

**AGENDA
GRIDLEY PLANNING COMMISSION**



GRIDLEY CITY HALL
685 KENTUCKY STREET
GRIDLEY, CA 95948

REGULAR MEETING
6:00 P.M., TUESDAY
JANUARY 20, 2015

**MEETING CALLED TO ORDER
ROLL CALL**

**CHAIR
RECORDING SECRETARY**

1. CONSENT AGENDA

1.1 Approval of Planning Commission Minutes dated November 18, 2014

2. PUBLIC HEARINGS

2.1 Zoning Text Amendment No. 2-14; an ordinance to amend Title 17, Chapter 17.52, "Nonconformities", of the Gridley Municipal Code related to the nonconforming uses, buildings, and development standards. (Citywide)

3. INFORMATIONAL –

3.1 Planning Commission 2015 Schedule

4. COMMUNITY PARTICIPATION FORUM - *Members of the public may address the Commission at this time on any matter not already listed on the agenda, with comments being limited to three minutes. The Commission cannot take any action at this meeting on requests made under this section of the agenda.*

5. REGULAR AGENDA - None

6. REPORTS & COMMUNICATIONS

7. ADJOURNMENT - to the regular meeting of the Planning Commission to be held on Tuesday, February 17, 2015 at 6:00 p.m.

General Notes:

This agenda was posted on the public bulletin board in the foyer of City Hall at or before 4:00 p.m. on January 16, 2015, in accordance with Government Code Section 54954.2. The item was noticed in the Gridley Herald ten (10) days in advance of this public hearing in accordance with §65854, Public Hearing. This agenda along with all attachments, if any, is available for public viewing online at www.gridley.ca.us and at the Administration counter in City Hall, 685 Kentucky Street, Gridley, CA. This is a public meeting and anyone may address the Planning Commission. Any documents that were provided to the Planning Commission after the Agenda packet was distributed are also available for public review during normal business hours.

Meeting facilities are accessible to persons with disabilities. By request, alternative agenda document formats are available to persons with disabilities. To arrange an alternative agenda document format or to arrange aid or services to modify or accommodate persons with a disability to participate in a public meeting, contact the City Clerk by calling 846-3631 (voice). This request should be received at least three working days prior to the meeting in order to accommodate your request.

For questions about this agenda, please call the Recording Secretary, Elisa Arteaga, at (530) 846-5695.

MINUTES GRIDLEY PLANNING COMMISSION

REGULAR MEETING
6:00 P.M., TUESDAY
NOVEMBER 18, 2014



GRIDLEY CITY HALL
685 KENTUCKY STREET
GRIDLEY, CA 95948

MEETING CALLED TO ORDER:
ROLL CALL

CHAIR O'BRIEN
RECORDING SECRETARY

CALL TO ORDER: At 6:15 p.m. the meeting was called to order by Chair O'Brien.

ROLL CALL

Planning Commissioners Present:

Shirley O'Brien
Robert Thomas
Robert Wise
David Talley

Absent:

Herman Sunderman

Staff Present:

Donna Decker, City Planner/Consultant

1. CONSENT AGENDA

1.1 Approval of Planning Commission minutes for October 21, 2014.

MOTION BY WISE, SECOND BY TALLEY, for approval of Planning Commission minutes dated October 21, 2014.

Ayes: Wise, Talley, O'Brien Noes: None Abstain: None

Motion passes 3-0

2. PUBLIC HEARINGS –

2.1 Zoning Text Amendment No. 2-14; An ordinance to amend Title 17, Chapter 17.52, “Nonconformities”, of the Gridley Municipal Code related to the nonconforming uses, buildings, and development standards. (Citywide)

A. Receive staff report- Donna Decker, City Planner, provided a brief staff report defining nonconformity providing various examples of what staff typically encounters. She noted that section 17.52.030 “Exceptions”, seemed to negate nonconformity in general and staff wished to amend the code to provide consistency in its interpretation.

Ms. Decker reviewed the text amendments consisting of eliminating Section 17.52.030, renumbering the sections, adding language to clarify section 17.52.040, types of

nonconformities, requirements to change from one type of nonconformity to another in section 17.52.080, and the addition of a conditional use entitlement to repair structural components of a nonconforming structure to section 17.52.090.

Ms. Decker recommended that if the text amendment were acceptable after review and discussion, to have the code amendment forwarded to the City Council for action.

