



CITY OF HUGHSON
PLANNING COMMISSION MEETING
 City Hall Council Chambers
 7018 Pine Street, Hughson, CA

AGENDA
TUESDAY, APRIL 21, 2015 – 6:00 P.M.

CALL TO ORDER: Chair Julie Ann Strain

ROLL CALL: Chair Julie Ann Strain
 Vice Chair Karen Minyard
 Commissioner Sanjay Patel
 Commissioner Mark Fontana
 Commissioner Ken Sartain

Staff Present: Jaylen French, Community Development Director
 Dominique Spinale Romo, Asst. to the CM/City Clerk
 Monica Streeter, Deputy City Attorney

FLAG SALUTE: Chair Julie Ann Strain

1. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken):

Members of the Audience may address the Planning Commission on any item of interest to the public pertaining to the City and may step to the podium, State their name and City of Residence for the record (requirement of Name and City of Residence is optional) and make their presentation. Please limit presentations to five minutes. Since the Planning Commission cannot take action on matters not on the Agenda, unless the action is authorized by Section 54954.2 of the Government Code, items of concern which are not urgent in nature can be resolved more expeditiously by completing and submitting to the City Clerk a "Citizen Request Form" which may be obtained from the City Clerk.

2. PRESENTATIONS: NONE.

3. NEW BUSINESS:

3.1: Approve the Minutes of the Regular Meeting of March 17, 2015.

3.2: Adopt Resolution No. PC 2015-03 extending the expiration date of the Madsen 32-unit multi-family residential Development Review approval by six (6) months.

4. PUBLIC HEARING TO CONSIDER THE FOLLOWING:

4.1: Consider Recommending that the City Council Adopt Ordinance No. 2015-XX, Amending Municipal Code Chapter 17.03.060 – Parking.

5. INFORMATIONAL ITEMS:

5.1: Tully Road Reconstruction Update.

5.2: Parks and Recreation Commission Vacancy.

6. CORRESPONDENCE: NONE.

7. COMMENTS:

7.1: Staff Reports and Comments: (Information Only – No Action)

Community Development Director:

City Clerk:

City Attorney:

7.2: Commissioner Comments: (Information Only – No Action)

ADJOURNMENT:

WAIVER WARNING

If you challenge a decision/direction of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at a public hearing(s) described in this Agenda, or in written correspondence delivered to the City of Hughson at or prior to, the public hearing(s).

UPCOMING EVENTS:

April 25 - 26	▪ Citywide Yard Sale Event, All Day, Saturday and Sunday.
April 27	▪ City Council Meeting, City Hall Chambers, 7:00 P.M.
April 27	▪ Economic Development Committee Meeting, City Hall Chambers, 5:30 P.M.
May 1	▪ Annual Friends Day, All Day, Duarte Nursery, 1-800-GRAFTED
May 2	▪ Annual Clean-Up Day, Walker Lane and 2 ND Street, 7:30 a.m.-2:30 p.m.
May 11	▪ City Council Meeting, City Hall Chambers, 7:00 P.M.
May 12	▪ Parks and Recreation Commission Meeting, City Hall Chambers, 6:00 P.M.
May 19	▪ Planning Commission Meeting, City Hall Chambers, 6:00 P.M.
May 25	▪ Memorial Day – City Hall will be Closed.
May 26	▪ Economic Development Committee Meeting, City Hall Chambers, 5:30 P.M.
May 26	▪ City Council Meeting (Tuesday), City Hall Chambers, 7:00 P.M.

RULES FOR ADDRESSING PLANNING COMMISSION

Members of the audience who wish to address the Planning Commission are requested to complete one of the forms located on the table at the entrance of the Council Chambers and submit it to the City Clerk. **Filling out the card is voluntary.**

**AMERICANS WITH DISABILITIES ACT/CALIFORNIA BROWN ACT
NOTIFICATION FOR THE CITY OF HUGHSON**

This Agenda shall be made available upon request in alternative formats to persons with a disability; as required by the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12132) and the Ralph M. Brown Act (California Government Code Section 54954.2).

Disabled or Special needs Accommodation: In compliance with the Americans with Disabilities Act, persons requesting a disability related modification or accommodation in order to participate in the meeting and/or if you need assistance to attend or participate in a Planning Commission meeting, please contact the City Clerk's office at (209) 883-4054. Notification at least 48-hours prior to the meeting will assist the City Clerk in assuring that reasonable accommodations are made to provide accessibility to the meeting.

