

MINUTES

CALISTOGA PLANNING COMMISSION

September 11, 2013

1 The meeting was called to order at 5:30 pm.

2 **A. ROLL CALL**

3 Commissioners present: Chairman Jeff Manfredi, Vice Chairman Paul Coates,
4 Commissioners Carol Bush, Scott Cooper and Walter Kusener. Staff present:
5 Planning & Building Director Lynn Goldberg, Senior Planner Erik Lundquist.

6 **B. PLEDGE OF ALLEGIANCE**

7 **C. PUBLIC COMMENTS**

8 There were no public comments.

9 **D. ADOPTION OF MEETING AGENDA**

10 The meeting agenda of September 11, 2013 was accepted as presented.

11 **E. COMMUNICATIONS/CORRESPONDENCE**

12 A letter from Joe Bob and Lily Hitchcock regarding Item G.1. was distributed to
13 the Commission.

14 **F. CONSENT CALENDAR**

15 **1. Minutes for the August 28, 2013 Planning Commission meeting**

16 The August 28, 2013 Minutes were accepted as presented.

17 **G. PUBLIC HEARINGS**

18 **1. Poggi-LeStrange Setback Variance (VA 2013-6):** Consideration of a
19 variance to replace an existing dwelling unit 4 feet from the side property
20 line and to construct a carport 2 feet from the side and rear property lines
21 at 1332½ Berry Street

22 **Senior Planner Lundquist** presented the staff report and explained that
23 approval of a floodway variance by the City Council would be required if
24 the setback variances are approved by the Commission. He addressed
25 the concerns expressed in the letter submitted by the adjoining property
26 owners. He noted that the Commission has the ability to require that some
27 of the windows facing their property be eliminated or made opaque to
28 reduce potential privacy impacts.

29 In response to a question from **Vice Chair Coates**, Mr. Lundquist
30 confirmed that a public hearing notice had been sent to all property
31 owners within 300 feet of the property 10 days before the hearing.

32 **Chairman Manfredi** opened the public hearing.

33 **Joe Bob Hitchcock**, 1322 Berry Street, has lived on the adjoining
34 property since 2000. He and his wife have some major concerns about the
35 proposal. The proposed structure would ruin their view, eliminate their
36 privacy and significantly reduce their property's value. The findings
37 required for the variance are not supported by the facts. The property in
38 question is not unique; the river setbacks apply to all other properties that
39 are zoned R-3 and adjoin the river. The project would increase the degree
40 of non-conformity and grants the applicant a special and exclusive
41 property right that others do not enjoy. Development is a privilege, not a
42 right. The right to construct a large non-conforming structure should not
43 prevail over their property rights. In conflict with the required finding, the
44 project would actually be injurious to property in the vicinity, and he
45 disagrees with the staff report statement that the project would not impact
46 views or privacy. Had the proposed structure be in existence in 2000, they
47 never would have purchased their property because they would have no
48 privacy. Privacy always increases property values, so there is no doubt
49 that the project would negatively impact theirs. There isn't a hardship to
50 alleviate. The existing structure could be made more comfortable by
51 adding insulation and air conditioning. The project would transfer the
52 hardship to their property. The project should not be exempt from CEQA
53 because it involves multiple variances that would impact the river and
54 exceeds the threshold of significance. The four windows on the south side
55 of the residence would stare into their property, and they would be looking
56 at a 50-foot blank wall.

57 **Linda Poggi-Le Strange**, applicant, stated that the rents charged for the
58 residences on the property are affordable. She believes that the height of
59 the existing cottage is 13½ feet to the peak. They are requesting approval
60 of the carport because their cars get dented by debris from the trees. The
61 proposed design was selected because it would be the least-invasive.
62 They have already installed air conditioning in the existing residence.

63 In response to questions from the Commission, Mr. Lundquist confirmed
64 that the square footage of the new residence would be 57 square feet
65 more than the existing one, including the existing garage.

66 **Mr. Hitchcock** observed that the existing building has varying heights.
67 The garage portion is about 15 feet tall, while the living room portion is
68 lower, and they can see little of it from their property. Even if the windows
69 on the southern elevation were opaque on the proposed residence, they
70 could still be opened.

71 **Commissioner Kusener** suggested that the seven-foot fence on the
72 common property line could be increased to eight feet to provide
73 additional privacy.

74 **Mr. Hitchcock** noted that the 16-foot high building would still be there,
75 regardless of the fence height. An eight-foot fence would not be attractive
76 and would be an added expense for him.

77 **Commissioner Kusener** does not believe that the Hitchcocks' property
78 values would be decreased because the new structure would be an
79 upgrade from the existing one. He would like to see some kind of
80 treatment to shield the windows to protect their privacy, however.

81 In response to a question from **Commissioner Cooper**, Mr. Lundquist
82 confirmed that the residence could be constructed without approval of a
83 variance by pushing it out a foot, to meet the five-foot setback
84 requirement. The carport would be difficult to locate so that is in
85 compliance with the setback regulations, because it would then encroach
86 into the river setback and leave less access area.

87 **Commissioner Cooper** understands the Hitchcocks' concerns and
88 suggested planting trees in the setback area to enhance privacy.

89 In response to questions from **Commissioner Bush**, Mr. Lundquist
90 reviewed the locations and design of the windows and glass door on the
91 south side of the proposed residence and confirmed that none would be
92 directly across from the Hitchcock house. The sliding door would face the
93 Hitchcocks' carport, not the house, which is located at the front of the
94 property, and wouldn't directly adjoin the proposed residence.

