



Willows Planning Commission Regular Meeting

PLANNING COMMISSION
Peggy White, Chair
Walter Michael, Vice Chair
Jose Hansen, Commissioner
Candis Woods, Commissioner
Robert Griffith, Commissioner

CITY PLANNER
Karen Mantele

MINUTE CLERK
Maria Ehorn

October 17, 2018
Willows City Hall
7:00 p.m.

201 North Lassen Street
Willows, CA 95988
(530) 934-7041

1. **CALL TO ORDER – 7:00 p.m.**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **AGENDA REVIEW** (Requested Changes by Commissioners or Staff?)

5. PUBLIC COMMENT

Members of the public wishing to address the Commission on any item(s) not on the agenda may do so at this time when recognized by the Chair; however, no formal action will be taken unless a majority consensus of the Commission directs staff to place the item on a future agenda. Public is advised to limit discussion to one presentation per individual. While not required, please state your name and address for the record. (Oral communications will be limited to three minutes)

6. **APPROVAL OF MINUTES:** Minutes of Planning Commission meeting(s) held on September 19, 2018.

7. NEW BUSINESS/Public Hearing

- (a) **Review of Conditions for Use Permit (File# UP-18-03) Applicant/Owner: Ana Camacho/Aida Corpuz**
610 S. Tehama Street/Assessors Parcel Number 002-312-002/ CG General Commercial) zone/General Commercial Land Use Designation/Use Permit Conditions review
- (b) **Use Permit -File #UP-18-04 - Applicant/Owner: Lori & Manual Rodrigues/David & Marilee Doolittle**
Assessors Parcel Number: 002-311-013; 669 S. Tehama Street: General Commercial zoning district; General Commercial land use designation/Request to establish a used car sales business

Comments from the public are welcome. The Chair will allow an opportunity for comments related to Public Hearings and each action item on the agenda. Please limit comments to three minutes per topic, and one comment per person per topic. Once comments conclude, please allow the Commission the opportunity to continue its consideration of the item without interruption.

8. **COMMISSION COMMENTARY**
9. **ADJOURNMENT**

CERTIFICATION: Pursuant to Government Code § 54954.2 (a), the agenda for this meeting was properly posted on or before October 12, 2018.

A complete agenda packet, including staff reports and back-up information, is available for public inspection during normal work hours at City Hall or the Willows Public Library at 201 North Lassen Street in Willows or on the City's website at www.cityofwillows.org.

In compliance with the Americans with Disabilities Act, the City of Willows will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk's office 934-7041 to make such a request. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

The City of Willows is an Equal Opportunity Provider



**MINUTES OF THE WILLOWS PLANNING COMMISSION
REGULAR MEETING HELD SEPTEMBER 19, 2018**

1. **Call to Order:** 7:00 p.m.
2. **Pledge of Allegiance:** Commissioner Hansen led the pledge of allegiance.
3. **Roll Call:** Karen Mantele, Planner; Maria Ehorn, Minute Clerk.

Commissioners:

PRESENT: White, Woods, Michael, Hansen,

ABSENT: Griffith

4. **Agenda Review:** Chair White asked if there were any changes to the agenda by staff or Commissioners. Staff had one small change regarding the R-1 guidelines and which format to present to the City Council.
5. **Public Comment:** Chair White introduced the item. Mark Ponciano spoke regarding the Willows Roadhouse and possible violations of their conditions. A short discussion was had with the consensus of the Commission directing Staff to bring back the Use Permit for review at the October meeting.
6. **Approval of Minutes:** It was moved by Commissioner Woods and seconded by Commissioner Michael approve the minutes of July 18, 2018.

The motion passed unanimously 4/0 by the following voice vote:

AYES: White, Michael, Hansen, Woods

NOES:

ABSENT: Griffith

ABSTENTION:

7. NEW BUSINESS/PUBLIC HEARING(S):

a. Design Review Application (File# DR-18-02)

Applicant/Owner: John McGaughey/Wal-Mart/Assessors Parcel Number: 017-210-052/ 470 N. Airport Road/General Commercial/Light Manufacturing/Planned Development Zoning District/ Commercial Industrial Combining Land Use Designation/Request for Design approval for installation of four electric vehicle charging stations and enclosed equipment area.

Chair White introduced the item. Ms. Mantele presented the staff report. John McGaughey gave information about the project and where the funding comes from. A brief discussion was had among the Commissioners, Mr. McGaughey and staff.