AFFIDAVIT OF POSTING

DATE: April 17, 2015 **TIME:** 6:00pm
NAME: Dominique Spinale Romo **TITLE:** City Clerk

Notice Regarding Non-English Speakers:

Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Hughson Planning Commission shall be in English and anyone wishing to address the Council is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.

General Information: The Hughson Planning Commission meets in the Council Chambers on the *third Tuesday* of each month at 6:00 p.m., unless otherwise noticed.

PC Agendas: The Planning Commission Agenda is now available for public review at the City's website at www.hughson.org and City Clerk's Office, 7018 Pine Street, Hughson, California on the Friday, prior to the scheduled meeting. Copies and/or subscriptions can be purchased for a nominal fee through the City Clerk's Office.

Questions: Contact the City Clerk at (209) 883-4054.



CITY OF HUGHSON
PLANNING COMMISSION MEETING
City Hall Council Chambers
7018 Pine Street, Hughson, CA

MINUTES
TUESDAY, MARCH 17, 2015 – 6:00 P.M.

CALL TO ORDER: Chair Julie Ann Strain

ROLL CALL:

Present: Chair Julie Ann Strain
Vice Chair Karen Minyard
Commissioner Mark Fontana
Commissioner Ken Sartain

Absent: Commissioner Sanjay Patel

Staff Present: Jaylen French, Community Development Director
Dominique Spinale Romo, Asst. to the CM/City Clerk
Monica Streeter, Deputy City Attorney

FLAG SALUTE: Chair Julie Ann Strain

1. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken):

No Public Comments.

2. PRESENTATIONS: NONE.

3. NEW BUSINESS:

3.1: Conduct Nominations for a new Chair and Vice Chair.

Chair Strain opened nominations for Chair. Commissioner Fontana nominated Chair Strain for Chair. No other nominations were made. Chair Strain closed nominations.

FONTANA/SARTAIN 4-0 (PATEL-Absent) motion passes to re-appoint Commissioner Strain as Chair.

Chair Strain opened nominations for Vice Chair. Chair Strain nominated Commissioner Fontana for Vice Chair. No other nominations were made. Chair Strain closed nominations.

STRAIN/MINYARD 4-0 (PATEL- Absent) motion passes to appoint Commissioner Fontana as Vice Chair.

3.2: Approve the Minutes of the Regular Meeting of February 17, 2015.

SARTAIN/FONTANA 4-0 (PATEL-Absent) motion passes to approve the Minutes.

3.3: Adopt Resolution No. PC 2015-01, Accepting the 2014 Annual General Plan Progress Report and the 2014 Annual Housing Element Progress Report.

Director French reviewed this item with the Commission. The Commission discussed areas of the Housing Element report with staff.

SARTAIN/MINYARD 4-0 (PATEL- Absent) motion passes to Adopt Resolution No. PC 2015-01, accepting the 2014 Annual General Plan Progress Report and the 2014 Annual Housing Element Progress Report.

4. PUBLIC HEARING TO CONSIDER THE FOLLOWING:

4.1: Adopt Resolution No. PC 2015-02, Approving Design Review for a proposed Dollar General store located between 7030 and 7128 Hughson Avenue.

Director French presented this item to the Commission. Bryan Barry from the Embree Group was present at the meeting to answer any questions the Commission may have on this item.

Director French discussed the Staff Report on this item and advised the Commission that the project did not currently meet one provision of the Hughson Municipal Code regarding landscaping in parking areas (Section 17.060 (G)). The project does not include a sufficient number of trees in the parking area per the number of spots provided and does not meet the 60% shade coverage requirement.

Staff's recommendation is to adopt Resolution No. PC 2015-02, approving Design Review for a proposed Dollar General store located between 7030 and 7128 Hughson Avenue, with the following conditions: "Prior to issuance of City building permit, the project shall conform to HMC Section 17.03.060 (G), Landscaping in Parking Lots."

Director French also advised that this section of the Municipal Code would be brought back to the Planning Commission for review and a recommendation onto the City Council to amend by Ordinance.

MINYARD/SARTAIN 4-0 (PATEL-Absent) motion passes to adopt Resolution No. PC 2015-02, Approving Design Review for a proposed Dollar General store located between 7030 and 7128 Hughson Avenue as presented.

5. INFORMATIONAL ITEMS:

5.1: Seventh Street Park Update.

Director French provided an update to the Commission on this item.

5.2: Tully Road Reconstruction Update.

