

MINUTES

GONZALES PLANNING COMMISSION MEETING
CITY COUNCIL CHAMBERS - 117 FOURTH STREET
GONZALES, CALIFORNIA 93926
MONDAY, JANUARY 11, 2010
6:30 P.M.

CALL TO ORDER

Chairperson Robert Bonincontri called the regular meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

The flag salute was recited by all present.

ROLL CALL

1. PLANNING COMMISSIONERS PRESENT

Chairman Robert Bonincontri, Juan Mendez, Ronald Kingsford, Angel Mendez, and Chair Pro Tem Jose Rios.

STAFF PRESENT

Community Development Director Bill Farrel, Public Safety Director Paul Miller, and Administrative Assistant Paula Bonincontri

BUSINESS FROM THE PUBLIC

- 2.** There was none.

CONSENT AGENDA

- 3.** Consider Approval of December 14, 2009 Planning Commission Minutes

Action: Chair Pro Tem Rios moved to approve the Consent Agenda. Commissioner Juan Mendez seconded the motion. Approved by vote; all ayes.

REGULAR AGENDA

4. Review Livestock Permit Application for 324 Center Street

Mr. Farrel indicated that Chair Pro Tem Rios and Commissioner Juan Mendez have conflicts of interest and recused themselves from the proceeding.

Mr. Farrel reviewed the procedures for animal permits since there have not been any applications before the City in the past.

Mr. Farrel described the appeal procedure. The last date an appeal can be made on this matter is by January 25, 2010.

Staff Report: Public Safety Director Miller presented the staff report.

Commissioner Kingsford asked that have there ever been any animal problems.

Public Safety Director Miller indicated that there was an instance where animals were kept without a permit but did not pose an odor or noise problem.

Public Comment: Gloria Velasquez, 785 Cielo Vista Drive, stated she was a resident of Gonzales for over 60 years. She presented a letter to the Commission stating her concerns.

Mrs. Velasquez stated that she owns two rental properties that abut the 324 Center Street property. She was speaking on behalf of her family and tenants. They are concerned with the odor, noise, diseases and offensive conditions any animals would create.

Mrs. Velasquez stated that she lives very close to the Gonzales High School Stadium and on the other side of the stadium is the school farm where 4-H and FFA animals are kept and she can on many occasions hear the animals.

Mrs. Velasquez stated that her tenants would have to contend with the noise from the animals and in turn the Gourley family would have to contend with the tenants barking dogs due to the animals on their property.

Mrs. Velasquez stated that they are also concerned with the odor and diseases created by the animals.

Mrs. Velasquez stated that if an animal escapes from the property and hurts someone or damages my property. She does not want to incur any cost regarding personal or property damage to myself, my tenants and do not want the City of Gonzales to send any of my tax dollars defending a lawsuit created by a mess these farm animals could create.

Mrs. Velasquez stated that she has contacted her tenants and one tenant indicated they would move if the permit was granted. She stated that losing an excellent tenant to avoiding the animals, the odors, the noise and arguing with the animal's owners.

Mrs. Velasquez indicated that a six day notice was a short notice.

Quincy Gourley, 324 Center Street stated that she belonged to the Gonzales 4-H and would like a chance to raise her 4-H animal at her house.

Denise Velasquez-Dawson, 785 Cielo Vista Drive, and currently resides in Sacramento. She presented a letter to the Commission stating her concerns.

Mrs. Dawson stated that she was part owner of the property at 220 Fourth Street.

Mrs. Dawson stated her concerns regarding the "Youth Animal Husbandry Pilot Program".

She also stated that the neighbors were not informed by the City Council, the Planning Commission nor the owners of 324 Center Street, of the intent to raise livestock on their property. She indicated the Gonzales Police Department was the only entity that notified the neighbors of the permit application.

Mrs. Dawson noted sections of the Gonzales City Code concerning her issues.

Matt Gourley, 324 Center Street, the applicant indicated for the record that this is the fifth time this item has come before the City Council or Planning Commission to be heard and these public meetings have been noticed as per state law, as posted at City Hall and the City Council Chambers.

Mr. Gourley indicated the livestock ordinance has been in place in the City of Gonzales for several years. There was a conflict in two places in the City Code.

Mr. Gourley stated that he had two pigs on his property and received a complaint. It was not for any nuisances, noise or smell. It was because it was not allowed as per the City Code.

Mr. Gourley stated that the pig pens are cleaned twice daily and inspected by the 4-H leaders. The animal project is monitored by the parents and leaders.

Mr. Gourley indicated that as far a liability to the City of Gonzales, he was required to provide a copy of his homeowners insurance as part of the application process.

Mr. Gourley stated that the school farm is completely full and no room for more animals. He has set up a meeting with Liz Modena to consider expanding the school farm.

Mr. Gourley stated that this is a chance for kids to gain responsibility and leadership skills through this Animal Husbandry Program.

Mr. Gourley stated that if this permit is not approved tonight he would withdraw this permit.

Mrs. Velasquez indicated that as Mr. Gourley stated that the public notices are posted, but she does not have cable or views the meetings and was not aware of this program until she was noticed about this meeting.

Mrs. Velasquez stated that if this permit is approved there will be other residence that may begin raising animals on their property and not apply for a permit. This will create problems in the city.

Mrs. Velasquez stated that the police have more important things than to monitor animals in residential properties.

