

MINUTES EXCERPT

CALISTOGA PLANNING COMMISSION

February 26, 2014

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

A. ROLL CALL

Commissioners present: Chair Jeff Manfredi, Vice Chair Carol Bush, Commissioners Scott Cooper, Tim Wilkes. Commissioners absent: Paul Coates (excused). Staff present: Planning & Building Director Lynn Goldberg, Senior Planner Erik Lundquist.

E. COMMUNICATIONS/CORRESPONDENCE

Two items of correspondence related to Item G.1. were distributed to the Commissioners.

G. NEW BUSINESS

1. **White Parcel Map PM 2013-1:** Public hearing to consider a parcel map dividing the 3.1-acre property on the northwestern side of Mora Avenue approximately 1,774 feet from the intersection of Grant Street (APN 011-351-007) into three parcels

Chair Manfredi advised that he had visited the project site and discussed the proposal with the applicants.

Senior Planner Lundquist presented the staff report, and described an alternative design that would locate one parcel at the rear of the property instead of two, which could be considered more consistent with the General Plan performance standards for the Rural Residential land use designation. He suggested that the Commission may wish to limit all structures to the proposed building envelopes, not just habitable structures. Performance standards could also be added regarding the design of future homes and landscaping. He addressed requested changes to the proposed conditions of approval from the applicants.

In response to a question from **Commissioner Wilkes** regarding the undergrounding of utilities, Mr. Lundquist replied that nearly all requested waivers have been approved by the City Council for parcel maps.

In response to a question from **Chair Manfredi**, Mr. Lundquist explained that parcels of less than one acre are allowed on the site in accordance with the RR Zoning District even though the overall density allowed by the General Plan is one unit per acre.

Chair Manfredi opened the public hearing.

Andrea Pecota White, spoke on behalf of the application with her husband. The proposed lots have approximately equal lot areas because of easements. She and her husband have shared their proposal with neighboring property owners. They hope to sell two of the parcels and build a home on one of the three. They

are concerned about two conditions of approval that they feel are unnecessary. She requests that the requirement for undergrounding existing overhead utilities be waived because they are all over the city and undergrounding would be prohibitively expensive. They also request waiving the requirement for asphalt paving of the driveway and allow gravel instead. They wish to maintain the rural feel of the area, asphalt would be prohibitively expensive, and the requirement is not specified in the Municipal Code. She shared photos of the Mora Avenue area which shows overhead utilities and gravel driveways.

In response to questions from **Commissioner Cooper**, Ms. White replied that the parcel they would live on would depend upon which parcels are sold first; they are not designating one for themselves at this time. The alternative design proposed by staff would affect the value of the lots, as proposed Parcels 1 and 2 at the rear of the site would have sweeping views of Mt. St. Helena.

In response to questions from **Commissioner Wilkes, Ross White**, applicant, opined that the most desirable location is the southwest area of the property because of views of vineyards and Mt. St. Helena. They feel one of those parcels would sell relatively quickly. They have taken into consideration the additional infrastructure costs associated with the proposed parcel arrangement, but believe that the potentially higher lot values would offset them. They are open to further restrictions on the design of the future homes, but don't want too many because they would affect the potential value of lots and the number of interested purchasers.

Chair Manfredi closed the public hearing.

Chair Manfredi asked the Commission to address the issues that had been raised by staff and the applicants. Regarding the alternative parcel arrangements, he would rather see one building on Mora than two.

Vice Chair Bush believes the proposed lot configuration is compliant with the General Plan policies.

Commissioner Cooper agrees that it would be better to have a single house on the project frontage. Two lots at the back would maximize view advantages.

Commissioner Wilkes has concerns over the proposed design, which essentially creates a flag lot that would have many related issues. The project site is a miniature oak woodland, and the parcels will be purchased because of it. Building on the properties without harming the oaks will be very delicate and it's important to minimize tree removal. With the proposed flag lot arrangement, there will likely have to be a large hammerhead turnaround that will require many trees to be removed. There doesn't need to be a flag lot if two of the lots front Mora and only one is at the back. He is concerned about allowing eight trees to be removed on each parcel, as contained in the proposed deed restrictions, especially if they were to be removed to accommodate a vineyard. A lower number should be allowed. If the Commission wants to move ahead with the

proposed configuration, he would like to see more restrictions on the design and construction on the lots. The drainage impacts on the trees are unknown.

Chair Manfredi asked the Commission for its thoughts on the utility undergrounding requirement.

Vice Chair Bush supports a waiver of the requirement if previous parcel map applicants have not had to comply with the requirement and it's expensive.

Commissioner Cooper concurred. He questioned the resulting visual impact there was staggered undergrounding down Mora. Obviously not all of the utilities will ever be undergrounded. If similar requirements have been waived in the past, he supports a waiver in this case.

Commissioner Wilkes stated that his major concern is having on-site overhead lines amongst 67 oaks.

Chair Manfredi noted that the Planning Commission doesn't have the authority to waive the undergrounding requirement, but he's happy to recommend it to the City Council.

It was the Commission's consensus to support that the requirement for existing overhead utilities be waived, but that new lines be undergrounded.

Chair Manfredi asked the Commission for its thoughts on the asphalt driveway paving requirement. Mr. Lundquist clarified that the Fire Chief is requiring it for safety purposes and that he has actually asked for less than is typically required.

Commissioner Wilkes asked that if the driveway's roadbed was constructed to City standards to support a fire truck, could it be topped with gravel. Mr. Lundquist replied that the applicant had not submitted such an alternative, but that the Fire Department would be willing to consider it. Commissioner Wilkes stated that if a solution could be found, it would meet the applicants' aesthetic concerns as well as environmental concerns about run-off.