Director French provided an update to the Commission on this item, which included an update on the schedule.

5.3: Downtown Enhancements Update.

Director French provided an update to the Commission on this item, which included the status of the proposed parklets (community gathering areas) in the downtown.

5.4: Prospective Development Update.

Director French provided an update to the Commission on this item, which included the current status of the Feathers Glen and Euclid South subdivisions. He also discussed the Madsen property on Whitmore Avenue, and the property located on 7th Street, owned by Bright Development.

6. CORRESPONDENCE: NONE.

7. COMMENTS:

7.1: Staff Reports and Comments: (Information Only – No Action)

Community Development Director: None.

City Clerk: None.

City Attorney: None.

7.2: Commissioner Comments: (Information Only – No Action)

ADJOURNMENT:

Chair Strain adjourned this meeting at 7:07 P.M.

JULIE STRAIN, Chair

DOMINIQUE SPINALE ROMO, City Clerk



**PLANNING COMMISSION
AGENDA ITEM NO. 3.2
SECTION 3: NEW BUSINESS**

Meeting Date: April 21, 2015
Subject: Consider Resolution No. PC 2015-03 Extending the Expiration Date of the Madsen 32-Unit Multi-Family Residential Development Review Approval
Enclosures: Resolution No. PC 2015-03
Presented By: Jaylen French, Community Development Director

Recommendation:

Adopt Resolution No. PC 2015-03 extending the expiration date of the Madsen 32-unit multi-family residential Development Review approval by six (6) months.

Background and Overview:

The project proponents of the Madsen 32-unit multi-family residential project located on the south side of Whitmore Avenue, west of Tully Road recently approached City staff to initiate discussions regarding development of the project.

In summary, staff discovered (and shared with the project proponent) that the residential project is approved indefinitely and does not require a conditional use permit, per a 2006 Agreement. Per Resolution 2010-07, the Development (Design) Review approval is set to expire after October 19, 2015.

In discussion with the project proponent, Staff shared the City's desire to protect the Industrial area located south and west of the Burlington Northern Santa Fe (BNSF) railroad line; and that a residential development in the middle of this area could lead to conflicts between the uses, thus minimizing the appeal of and ability to fully realize the potential of the industrial area.

The project proponents have agreed to consider modifying the project to an industrial project and will conduct a feasibility study to determine the viability of this option. However, they have requested an extension to the Development Review approval as allowed under Chapter 17.04.020 (K), which states, "Any development review approval shall expire if a building permit exercising the granted entitlements has not been issued within five years of the effective date of approval. The planning commission may extend the five-year period for not longer than an

additional six months upon application in writing being made before expiration of the approval.”

An ‘application in writing’ was submitted on April 6, 2015.

Discussion:

Staff believes extending the Development Review approval, in this case, is in the best interest of the City.

The industrial area is the City’s primary opportunity for substantial job and tax base growth. Staff would like to protect this interest by ensuring to the greatest extent possible its attractiveness and long-term viability. Staff is of the opinion that the development of a residential project within the industrial zone would decrease the viability of the industrial area. In addition, the potential future residents of the development may have issues with traffic and noise in the area, as well as issues with pedestrian and vehicular access to and from the development should the industrial area build out as envisioned by the City.

The primary purpose of zoning is to separate uses that are thought to be incompatible. In practice, zoning is also used to prevent new development from interfering with existing uses and/or to preserve the character of an area. Although staff does not agree with every aspect of traditional zoning or at least how it has been practiced over the last several decades, in that it not only segregates incompatible uses, it has by practice segregated naturally compatible uses. Nevertheless, residential and industrial uses in most cases are incompatible and one could certainly affect the character or usability of the other.

Another factor to consider for this item is the Housing Element and the City’s requirement to provide adequate and ample housing (by income level) for the projected housing need. Under housing element law, housing for low-income residents is satisfied using higher density zoned land. Staff researched whether this approximately two (2) acres of land zoned R-3, High Density Residential is required to meet the City’s identified housing need. It appears that it is not. The City of Hughson’s most recent housing needs allocation is approximately 63 units lower than the previous allocation. At this point, the City will have adequate R-3 zoned land to accommodate the housing need without the subject property.