95 **Vice-Chairman Coates** observed that his residence adjoins another
96 home with windows facing each other and they just deal with it through
97 window treatments. In a normal house, the ground floor is elevated and
98 you can look over the fence at the neighbors, so this isn't an unusual
99 situation. It's important to note that part of the proposed house's height is
100 due to a fairly steeply-pitched roof. It's unfortunate that the Commission
101 didn't receive the Hitchcocks' letter earlier, instead of receiving it just
102 before the meeting, so that they could have analyzed the concerns.

103 **Doug Cook**, 1447 Second Street, didn't even know that there was a home
104 existing at the back of the project site. In response to questions from Mr.
105 Cook, Mr. Lundquist confirmed that the new structure would have to
106 comply with the flooding regulations even if it were the same size as the
107 existing structure.

108 **Mr. Hitchcock** stated that they had no idea before they received the
109 hearing notice that this proposal was in the works. Their letter wasn't
110 submitted earlier because they weren't able to meet with the applicant
111 until a few days ago. They didn't know what to look at or analyze. The
112 windows would not only look into their property, they would be high up and
113 look down onto it. The proposed landing would have an open view into
114 their property. Even though it wouldn't be oriented directly towards their

115 property, it would be possible to see into their kitchen if someone turned
116 their head. If the Commission is willing to continue the hearing, he could
117 bring in a number of realtors who would confirm that their property would
118 be devalued by the project.

119 **Chair Manfredi** closed the public hearing.

120 **Commissioner Kusener** finds that the houses would be off-set, so he
121 doesn't think there would be direct viewing into each other's houses. He
122 suggested modifying the design of the bedroom window to increase
123 privacy, since it's closest to the Hitchcocks' house. The others are farther
124 back on the property and screened by landscaping. That would be a
125 compromise.

126 **Commissioner Cooper** suggested planting trees between the two houses
127 to provide screening.

128 **Chair Manfredi** agrees with the idea of modifying the bedroom window to
129 address the Hitchcocks' concerns. The city needs housing and the
130 existing residence is in bad shape.

131 A motion by **Chair Manfredi** and seconded by **Commissioner Kusener**
132 to adopt a resolution approving Variance VA 2013-6, with an added
133 condition of approval that the applicant work with staff to modify the
134 designs of the windows on the back side of the house to address the
135 neighbors' concerns, carried unanimously.

136 **Planning Director Goldberg** noted the right to appeal the Commission's
137 decision within 10 days.

- 138 2. **Zoning Map Amendments ZOA 2013-5:** Consideration of a
139 recommendation to the Calistoga City Council on amendments to the
140 Calistoga Zoning Map to rezone certain properties.

141 **Ms. Goldberg** presented the staff report, explaining that the zone
142 changes are recommended in order to provide conformance between the
143 General Plan Land Use Map and the Zoning Map.

144 **Chairman Manfredi** opened the public hearing.

145 **Kristen Casey** distributed a copy of her comments to the Commission,
146 which thanked the City for bringing this matter forward and brought to their
147 attention the fact that the vacant residential site behind Riverlea Square
148 commercial center should be rezoned to a lower density to reflect the
149 site's reclassification from High to Medium Density by the 2003 General
150 Plan. She is happy to see that staff addressed this need in the staff report
151 and that its rezoning will be brought to the Commission at their next
152 meeting.

153 **Carolyn Wilkinson** asked that the existing uses for Item 9 in the property
154 rezoning summary table be identified as "Hideaway Cottages," instead of
155 "Wilkinson's Pool."

156 **Chairman Manfredi** closed the public hearing.

157 A motion by **Commissioner Bush** and seconded by **Commissioner**
158 **Cooper** to adopt a resolution recommending to the City Council the
159 approval of Zoning Map Amendments ZOA 2013-5 was adopted
160 unanimously.

161 **3. Municipal Code Amendment MCA 2013-1:** Consideration of a
162 recommendation to the City Council to add regulations for parking in
163 required front yards to Chapter 17.36 Off-Street Parking and Loading
164 (Title 17, Zoning) and add regulations on materials that may not be stored
165 in a required front or street side yard to Chapter 8.24 Property
166 Maintenance Standards (Title 8, Health and Safety).

167 **Ms. Goldberg** presented the staff report, noting that the proposed
168 Municipal Code amendments were drafted in response to community
169 concerns about excessive parking and storage in required front yards.

170 In response to questions from **Commissioner Cooper**, Ms. Goldberg
171 explained that staff will seek direction from the City Council as to how
172 aggressively to pursue enforcement of the new regulations. She doesn't
173 know what the reaction has been to such regulations in other
174 communities.

175 **Commissioner Kusener** is concerned about limiting the driveway width;
176 24 feet would be too narrow for three-car garages. Ms. Goldberg
177 explained that the dimension limitation was included to preclude driveways
178 from being widened to fit more cars on them. She noted that the proposed
179 regulations would be subject to the same code enforcement procedures
180 and fines as any other provisions.

181 **Chairman Manfredi** opened and closed the public hearing after no
182 comments were offered.

183 A motion by **Commissioner Kusener** and seconded by **Vice-Chair**
184 **Coates** to adopt a resolution recommending that the City Council approve
185 Municipal Code Amendments MCA 2013-1 was adopted unanimously.

186 **H. MATTERS INITIATED BY COMMISSIONERS**

187 None

188 **I. DIRECTOR REPORT**

189 Ms. Goldberg advised the Commission that the September 25, 2013 Commission
190 meeting had been cancelled and that she had distributed draft single-family
191 design guidelines to the Commission that will be considered at their October 9th

192 meeting. She also noted that three of the Commissioners' terms will end this year
193 and the City will be seeking Commission candidates soon.

194 **J. ADJOURNMENT**

195 The meeting was adjourned at 6:41 p.m. to October 9, 2013.

Lynn Goldberg
Planning Commission Secretary