It was the Commission's consensus to support the gravel surfacing alternative if the roadbed satisfies the Fire Department's needs.

Mr. Lundquist therefore suggested modifying Condition No. 15a, which addresses the driveway construction requirement, to add "or appropriate alternative." He also suggested striking Condition No. 15d, as it is a standard requirement that is unnecessary in this case. It was the Commission's consensus to support both of these recommendations.

Chair Manfredi asked the Commission for its thoughts regarding staff's recommendation that all structures be prohibited outside of the building areas prescribed by the deed restrictions.

Commissioner Wilkes would like to see all construction within the building envelopes in order to protect as many trees as possible.

Vice Chair Bush agreed.

Commissioner Cooper would prefer to review the actual construction plans for a lot and make the decision then. If it made sense for a structure to be located outside the building envelope, it could be allowed.

Chair Manfredi supports limiting all construction to the building envelopes because future purchasers may otherwise want to construct all over the lots. The future owners would have the alternative of asking for a variance if they wanted to construct outside of the area.

Mr. Lundquist noted that the Declaration of Restrictions would be a recorded document, and not the typical Zoning Code development regulations that could be subject to a variance. He suggests that a provision be added to allow flexibility in the location of structures outside the building envelope if it could be demonstrated that there would be no tree impacts.

Brian Russell, attorney for the applicants, objected to the restriction on tree removal because it would limit the potential extent of construction. The applicants have gone above and beyond the standard setback regulations. Requiring the clustering of all buildings within the building envelope could be detrimental.

Chair Manfredi noted that staff's suggestion would allow the flexibility for that while safeguarding the trees, and therefore the requirement would not be overly restrictive.

Commissioner Wilkes observed that the smallest buildable area is 14,000 square feet, which would provide adequate room for all of the potential improvements. He wants to see as much of the oak woodland preserved as possible. He believes that people will buy the properties because they love the trees and not because the trees are in the way.

Chair Manfredi asked the Commission for its thoughts regarding staff's recommendation that the Declaration of Restrictions include guidelines for the development of the parcels. He believes that these types of restrictions are a waste of time because we don't know what's going to be built.

Mr. Lundquist noted that this requirement may be unnecessary because the citywide design guidelines for single-family residences that will likely be adopted in the near future will cover many of these issues. A mitigation measure also requires administrative design review.

Commissioner Cooper is not comfortable adding more restrictions if there will be a booklet summarizing all of the guidelines. Micromanaging the design of future homes is not warranted for this project.

It was the Commission's consensus to not adopt more restrictions because of citywide design guidelines that are to be adopted and the project's administrative design review requirement.

Commissioner Wilkes observed that approximately 36% of the trees would be allowed to be removed under the proposed Declaration of Restrictions. He would

like to see a lower base number of trees that are allowed to be removed on each parcel, with additional trees allowed based on a specific design.

Mr. Lundquist suggested that the number of trees allowed to be removed could be lowered, while allowing more to be removed with administrative design review approval, similar to his suggestion for building envelope flexibility.

Mr. Ross reminded the Commission of the 3:1 tree replacement requirement. The number of trees that are allowed to be removed was based on a number of considerations, including the marketability of the parcels. They are trying to find a balance between tree preservation and project feasibility.

Commissioner Wilkes supports lowering the base tree removal number and allowing staff to approve additional removals. He noted that every house will be subject to design review by staff.

Vice Chair Bush supports lowering the number of trees that can be removed in order to protect as many trees as possible.

Mr. Lundquist suggested that the declaration be revised to whatever tree removal number the Commission supports, with additional removal allowed only if it can be demonstrated through the design review process that is necessary and that tree impacts will be minimized.

A majority of the Commission supported revising the Declaration to reduce the number of trees that could be removed on each parcel to seven, with the possibility of additional tree removal through the design review process.

Commissioner Wilkes doesn't support the current parcel map design because of his previously-mentioned concerns regarding the flag lot. There is a simple solution of having only one house at the front of the lot; then all parcels would have direct street access. However, he is in full support of the Commission's consensus on the other issues.

Seth Gersch, resident in the project vicinity, supports the proposed parcel layout. He would prefer to see one house at the street instead of two.

Mr. Ross noted that they have discussed with the Fire Chief the possibility of using the southern roadway and the access easement to the flag lot for a turnaround in order to minimize tree removal and paving. He reiterated that having only one parcel at the rear of the project site would be a financial hardship for them.

Commissioners Cooper, Bush and Manfredi expressed their support for the proposed lot layout.

A motion by Chair Manfredi and seconded by Vice Chair Bush to adopt a resolution adopting a Mitigated Negative Declaration, finding that with the inclusion of mitigation measures, the project will not have a significant adverse impact on the environment, was approved unanimously.

A motion by Commissioner Bush and seconded by Commissioner Cooper to adopt a resolution approving a parcel map to divide the property commonly referred to as Assessor Parcel Number 011-351-007 into three parcels was approved on a 3 to 1 vote (Wilkes dissent) with the following modifications to the conditions of approval:

- Revise Condition No. 15.a. to allow an alternative driveway surfacing and indicate the Commission's preference for a gravel surface.
- Delete Condition No. 15.d.
- Add a condition that the project's Declaration of Restrictions be revised to require that all structures be constructed within the building area, with an allowance for construction outside of the area if environmental impacts would be limited, subject to design review.
- Add a condition that the project's Declaration of Restrictions be revised to allow a maximum of seven trees to be removed from each parcel, with the possibility of additional removal determined during the design review process

Planning & Building Director Goldberg advised the applicants of their right to appeal the Commission's decision within 10 days, and advised them that they would have to request a waiver of the utilities undergrounding requirement from the City Council if they wished to have the related condition modified.