It was moved by Commissioner Hansen and seconded by Commissioner Woods to approve the next resolution in line entitled, a resolution of the Planning Commission of the City of Willows granting Design approval (File # DR-18-02) to Black & Veatch Corp. for installation of four EVC charging stations and enclosed equipment area and fencing for property located at 470 North Airport Road, Wal-Mart site, Assessors Parcel Number 017-210-052 with the color for the fencing be Winchester Grey.

Motion: Commissioner Hansen/Second: Commissioner Woods

The motion passed unanimously 4/0 by the following voice vote:

AYES: White, Woods, Michael, Hansen

NOES:

ABSENT: Griffith

ABSTENTION:

After Item #7 was completed, Ms. Mantele asked the Commission to provide direction on which format of the R-1 Guidelines to use. She then displayed the two R-1 Guideline formats and a brief discussion was had in which it was the consensus of the Commission to use the column style formatting.

8. COMMISSION COMMENTARY:

- a. Commissioners gave reports on activities and various meetings they attended.
- b. Ms. Mantele reported on the status of several ongoing projects and possible other items to come before the Commission. Ms. Mantele stated the next regular meeting is scheduled for October 17, 2018.

ADJOURNMENT: 7:46 p.m.

PEGGY WHITE – Chair

Maria Ehorn – Minute Clerk

DRAFT

Planning Commission Agenda Report:

October 17, 2018

Project: Use Permit (File UP #18-03) Willows Roadhouse Bar and Cocktail Lounge (Possible Revocation)
 Business Owner/Property Owner: Ana Camacho/Aida Corpuz
 Project Location: 610 S. Tehama Street
 Parcel No: 002-312-002
 Zoning: General Commercial (GC)
 General Plan: General Commercial

Background:

On June 20, 2018, the Planning Commission heard and approved a Use Permit to allow a Bar and Cocktail Lounge within an existing commercial building (a.k.a Willows Roadhouse). Staff had previous to the June 20th meeting, contacted the business owner regarding the bar activity and directed her to apply for a use permit to legitimize the bar and cocktail lounge as there had been music events advertised and held there over the past several months prior.

The adjacent use within this building is a restaurant and therefore food would be available to patrons. The proposal was a request to legally establish and operate the bar business in conjunction with a restaurant, located within a portion of the building. At the June 20th meeting, the applicant stated the restaurant was soon to be open for business. Per the applicant's letter submitted with the Use Permit application, live music events were proposed as part of the establishing the business, with music to take place on Friday and Saturday nights. A dance floor is located in the rear of the bar area and the applicant desire to use that area for music events. The proposal stated the business operation will employ 5-6 full time employees and 4-5 part time employees (including the applicant). (This may include the restaurant staff).

An on-sale liquor license (License Type 47) is valid for this property address. This license type allows for: *(On-Sale General-Eating Place (Restaurant) authorizes the sale of beer, wine and distilled spirits, for consumption on the licensed premises. Authorizes the sale of beer and wine for consumption off the licenses premises. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises)*

At the September 19, 2018 regular Commission meeting a member of the public spoke during the public comment period, stating that the bar has been having music events again on Saturday nights which have become a noise nuisance. Staff contacted the Glenn County Sheriffs' Department and has obtained copies of summary reports which were called in by anonymous callers reporting loud music; one on August 18th and another on September 8, 2018. At the direction of the Commission Chair and Commissioners, Staff was asked to bring the Use Permit back to the Commission at the October meeting to discuss possible revocation of the Use Permit. On September 20, 2018 Staff received a letter from a member of the public complaining about the loud noise taking place on Saturday nights.

Staff has since the September 19th meeting contacted the County of Glenn Environmental Health Department regarding their approval to operate the restaurant. On July 12, 2018 an inspector from the Department did a Food Facility Inspection and gave the Willows Roadhouse a Temporary Permit to open the restaurant, with a few corrections to be made prior to full opening. In speaking with the Department recently, Staff was told that the few corrections have not been inspected for compliance and this will take

place at a re-inspection which normally takes place 3-4 months after the Department issues a Temporary Permit.

Staff recently has spoken with the Willows Fire Department regarding fire inspections. An inspection was made on March 2, 2018 and included approval of the fire sprinkler system inspection by a licensed inspector. Another Fire Department Fire Safety inspection took place on October 4, 2018, including a floor plan, clearing the restaurant for use.