B. Open public hearing – The public hearing was opened for public comment. Chair O’Brien requested comments from the public.

C. Hear public testimony - None

D. Close public hearing –With no public comments, Chair O’Brien closed the public hearing.

E. Commission discussion – The planning commissioners considered the text amendments and reviewed the specific language reflecting types of nonconformities, the definitions of nonconformities as well as questioning whether a definition for development standards should be considered. Commissioner Thomas suggested that providing as much breadth as possible would be conducive to meeting future nonconforming considerations. Planning commissioners discussed adding a definition for “development standards”.

Ms. Decker noted that staff could return with additional modifications and provide a definition for consideration. The commissioners determined they would like to continue the item for further review.

MOTION BY TALLEY, SECOND BY WISE, to continue the item to the next Planning Commission meeting date.

Ayes: Wise, Talley, Thomas, O’Brien Noes: None Abstain: None **Motion passes 3-1**

3. INFORMATIONAL - None

4. COMMUNITY PARTICIPATION FORUM - None

5. REGULAR AGENDA - None

6. REPORTS & COMMUNICATIONS –

Commissioner Wise reported to the Planning Commission related to the Daddow Park redevelopment. He described his research into the project, investigated the site, and believes, after talking with various community residents that there is strong feeling related to the gazebo and that he believes that much can be done to renovate the park and that restoring the gazebo’s structural members would be more cost effective than initially thought. He noted that he believes that it is a structure that is integral to the park and should be saved and with that, perhaps, there could be significant cost savings for the implementation of improvements and use of the grant funds.

Commissioner Wise presented an alternative plan that considers replacing the rotted members of the existing gazebo with heavy timbers or with steel members, re-roofing, and then reorienting the park from the east-west axis from the Virginia Street towards the rail corridor to a north-south focal point from Hazel Street looking at the gazebo south to Sycamore Street. He also suggests the removal of the sidewalk access points from the rail area to discourage much pedestrian access so close to the rail corridor. He noted that the renovation of the gazebo would not only maintain a structure of importance in the community, but it could also be refit to be a better stage for performances too. He presented issues related to ADA concerns in terms of the proposed concept plan and presented various alternatives to solve such concerns. Commissioner Wise suggested that the park be cleared of some trees and vegetation to open it up, and to provide a clear pedestrian pathway on the east side.

He noted that restrooms may be needed but that it will be a significant maintenance and operation issue for the City. He expressed concern due to staffing reductions the City has experienced. He believed that portable restrooms could be used for specific events that are held and made a condition for holding the event, then, the City would not be required to have an obligation and cost of restroom maintenance. He also thought that tables could be provided on the Hazel Street area.

Commissioner O'Brien noted that there are restrooms located at Railroad Park adjacent to the Skate Park—located across Hazel Street and across the RR tracks to the north.

Commissioner Talley noted that reliance on the existing restroom facilities for Daddow Park could result in excessive pedestrian traffic between the two areas and across the RR tracks which is a significant concern.

Commissioner Thomas requested clarification regarding the process, how the comments and concerns related in this discussion could be presented to the Council for consideration and what the next steps were.

Ms. Decker responded that the Planning Commission had requested a report back from the City Council Study Session. She noted that at the study session the concerns related to the gazebo and the potential for the community to not support renovations that were not inclusive of the restoration of the gazebo may illicit displeasure from the community. Ms. Decker described the next steps of the park design is to develop the plan to construction level drawings. She responded to the clarification of the role of the Planning Commission related to the design of the park and believed that as the plan moves forward that modifications may be made and based upon future feedback from the commission as well as the community. Commissioner Thomas responded with concerns of spending a great deal of the commission's time without benefit of moving forward, that the park design is hopeful to bring more activity and pedestrians where he believes that the location is not conducive to intensification due to the RR corridor and that there are conflicts between park use and the RR corridor. He noted that he does not believe the plan would be an improvement and best use due to the location to the RR corridor. He noted that the redesign and construction of any improvements should be cost effective and have the best use of funds as possible.

Commissioner Wise noted that it appeared that the City Council was not considering the direction the community would like the project to go in—that is to save the gazebo. Commissioner Wise observed that the issue of the gazebo has not been made public, or that the community has not been made aware of it, and potentially that the City Council is may be unaware of the importance of the gazebo to the community. He also noted that he supports outreach to the public to find out if the community is supportive of the park improvements.

