

MINUTES**CALISTOGA PLANNING COMMISSION****September 11, 2013**

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

A. ROLL CALL

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

B. PLEDGE OF ALLEGIANCE**C. PUBLIC COMMENTS**

There were no public comments.

D. ADOPTION OF MEETING AGENDA

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

E. COMMUNICATIONS/CORRESPONDENCE

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

F. CONSENT CALENDAR**1. Minutes for the August 28, 2013 Planning Commission meeting**

The August 28, 2013 Minutes were accepted as presented.

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

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

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

Chairman Manfredi opened the public hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chairman Manfredi closed the public hearing.

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

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

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

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

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

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

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

Chairman Manfredi opened the public hearing.

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

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

Chairman Manfredi closed the public hearing.

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

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

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

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

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

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

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

H. MATTERS INITIATED BY COMMISSIONERS

None

I. DIRECTOR REPORT

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

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

J. ADJOURNMENT

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



Lynn Goldberg
Planning Commission Secretary