At the June 20th meeting, the Commission adopted conditions of approval for this Use Permit. (Attachment 1). Conditions #6, 9, and 20 are in question at this time; as they pertain to the operation of the business. Ms Camacho stated at the June 20th meeting that *“they are working on getting sound system so noise does not carry to the outside. Once it gets to a certain point we can lower the music so everyone can have rest/peace so they can go to sleep. I can commit to that”*. Additionally the liquor license associated with this bar and cocktail lounge specifically states that a restaurant/eating establishment must be operating and maintained for the licensed premises as a bona fide eating place. From a July 28th newspaper article which stated that the restaurant opened the day before, it appeared that the restaurant was operating. Since that time it is unclear as to whether or not the restaurant was open for business. Attempts by Staff to go inside during the posted hours of operation have not been successful up to October 3rd. Staff has contacted the permittee and have been told that there have been problems in the past couple of months, but they are planning to re-open on October 4, 2018.

Review Process

This matter is before the Planning Commission pursuant to Section 18.135.090 of the City of Willows Municipal Code. This code section states that *“In any case where the conditions of the granting of a use permit have not been or are not complied with, the planning commission shall give notice to the permittee of intention to revoke such permit at least 10 days prior to a hearing thereon. Following such hearing, the planning commission may revoke such permit.* Staff has sent the permittee (Ana Camacho) a letter advising her of the possible revocation action and the October 17th Commission meeting to discuss the Use Permit.



STAFF RECOMMENDATION:

Staff recommends the Commission review the Staff report, hear from the applicant, and provide Staff direction regarding revocation of the Use Permit.

PLANNING COMMISSION OPTIONS:

- 1) Recommend continuance of the Use Permit and subject to final Conditions of Approval as described in Attachment 1
- 2) Revoke the Use Permit with appropriate findings for revocation

Attachments:

1. Adopted Conditions of Approval

Submitted by:



Karen Mantele
Principal Planner

**THE APPLICANT IS REMINDED THAT THERE IS A 10 (TEN) DAY APPEAL PERIOD FOLLOWING
THE PLANNING COMMISSION DECISION**

**USE PERMIT & DESIGN REVIEW CONDITIONS OF APPROVAL
FOR ANA CAMACHO/WILLOWS ROAD HOUSE
FOR PROPERTY LOCATED AT 610 S TEHAMA STREET
ASSESSORS PARCEL NUMBER: 002-312-002**

PC approval date: June 20, 2018

General

1. That the applicant/developer shall enter into a Pass Through Agreement with the City of Willows to pay the cost of all planning review, plan checking and field inspection of this development.
2. If the use (establishment of a bar and cocktail lounge) is not made on the project subject to the permit within one (1) year after the date of granting the permit, then without further action, the permit shall be null and void and such use shall not be made of the property except upon the granting of a new permit.
3. This use permit is void one (1) year after the use permitted by such permit is discontinued.
4. The Use Permit approval is valid for six months from the date of approval, with a review in front of the Planning Commission thereafter.
5. The applicant shall secure sign permit approval from the Planning Department to approve business signage for the use(s).
6. Applicant/owner shall take all reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas and areas surrounding the premises and adjoining properties during business hours of directly related to the patrons of the bar.
7. The operator shall ensure that the hours of operation shall not be a detriment to the surrounding area.
8. The operator shall post on the inside of the premises stating that drinking on the premises or in public is prohibited by law.
9. The operator shall comply with all provisions of all local, state, or federal laws, regulations or orders, including those of the ABC (Alcohol and Beverage Control).
10. The operator shall keep clear the premises of any debris and trash.
11. No person under 21 years of age is allowed on public premises of the bar.

12.

Building Department

- 13. Should any proposed work require a permit, applicant shall obtain all required building permits.
- 14. All work shall comply with the current applicable Federal, State and local codes and ordinances.

Fire Department

- 15. A fire pre-plan safety inspection shall be required by the Fire Department at the site. Contact the Fire Department at 530-934-3323 to schedule an inspection.
- 16. The building addressing shall be properly addressed per WMC Section 15.15.100. The building address shall meet all WMC criteria and be reviewed by the Fire Department for approval prior to installation.
- 17. Provide fire extinguishers per 2016 CFC and shall be mounted per Fire Chief's approval.
- 18. The applicant shall provide a scaled floor plan in order to identify load capacity of rooms prior to use.

Public Works

- 19. If there is to be any food preparation applicant shall install an operable grease trap.