Ms. Decker responded that the conversations with the City Council during the study session have been related to the best use and economic use of the funds to get as much of the park constructed because there may not be future funding opportunities to complete work if it is started. She noted that the City Council supported the previous approval of the project and had an interest in supporting a functional plan that would enhance the downtown.

Commissioner Thomas noted that the Planning Commission appears to be united in desiring that the park design be revisited and that the issue of the gazebo and the retention of it be seriously considered as the design moves forward into construction plans.

Commissioner Thomas noted that the park will look much different when trees that are removed open up the park and that the feel of the space will change.

Ms. Decker responded that she will be pursuing public outreach and that as the design moves forward and costs are considered that there will be future opportunities to consider the best alternative. She also noted that she will forward the information provided by Commissioner Wise to the City Council for consideration and confirmed that future plans will be available for review and that they [the plans] will come back to the Planning Commission for continued review.

7. **ADJOURNMENT** – At 7:40 p.m. the Planning Commission adjourned to the next regularly scheduled meeting to be held on Tuesday, December 16, 2014 at 6:00 p.m.

Approval: _____
Donna Decker, City Planner/Consultant, DES LLC



CITY OF GRIDLEY

Staff Report

Item 2.1

TO: Planning Commission
MEETING DATE: January 20, 2015
SUBJECT: Zoning Text Amendment No. 2-14; An ordinance to amend Title 17, Chapter 17.52 Nonconformities, of the Gridley Municipal Code related to the nonconforming uses, buildings, and development standards. (Citywide)

SUMMARY:

The use of Title 17 of the Gridley Municipal Code functions as the implementation document for staff to rely on to make day to day zoning code interpretations and decisions. The proposed text amendments in Section 17.52 will clarify the interpretation of the code. Staff is returning with additional amendments based upon the November 18, 2014 Planning Commission discussion.

DISCUSSION:

The Planning Commission discussed the proposed changes to the text of Chapter 17.52 at its November 18, 2014 meeting. The Commission requested that a definition be added to Section 17.04 for "Development Standards" and to modify some of the language under section 17.52.040 and 17.52.120 (B). The definition proposed for section 17.04 is:

17.04.051 Development Standards

"Development Standards" means a set of defining parameters to be followed in site or building development within the various zoning districts related to lot size, setbacks, lot coverage, parking, height, separation and aesthetic considerations to insure the best improvements are designed, implemented or constructed at a project location."

Staff recommends the Planning Commission consider the proposed text amendments, discuss the proposed revisions, and forward to the City Council for consideration and adoption.

PUBLIC NOTICE

A notice was advertised 10 days in advance of the November 18, 2014 hearing date, posted at City Hall, made available at the Administration public counter, and placed on the City website for review. At the time this report was prepared no comments had been received. The project was continued to the next public meeting, therefore not additional public noticing was required.

ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from environmental review pursuant to the California Environmental Quality Act, Section 15061(b) (3), and Review for Exemption, General Rule.

CONCLUSION

Title 17 of the Gridley Municipal Code is undergoing continual review for language clarity and consistency. The proposed revision will further that process. Staff believes the revisions will help individuals who use the code on a daily basis interpreting the information and delivery of that information to the public and other users.

RECOMMENDATION

Staff recommends the Planning Commission:

1. Review, discuss, and forward to the City Council for adoption; and,
2. Find the project is categorically exempt from environmental review pursuant to the California Environmental Quality Act, Section 15061(b) (3), and Review for Exemption, General Rule.

ATTACHMENTS:

1. Exhibit A, Chapter 17.52, “Nonconformities” redline (revised)

Exhibit A
Chapter 17.52 NONCONFORMITIES

- 17.52.010 Purpose.
- 17.52.020 Definition.
- 17.52.030 Exemptions.
- 17.52.040 Unlawful buildings, structures and uses distinguished.
- 17.52.050 Types of nonconformities.
- 17.52.060 Construction approved prior to regulation.
- 17.52.070 Continuance of nonconformities.
- 17.52.080 Enlargement of nonconformities.
- 17.52.090 Change of nonconforming use.
- 17.52.100 Repairs and alterations.
- 17.52.110 Change to nonconforming use.
- 17.52.120 Termination by discontinuance of use.
- 17.52.130 Termination by destruction.
- 17.52.140 Nonconforming uses--nuisance.