**CITY OF HUGHSON
PLANNING COMMISSION
RESOLUTION NO. PC 2015-03**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HUGHSON
EXTENDING BY 6-MONTHS THE EXPIRATION PERIOD OF THE DEVELOPMENT REVIEW
APPROVAL FOR THE 32-UNIT MADSEN MULTI-FAMILY DEVELOPMENT LOCATED ON
THE SOUTH SIDE OF WHITMORE AVENUE WEST OF TULLY AVENUE**

WHEREAS, the Madsen Family Trust made application for development review, including design and site plan review, for a 32-unit apartment complex; and

WHEREAS, on October 19, 2010, the Hughson Planning Commission approved the Madsen Family Trust development review application via Resolution No. PC 2010-07; and

WHEREAS, Project Specific Condition #3, within the Conditions of Approval in said Resolution states, "The Madsen Multifamily Development Review shall expire five years from the effective date of approval should no building permit exercising the entitlement be issued."; and

WHEREAS, the Hughson Municipal Code (HMC) Chapter 17.04.020 (K), states, "Any development review application shall expire if a building permit exercising the granted entitlements has not been issued within five years of the effective date of approval. The planning commission may extend the five-year period for not longer than an additional six months upon application in writing being made before the expiration of the approval."; and

WHEREAS, the Project Proponent submitted 'application in writing' on April 6, 2015, prior to the expiration of the approval.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Hughson, pursuant to HMC 17.04.020(K), does hereby extend by six months to April 19, 2016, the expiration of the 32-Unit Madsen Multi-Family Project Development Review approval.

PASSED AND ADOPTED by the Planning Commission of the City of Hughson at its regularly scheduled meeting on this 21st day of April 2015, by the following roll call vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

JULIE STRAIN, Chair

ATTEST:

DOMINIQUE SPINALE ROMO, City Clerk



**PLANNING COMMISSION
AGENDA ITEM NO. 4.1
SECTION 4: PUBLIC HEARING**

Meeting Date: April 21, 2015
Subject: Recommend that the City Council Adopt Ordinance No. 2015-XX Amending Municipal Code Chapter 17.03.060 – Parking
Enclosures: Draft Ordinance 2015-XX
Presented By: Jaylen French, Community Development Director

Staff Recommendation:

Recommend that the City Council adopt Ordinance 2015-XX, an Ordinance of the City Council of the City of Hughson, amending the Hughson Municipal Code (HMC) Chapter 17.03.060 – Parking.

Background and Overview:

During City staff's review of a prior development project, staff discovered two related sections of the HMC which address landscape requirements in different manners, specifically in regards to development in zones that allow zero lot-line buildings, i.e. the downtown.

The intent of this item is to seek a recommendation from the Planning Commission, onto the City Council, to modify the language in the HMC to address this inconsistency.

Discussion:

HMC Section 17.03.060(G) – Landscaping in Parking Lots, states, "the following requirements shall apply to all open off-street parking areas:

1. At least two trees shall be provided for every 10 parking spaces. The trees shall be planted in tree wells measuring at least six feet by six feet and shall be evenly dispersed throughout the parking lot.
2. At least 60 percent of the paved surface of a parking lot shall be shaded by tree canopies at high noon within 15 years after acquiring building permits for the parking lot. The trees to be planted to develop such a canopy shall be in accordance with HMC 17.03.092 and the city's street tree plan. Plans submitted for development review shall show the estimated tree canopies

after 15 years of growth and the total area in square feet of the area shaded by tree canopies.

As strictly interpreted, this section applies to all open off-street parking areas, including those proposed in the downtown. There is currently only one (1) parking area in the downtown that includes interior landscaping: the site of Bank of the West.

HMC Chapter 17.03.048 is the overarching section pertaining to the establishment of criteria, standards and limits for landscaping associated with development projects and addresses landscaping in parking areas by reference only, as follows: Subsection (F) – Landscaping in Parking Lots, states, “See regulations in HMC 17.03.060.”

Within this overarching section, subsection 17.03.048(E)(6) – Exceptions, states, “Properties located within zones that allow zero lot-line buildings shall be exempt from this requirement. However, Chapter 17.03.060 does not specifically distinguish between zones that allow zero lot-line buildings and other zones as the overarching section does.

It is difficult to know the full intent of any drafted code language, especially as various situations arise. As well it is difficult for code language drafters to envision every scenario that may arise that could lead to inconsistencies with the drafted language. However, Staff believes that the original intent of Chapter 17.03.060 – Parking was the same as Chapter 17.03.048 – Landscaping, in that the exception would apply to zones that allow zero lot-line buildings. Nevertheless, it is not expressly stated in that manner and therefore staff is of the opinion that the language should be clarified to not only meet the presumed original intent, but also to benefit the downtown.

