitzpatrick to direct staff to make the changes and bring back to the next Planning Commission meeting for final review.

AYES: Commissioners: Christ, Dale, Fitzpatrick and Latourell

NOES: None

ABSENT OR NOT VOTING: Commissioner Moran (absent-excused)

### **STAFF ITEMS/REPORTS:**

Mr. Timboe reported that the Grasshopper Creek Flood Study had been completed and would be coming to the Planning Commission Meeting of March 10<sup>th</sup> and the new FEMA provisions on the 24<sup>th</sup> of March.

It was also discussed a good day for the ethics training and it was decided that a Tuesday evening would work. Staff will work with the City Attorney to select a date and time.

Chairperson Dale stated that he had noticed that Wal-Mart had changed logos and if it would affect the new supercenter.

Mr. Timboe stated that the new supercenter would be built exactly as approved by the City Council. After completion they can propose a sign change.

**ADJOURNMENT:**

There being no further business the meeting was adjourned at 7:53 p.m. until March 10, 2009 at 5:15 p.m.

Respectfully submitted,

s/Scot Timboe  
Planning Director