17.52.010 Purpose.

Existing uses, buildings and structures which do not conform to the regulations of the zone where located shall be subject to the regulations in this chapter, in addition to general regulations contained in other chapters of this title, in order to permit the continued operation of such uses, buildings and structures, while providing for their eventual elimination. This chapter is intended to be administered in such a manner as to encourage the abatement of a nonconforming use or building, and the conformance of nonconforming lots.

(Ord. 571, § 2, 1991).

17.52.020 Definition.

A nonconformity is a building, structure, use or lot which, when erected, established, developed or created complied with all the applicable provisions of this title or prior planning and zoning regulations, but which presently fails to conform to one or more of the provisions of this title. Nonconformity shall include a building, structure, lot or use legally existing and located in the unincorporated territory which, upon annexation to the City, does not comply with the provisions of this title. Refer to definitions in Sections 17.04.152 and 17.04.154.

(Ord. 571, § 2, 1991).

~~17.52.030 Exemptions.~~

~~—A. Buildings, structures, and uses shall not be deemed nonconformities due solely to nonconformance with height or setback requirements.~~

~~—B. A lot shall not be deemed a nonconformity due solely to nonconformance with area or frontage requirements.~~

~~(Ord. 571, 2, 1991).~~

17.52.040-030 Unlawful buildings, structures and uses distinguished.

Buildings, structures and uses which did not conform to the applicable provisions of this title or prior planning and zoning regulations when established are violations of this title and subject to the provisions of Chapter 17.64. No right to continue occupancy of property containing such a building, structure, or use is granted by this chapter. is allowed unless. ~~Such activity, use, or site development is shall not be~~ lawfully permitted to continue unless and all permits and entitlements required by this title are obtained.

(Ord. 571, § 2, 1991).

~~7.52.050-040 Types of nonconformities.~~

Nonconformities include, but are not limited to, the following:

- A. Nonconforming buildings or structures.
- B. Nonconforming use or activity within a nonconforming building or structure.
- C. Nonconforming use or activity within a conforming building or structure.
- D. Nonconforming use or activity upon land containing no buildings or only structures incidental to the use of the land.
- E. Nonconformance with development standards as defined in Section 17.04.051.
- F. Uses which require a use permit which were not established in accordance with Chapter 17.54.

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(Ord. 571, § 2, 1991).

~~17.52.060-050 Construction approved prior to regulation.~~

A. A building, structure or part thereof which does not conform to the regulations for the zone in which it is situated, but for which a building permit, use permit, or variance was issued and exercised prior to the applicability of such regulations to the property, may be completed, provided that work is pursued continuously and without delay. Such building structure or part thereof shall be deemed to be a nonconformity and shall thereafter be subject to the restrictions set forth in this chapter.

B. A right granted by a variance or use permit requiring a building permit shall be deemed exercised when the permit has been secured, continuous onsite construction activity such as the pouring of a foundation, installation of utilities or other similar substantial improvements ~~has~~ have commenced, and the construction is being diligently pursued to completion. Grading of a site shall not constitute construction activity. For purposes of this section, a right "requiring a building permit" shall mean a right by which specific construction activity requiring a building permit is authorized, which construction activity could not be legally performed in the absence of the variance or conditional use permit granting the right.

C. A right not requiring a building permit shall be deemed exercised when the activity permitted has commenced to the extent authorized by the variance or conditional use permit.

(Ord. 571, § 2, 1991).

17.52.070-060 Continuance of nonconformities.

Nonconformities may be continued subject to the provisions of this chapter.

(Ord. 571, § 2, 1991.)

17.52.080-070 Enlargement of nonconformities.

Except as permitted in Section 17.52.110, a nonconformity shall not be enlarged, expanded, or intensified:

- A. To occupy a greater area, either on the same or on any adjoining parcel of land.
- B. To other parts of a building when the nonconformity occupies a part of such building.
- C. To displace a conforming use.
- D. By use of non-adjoining land for parking, storage or other accessory or incidental uses.
- E. By any other change in the nonconformity which has a significant impact upon the use and enjoyment of any other property in the area.

(Ord. 571, § 2, 1991.)

17.52.090-080 Change ~~of from~~ nonconforming use to another nonconforming use.