The downtown is the City’s center. It is the commercial, dining, social and civic core—the heart of the community. As such it calls for distinctive treatment in regards to regulations and standards. In many ways this is being done as the General Plan recognizes the downtown as a distinct area in the City and has its own goals and policies. Further, the Zoning Code includes a separate zone classification for the downtown, which includes reduced parking requirements as found in Chapter 17.03.060(J)(2), which states, “...the off-street parking requirements are waived in the downtown core parking area and reduced to one space for every 500 square feet of retail and office space; and one space for every 200 square feet of restaurant use in the downtown transitional parking area.”

The concept behind these provisions is to maximize the benefit of the downtown. In regards to the parking provisions, the intent is to maximize the usable area of the downtown by not mandating the same amount of parking as in other areas, where parking is dedicated primarily for one building.

The same concept applies to the landscaping requirements in downtown parking areas. While landscaping provides many benefits including a more aesthetic atmosphere and shade, it results in larger parking areas and thus less usable areas for retail, dining, plazas, social events, etc. Further, landscaping to beautify

the downtown can occur in street rights of way, including extending the bulb outs found at the intersections of 2nd Street/Hughson Avenue and Charles Street/Hughson Avenue, in parking wells, along sidewalks and in any future plazas.

As stated in the proposed Resolution, it is the intent of the City to promote an attractive visual environment and encourage visual harmony between landscape and development, while preserving to the greatest extent possible, the retail, cultural and civic power of the downtown by eliminating the two landscaping requirements in parking lots in all zones that allow zero lot-line buildings.

**CITY OF HUGHSON
CITY COUNCIL
ORDINANCE NO. 2015 - XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUGHSON
AMENDING MUNICIPAL CODE CHAPTER 17.03.060 – PARKING**

WHEREAS, the City Council of the City of Hughson previously added Chapter 17.03.060 to the Hughson Municipal Code, pertaining to the provision of accessible off-street parking facilities of motor vehicles in connection with development; and

WHEREAS, Chapter 17.03.060(G) – Landscaping in Parking Lots, specifically addresses landscaping requirements in all open off-street parking areas; and

WHEREAS, Chapter 17.03.048 – Landscaping, is the overarching section of the Hughson Municipal Code pertaining to the establishment of criteria, standards and limits for landscaping associated with development projects; and

WHEREAS, Chapter 17.03.048(F) – Landscaping in Parking Lots, reads, “See regulations in HMC 17.030.060.”; and

WHEREAS, Chapter 17.03.048(E)(6) – Exceptions, reads, “Properties located within zones that allow zero lot-line buildings shall be exempt from this requirement.”; and

WHEREAS, the Hughson Municipal Code deals with parking requirements in the downtown in a different manner than in other areas of the City as evidenced by Chapter 17.03.060(J)(2)(a) and Table 17.03.060A, Minimum Vehicular Parking Requirements for Downtown Commercial Zones, as does other City planning documents.

WHEREAS, the City of Hughson desires to amend its municipal code to further address parking requirements in the downtown commercial zones.

WHEREAS, it is the intent of the City Council, in enacting this ordinance, to promote an attractive visual environment and encourage visual harmony between landscape and development, while preserving to the greatest extent possible, the retail, cultural and civic power of the downtown by eliminating the two landscaping requirements in parking lots in all zones that allow zero lot-line buildings.

**NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF HUGHSON DOES
ORDAIN AS FOLLOWS:**

Section 1. Chapter 17.03.060(G) is amended to add subsection (G)(3) which read as follows:

“3. Exemptions. Properties located within zones that allow zero lot-line buildings shall be exempt from these requirements.”

Section 2. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The city council hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portion thereof.

Section 4. This ordinance shall become effective thirty (30) days after its final passage.

Section 5. Within fifteen (15) days after its final passage, the City Clerk shall cause this ordinance to be posted in full accordance with Section 36933 of the Government Code.

The foregoing ordinance was introduced and the title thereof read at the regular meeting of the City Council of the City of Hughson held on April 13, 2015, and by a unanimous vote of the council members present, further reading was waived.

On motion of councilperson _____, seconded by councilperson _____, the second reading of the foregoing ordinance was waived and this ordinance was duly passed by the City Council of the Hughson City Council at a regular meeting thereof held on _____, 2015, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

MATT BEEKMAN, Mayor

ATTEST:

DOMINIQUE SPINALE ROMO, City Clerk