County Sheriff Department

- 20. All ABC licensing needs to be current and correct.

Planning Commission Agenda Report:

October 17, 2018

Project: Conditional Use Permit (File# UP-18-04) Establish a Used Car Sales Business

Applicant/Owner: Lori & Manual Rodrigues/David & Marilee Doolittle

Project Location: 669 S. Tehama Street, Willows, CA

Parcel No: 002-311-013

Zoning: General Commercial (CG)

General Plan: General Commercial

Project Description

The applicants, Lori & Manual Rodrigues, have submitted a Conditional Use Permit application requesting approval to establish a Used Car Sales business on a lot adjacent to their established tow business (A + Plus Tow & Transport). The request would be to allow the sale of used vehicles, trailers, boats & motorcycles which are towed by Mr. Rodrigues. The proposed project will augment the tow business in recouping lost revenue on unpaid tows per applicant statement.

Review Process

This matter is before the Planning Commission pursuant to Section(s) 18.60.030(6) and 18.135.040 of the City of Willows Municipal Code.

Zoning/General Plan

The project site is zoned General Commercial (CG) which purpose is intended for commercial facilities which are necessary for public service and conveniences. The proposed use (used car sales business) is a listed use under this zoning district, Section 18.60.030(6), allowed with an approved Conditional Use Permit. Zoning to the north, south, and east are all CG, with a mix of commercial uses surrounding the site and also some residential uses, as to the west (across the alley) the zoning is R-1 (Single Family Residential).

The General Plan land use designation for this property is General Commercial which provides for a variety of general retail and service related businesses. General Plan Development Policy Statement *DPS-2 Compatible Land Uses*, states *"The City should only approve development proposals that would be compatible with existing uses"*.

Background:

On May 2, 2012 the Planning Commission heard and approved a Use Permit request from Mr. Rodrigues, to establish a towing business within an existing commercial building located at 621 S. Tehama; adjacent to the subject property. The tow business has been operating since the approval to do so; however Mr. Rodrigues has been using the adjacent lot for car sales intermittently. Staff has had communication with Mr. Rodrigues regarding this un-approved use, requesting he obtain a use permit to do so, as the parcel/area where the sales will occur is a separate lot than where his tow business is located.

Project Analysis for Use Permit:

Section 18.060.030(6) allows for used car lot sales with an approved use permit from the Commission. The applicant desires to use the eastern portion of the subject lot (adjacent to his tow business) to be used for cars/vehicles he has towed and not recovered. The subject lot is located on the corner of S. Tehama

and Elm Streets and is owned by the same person who owns the building in which his towing business operates out of. A single family dwelling is located on the western 2/3rds of the subject parcel and is separated from the “used car sales lot” area by a wooden fence. Entrance to the subject lot to place vehicles for sale on will be gained via the driveway of the tow business.



669 S. Tehama Street



View of both lots looking west



View from tow business lot looking south

The project was reviewed by city departments for comments/conditions. There were no concerns about the use of the lot for sales of used cars.

In accordance with Section 18.135.030 notice of this public hearing was published in the local newspaper ten (10) days prior to the public hearing and all property owners as indicated on the latest secured Assessor’s records within 400 feet of the subject property were sent notice of the hearing. No written comments from adjacent property owners have been received at the time of preparation of this report.

Environmental Review

The project has been reviewed pursuant to the California Environmental Quality Act (CEQA). City staff has determined that the proposed project is exempt from further CEQA review and qualifies as a Categorical Exemption pursuant to Section 15061(b)(3), Review for Exemption.

Findings of Fact for Conditional Use Permit

Based upon the facts and conclusions contained within this staff report the following findings must be made in order to approve the applicant’s Use Permit request:

1. That the use is consistent with the purposes of the district in which the site is located.
2. That the proposed location of the use and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.
3. That the proposed use is in conformance with the General Plan.

STAFF RECOMMENDATION:

Staff recommends adoption of the attached resolution recommending approval for Use Permit file # UP-18-04 to allow establishment of a used car sales business, subject to the conditions of approval as shown in Attachment #2.