A Planning Commission conditional use permit is required to change from one nonconforming use to another nonconforming use. Except as permitted by Section 17.52.110, a nonconforming use shall not be changed to another nonconforming use. Any change shall be deemed an abandonment of the nonconforming use. A conditional use permit must be granted prior to the change in nonconforming use or shall be subject to the provisions of Chapter 17.64.

(Ord. 571, § 2, 1991).

17.52.100-90 Repairs and alterations.

A. Structural alterations shall ~~not~~ be permitted in nonconforming buildings or structures with the granting of a conditional use permit. Only such repairs as are a part of normal, necessary

maintenance shall be permitted in nonconforming buildings or structures without an entitlement.

B. Such repairs shall not exceed fifteen percent (15%) of the replacement value of the building or structure in any one (1) year.

C. Structural alterations shall not be permitted in buildings or structures in which a nonconforming use exists.

D. Notwithstanding subsections A, B, and C of this section, all repairs or alterations otherwise required by law shall be permitted.

(Ord. 571, § 2, 1991).

17.52.110-100 ~~Change~~ Change to nonconforming use.

A. Notwithstanding any other provision of this chapter, the Planning Commission may issue a use permit to authorize an addition, enlargement or relocation of a nonconforming building, structure, or use, or to authorize a change of a nonconforming use to a similar or less intensive nonconforming use, upon a determination that the benefit to the public health, safety or welfare exceeds any detriment inherent in such change.

B. The procedural and substantive requirements for any hearing to consider changes to a nonconformity as provided in this section shall be the same as those for a use permit provided in Chapter 17.54. Both the standards in this section and the standards in Chapter 17.54 must be satisfied before an application for a change to a nonconformity may be approved.

(Ord. 571, § 2, 1991).

17.52.120-110 ~~Termination~~ Termination by discontinuance of use.

A. The discontinuance of a legal, nonconforming use for a continuous period of one (1) year shall terminate all rights in such conformity.

B. The discontinuance of a legal nonconforming use on a parcel of land containing no buildings and containing only structures incidental to the use of such land for a continuous period of three (3) months shall terminate all rights in such nonconformity.

C. The non-renewal of a business license establishes a presumption that the activity for which it was granted has been discontinued.

D. The abandonment of any nonconformity shall terminate all rights herein.

(Ord. 571, § 2, 1991).

17.52.130-120 ~~Termination~~ Termination by destruction.

If a nonconforming building or structure, or a conforming building or structure used for a nonconforming use, is damaged, destroyed, or demolished, the right to continue occupancy of the nonconforming building or structure, or to continue the nonconforming use shall cease; provided, however, that such building or structure may be repaired or rebuilt and reoccupied as follows:

A. If the cost of repairing or replacing the damaged portion of the building or structure does not exceed seventy-five percent (75%) of the total replacement value of the building or structure prior to damage or destruction, the building or structure may be restored and the use continued if such restoration is started within one (1) year of the date of damage or destruction and is diligently pursued to completion.

B. If the cost of repairing or replacing the damaged portion of the building exceeds seventy-five percent (75%) of the total replacement value of the building or structure prior to damage or destruction, a use permit shall be required to authorize the restoration of such building or structure and continue the use, upon a determination that the benefit to the public health, safety or welfare exceeds any detriment inherent in the restoration. The procedural and substantive requirements for any hearing to consider restoration of a nonconforming building or structure as provided in this section shall be the same as those for a use permit provided in Chapter 17.54.

Both The standards in this sections and the standards in Chapters 17.52 and Chapter 17.54 must be satisfied before an application allowing restoration of a nonconformity may be approved.

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(Ord. 571, § 2, 1991).

17.52.140-130 Nonconforming uses--nuisance.

In the event that a legal nonconforming use or building is found to constitute a public nuisance, nothing in this chapter shall be construed to permit the retention of such nonconforming use or building. The City Attorney may, with the consent of the City Council, commence an action or proceeding for the abatement and removal of such nonconforming use or building.

(Ord. 571, § 2 1991).

PLANNING COMMISSION SCHEDULED MEETING DATES

2015

January 20

February 18 or February 24 (Due to CC scheduled on Feb 17 because of Monday 2/16/15 Holiday)

March 17

April 21

May 19

June 16

July 21

August 18

September 15

October 20

November 17

December 15