Monica Palomares Perez, 777 Cielo Vista Drive, stated that she had some questions. Her concern was the possibly of polluted water and waste on to the streets or grass areas from the animals. Also, she is concerned if pollution gets into the schools playgrounds and homes lawn areas.

Mrs. Perez stated that it is possible that neighbors would keep farm animals in their yard and not maintain them properly.

Steve McFarland, 346 Center Street, one of Mrs. Velasquez's tenants indicated that he has spoke to Mr. Gourley about the animal issue. He was informed that if there were any problems he can file a complaint and the animals would be removed.

Chairperson Bonincontri asked Mr. McFarland if he was okay with animal placement next door to him and there were any problems he could lodge a complaint.

Mr. McFarland indicated yes.

Emily Chavez, 216 Sixth Street, stated she has been a resident of Gonzales for a very long time. She stated that the 4-H program provides good programs for the children. The children have kept their animals outside of the city limits and it has worked well.

Mrs. Chavez stated that she had neighbors that kept chickens and it did create problems. She did not report the problems and dealt with it.

Matt Gourley stated that he had a letter from an abutting neighbor at 230-B Fourth Street that stated they would give this program a try as well as Mr. McFarland.

Mr. Gourley indicated that the animal waste would be contained on site on a sealed surface with the bedding changed every other day. Also, the kids would clean the pens twice a day.

Mr. Farrel related that the City has had provisions for animal permits for domestic as well as farm animals for a long time. When this request arose staff's concern was that developing more detailed procedures to manage the animals with more stringent conditions was needed.

Mr. Farrel clarified that the reason people were notified because the City received a specific application and the code requires that individuals are notified when an application is adjacent to their property.

Mr. Farrel stated that should a letter of appeal or protest be submitted. The deadline is January 25 and would be addressed to the City Clerk.

Mr. Farrel indicated that the Commission or the public can make an appeal to the City Council.

Commissioner Kingsford asked Public Safety Director Miller asked if an anonymous complaint can be lodged.

Public Safety Director Miller stated yes.

Commissioner Angel Mendez commented that 4-H and FFA are very important projects for the kids, but in consideration of neighbors and piting neighbors against neighbors this should be giving further consideration and discussion.

Commission Discussion: Chairperson Bonincontri stated the an appeal by the Commission could be made.

Action: Commissioner Angel Mendez moved to appeal to the City Council that this permit be considered for more public input.

The motion died due to the lack of a second.

Commissioner Kingsford asked if an appeal would be considered if done by the public.

Mr. Farrel indicated yes.

Public Safety Director Miller stated that no animals can be on the property until the permit is issued.

5. Public Hearing to Consider Approval of Resolution No. PC 2010-01 and Resolution No. PC 2010-02, Gonzales General Plan Amendments GPA 2010-01 and Gonzales Official Zoning Map Amendments ZOA 2010-01

Staff Report: Mr. Farrel presented the staff report.

1. Mr. Farrel recommended that a change to the General Plan Designation on a City-owned lot at 126 Fifth Street from Low Density Residential to Public Quasi-Public and change the designation on the official zoning map from Residential-Low Density-Downtown (R1-D) to Public Facility (PF) for the purpose of recognizing City ownership and future use as a City Police Department parking lot.

2. Mr. Farrel recommended that a change to the General Plan designation on a single 5,748 square foot vacant parcel located on the alley behind 222 Alta Street from Low Density Residential to Downtown Mixed Use and change the designation

on the official zoning map from Residential Low Density – Downtown to Downtown Mixed Use for the purpose of allowing future development appropriate to the location.

Chair Pro Tem Rios asked is there accessibility to the property.

Mr. Farrel indicated that the access is the alley which is a 20 foot public right-of-way.

Kuldip Singh, property owner of the vacant lot behind 222 Alta Street, stated that he would like to develop this lot. The lot is not suited for commercial use.

Chair Pro Tem Rios asked Mr. Singh, has he calculated out the numbers to develop a workable project.

Mr. Singh stated that he would like to build three apartments upstairs and parking area underneath.

3. Mr. Farrel recommended that a change to the General Plan designation on two contiguous parcels under single ownership, one of which is vacant and the other used for an existing single-family dwelling located at 246 Elko Street from Public/Quasi Public to Low Density Residential and change the designation on the official zoning map from Public Facility (PF) to Residential-Low Density-Downtown to recognize the existing private ownership and residential use.

Public Hearing: There was none.

Commission Discussion: All Commissioners concurred on the recommendation by staff.

Action: Commissioner Kingsford moved to adopt Resolution No. PC 2010-01 recommending amendments to the Gonzales General Plan land use diagram; adopt Resolution PC 2010-02 recommending amendments to the official Gonzales zoning map. Commissioner Angel Mendez seconded the motion. Approved by vote; all ayes.

BUSINESS FROM COMMISSION

6. Oral Communication

Chair Pro Tem Rios mentioned that the paving of the City alleys makes it viable for other potential development of other properties fronting an alley.

Mr. Farrel indicated that Public Works Director Carlos Lopez has concerns of intensifying the use of the alleys.

BUSINESS FROM STAFF

7. Oral Communication

There was none.

ADJOURNMENT

Chairperson Bonincontri made a motion to adjourn. Chair Pro Tem Rios seconded the motion. Approved by vote; all ayes.

The Planning Commission Meeting was adjourned at 7:40 p.m.


Robert Bonincontri, Chairperson

ATTEST:


René L. Mendez, City Clerk