PLANNING COMMISSION OPTIONS:

- 1) Recommend approval of the Use Permit, subject to Conditions of Approval as described in Attachment #2
- 2) Deny the applications with appropriate findings for denial

Attachments:

1. Draft Planning Commission Resolution
2. Proposed Conditions of Approval
3. Site Plan
4. Applicants statement
5. APN map

Submitted by:

Karen Mantele
Principal Planner

THE APPLICANT IS REMINDED THAT THERE IS A 10 (TEN) DAY APPEAL PERIOD FOLLOWING THE PLANNING COMMISSION DECISION ON THE USE PERMIT APPLICATION

PC RESOLUTION NO. _____-2018

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILLOWS APPROVING USE PERMIT (FILE #UP-18-04) FOR MANUAL RODRIGUES ALLOWING ESTABLISHMENT OF A USED CAR SALES BUSINESS FOR PROPERTY LOCATED AT 669 S. TEHAMA STREET, ASSESSORS PARCEL NUMBER 002-311-013

WHEREAS, the applicants, Lori & Manual Rodrigues, have filed a Conditional Use Permit application to allow establishment of a used car lot/sales business to augment their adjacent tow business; and

WHEREAS, used car lots are allowed per WMC Section 18.060.030(6) with an approved Conditional Use Permit from the Planning Commission; and

WHEREAS, notices of the Planning Commission meeting held on October 17, 2018, were published in a newspaper of general circulation in the City in accordance with law, and mailing to property owners within 400 feet were sent; and,

WHEREAS, the Planning Commission did, on October 17, 2018, hold a public hearing to consider all public oral and written comments, letters and documents, staff reports, and all other documents and evidence which are a part of the Record; and,

WHEREAS, the Planning Commission has reviewed all evidence submitted in connection with the application, including public testimony, staff report, supporting documentation, City codes and regulations, and all other relevant documents and evidence which are part of the record of proceedings; and,

WHEREAS, the Planning Commission finds that the proposal is considered exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3), Review for Exemption; and

WHEREAS, the Planning Commission does find that the proposed use is consistent with the purposes of the district in which the site is located, as WMC Section 18.60.030(6) allows for used car lot/sales with an approved use permit from the Planning Commission, and,

WHEREAS, the Planning Commission does find that the proposed location of the use and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity, as the conditions of approval to allow the use (used car sales business) have been included in the approval of this project to ensure the safety and welfare of the public are met; and

WHEREAS, the Planning Commission does find that the proposed use is in conformance with the General Plan, as the land use designation of General Commercial provides for a variety of general retail businesses and service related businesses.

NOW THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Willows does hereby find that the Use Permit proposal to establish a used car lot/sales business is

consistent with the City of Willows General Plan, the City of Willows Municipal Code, and hereby approves Use Permit file #UP-18-04, subject to the attached conditions of approval set forth in Attachment #2.

IT IS HEREBY CERTIFIED that the foregoing Resolution was duly adopted at a regular meeting of the Planning Commission of the City of Willows on Wednesday, the 17th day of October, 2018 by the following vote, to wit:

AYES _____
NOES _____
ABSTAIN _____
ABSENT _____

APPROVED: _____
Peggy White, Chairperson

ATTEST: _____
Maria Ehorn, Recording Secretary

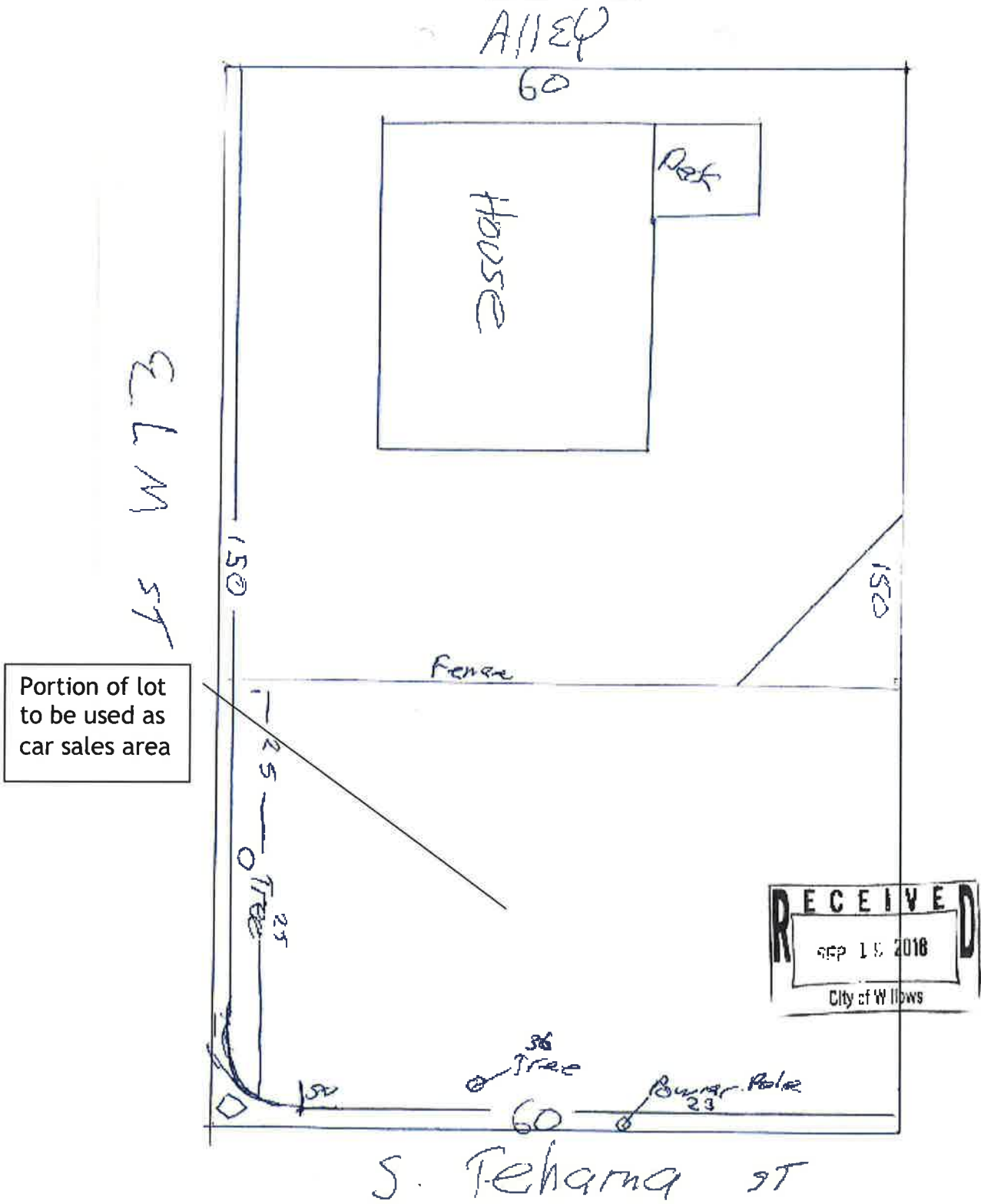
**USE PERMIT CONDITIONS OF APPROVAL
FOR LORI & MANUAL RODRIGUES ALLOWING A USED CAR LOT/SALES BUSINESS
FOR PROPERTY LOCATED AT 669 S. TEHAMA STREET
ASSESSORS PARCEL NUMBER 002-311-013**

PC approval date: _____, 2018

General

1. That the applicant/developer shall enter into a Pass Through Agreement with the City of Willows to pay the cost of all planning review, plan checking and field inspection of this development.
2. If the use is not made on the project subject to the permit within one (1) year after the date of granting the permit, then without further action, the permit shall be null and void and such use shall not be made of the property except upon the granting of a new permit.
3. This use permit is void one (1) year after the use permitted by such permit is discontinued.
4. All plans for additional uses, which are not covered by this review, shall be submitted to the City Manager/Planning Commission for review and approval prior to use.
5. No business signage for the used car lot shall be displayed on the parcel.

SITE PLAN



APPLICANTS' STATEMENT

September 19, 2018

Lori and Manuel Rodrigues, owners of A Plus Tow and Transport, are requesting a use permit for the lot at 660 S Tehama St, adjacent to their tow company. As part of owning a towing service, we obtain vehicles through the lien sale process. This is a way of disposing of vehicle/property that has been towed and goes unclaimed by the registered owner. We are asking to use the empty lot to park property we have for sale. This property may include vehicles, trailers, boats, etc: whatever we have towed that we needs to be sold. This is not a daily occurrence for us. Sometimes, we will go several months before having anything to sell. Other times, we may have two or three vehicles for sale at the same time. Likewise, we have had vehicles sell within hours of becoming available and some have taken up to three weeks to sell. How quickly an item sells depends on numerous factors, including time of year, price point, condition of the vehicle, etc. Being able to sell property that comes through the tow company is an important piece of our business. This is a way for us to recoup a portion of the revenue lost on these unpaid tow bills. It is a key component in keeping our business healthy and productive.

Thank you for your consideration.

APN MAP

