

# MINUTES

## CALISTOGA PLANNING COMMISSION

September 10, 2014

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

### 2 A. ROLL CALL

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

### 6 B. PLEDGE OF ALLEGIANCE

### 7 C. PUBLIC COMMENTS

8 None.

### 9 D. ADOPTION OF MEETING AGENDA

10 The meeting agenda of September 10, 2014 was accepted as presented.

### 11 E. COMMUNICATIONS/CORRESPONDENCE

12 An e-mail from Al Nichelini regarding Item G.1. and written comments from Doug  
13 Cook regarding Item G.2 were distributed to the Commission.

### 14 F. CONSENT CALENDAR

15 1. Minutes for the August 13, 2014 Planning Commission meeting

16 The August 13, 2014 minutes were unanimously adopted as presented.

### 17 G. PUBLIC HEARINGS

18 1. **Della Maggiora Setback Variance VA 2014-1:** Consideration of a variance to  
19 replace an existing dwelling unit 6 feet from the front property line and 2 feet of  
20 the side property line at 1520 Park Street

21 **Senior Planner Lundquist** provided an overview of the application and details of  
22 the substantial improvements proposed to the existing home, which is a legal  
23 non-conforming structure because its setbacks conflict with Zoning Code  
24 requirements. The structure must be brought into conformance if it is improved  
25 by more than 60% of the fair market value unless a variance is approved. Gutters  
26 and drainage will not project onto the neighboring property or otherwise affect it.  
27 Staff recommends approval of the variance with conditions.

28 **Chair Manfredi** opened the public hearing.

29 **Louise Della Maggiora**, applicant, stated that the requested variance is the  
30 minimum that will allow her family to continue to enjoy their property. Denial of  
31 the variance would make the project financially infeasible. She supports the staff  
32 report and its findings and recommendations.

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

34 **Commissioner Cooper** thinks the proposal makes a lot of sense. It will improve  
35 the neighborhood. In a response to a question from **Commissioner Cooper, Mr.**  
36 **Lundquist** confirmed that staff will ensure through the building permit review  
37 process that that all rainwater is collected on-site and directed to the street.

38 **Commissioner Coates** supports the variance because our housing stock is  
39 limited and we need to do everything we can to maintain it, especially for local  
40 residents.

41 **Vice-Chair Bush** is happy to see that the home will be maintained and improved.

42 A motion by **Commissioner Coates** to approve a variance to replace an existing  
43 dwelling unit 6 feet from the front property line and 2 feet of the side property line  
44 at 1520 Park Street was seconded by **Vice-Chair Bush** and approved  
45 unanimously.

46 **2. Housing Element Update General Plan Amendment GPA 2014-3:**  
47 **Consideration of the draft 2014 Housing Element Update of the Calistoga**  
48 **General Plan**

49 **Planning Director Goldberg** gave a PowerPoint presentation on the draft  
50 Housing Element, summarizing findings of its Background Report and proposed  
51 actions. She noted that changes had been made to both in response to  
52 comments received at the Public Workshop held on the draft Element in August.  
53 She requested that the Commission recommend acceptance of the 2014  
54 Housing Element Update to the City Council, which is tentatively scheduled to  
55 hold a public hearing on October 7th.

56 At the request of the Commission, **Ms. Goldberg** responded to some of the  
57 comments submitted by Mr. Cook dated September 10, 2014. Regarding  
58 concern No. 1, there have been few changes over the last three years in terms of  
59 local housing needs and solutions to them. The work that the Housing Element  
60 Advisory Committee did over many months for the 2011 Housing Element is still  
61 relevant and one of the few things that has changed is that recent court decisions  
62 now prohibit the City from imposing its inclusionary housing requirement on  
63 market-rate rental projects. A few new actions have been added, such as  
64 additional recommendations for reducing constraints on the development of  
65 second units and stricter enforcement against vacation rentals.

66 Regarding concern No. 2 about prioritizing inclusionary housing options, she  
67 suggests that this matter be addressed as part of the ordinance amendment that  
68 will be prepared rather than in the Housing Element. Regarding the use of in-lieu  
69 housing fees, the City's philosophy is to use the funding to leverage the  
70 construction of an entire project, not just the construction of a few units. This is a  
71 better use of the funds. It is recognized that housing will not and cannot be  
72 provided for every local employee. A jobs-housing balance is not the ultimate  
73 goal nor is it required by state law.

74 Regarding concern No. 3, the City of Napa Housing Authority provides services  
75 under contract to the City, such as writing grants, and they are experts on what  
76 funding is available and how to procure it, so there is no need for the City to hire  
77 a separate grant writer.

78 Regarding concern No. 4, the mobile home parks are already restricted to  
79 occupancy by seniors, so there wouldn't be any benefit to designating them as  
80 such, nor would it be legal to do. Restricting them to occupancy by low-income  
81 households and limiting the rent that could be charged is also not legally  
82 possible, although the City's Rent Stabilization Ordinance is able to prevent  
83 excessive rent increases. Restrictions such as these are done at the time of a  
84 project's approval and cannot be applied retroactively. The Housing Element  
85 includes an action for the City to consider adopting a mobile home park closure  
86 ordinance.

87 Regarding some of Mr. Cook's other suggestions, the City will not see \$1 million  
88 in the Housing Trust Fund until the Silver Rose project is constructed. It is not  
89 desirable to prepare a plan to spend the funds all at once, because opportunities  
90 for leveraging and assisting affordable housing will present themselves over the  
91 years.

92 The City cannot prohibit second home purchases, but it is enforcing the  
93 Municipal Code's vacation rental prohibitions.

94 The City's allocation from ABAG for providing opportunities for above-moderate  
95 income housing is a function of the State's requirements, and the City does not  
96 have the ability to reduce this allocation.

97 The rental units on Fair Way that are currently unoccupied cannot be counted as  
98 new potential units in the Housing Element, but Planning staff has been  
99 discussing redevelopment of the property with potential buyers. There would be  
100 no benefit to identifying the property as a housing opportunity site in the Housing  
101 Element, since we have adequate vacant sites to address housing needs over  
102 the next eight years.

103 The City's long-time approach to code enforcement is complaint driven and it  
104 does not have sufficient staff or funding to be more pro-active. However,  
105 complaints are actively responded to.

106 In general, the City has limited resources in terms of available developable land,  
107 staff, and funding for housing. The Housing Trust Fund is essentially the City's  
108 redevelopment/development fund to help seed affordable housing development  
109 and preservation.

110 **Commissioner Coates** recalls working on the Housing Element Advisory  
111 Committee for the 2011 Housing Element and realizes the constraints on housing  
112 and the burdens upon residential developers. It will be difficult to provide housing  
113 for moderate-income households. We are lucky to have a low RHNA, but the  
114 City's impact fees that are currently being updated will significantly rise for

115 residential development and discourage residential construction. **Ms. Goldberg**  
116 responded that the impact fees for single-family dwellings will generally stay the  
117 same provided the recommended fees are adopted by the City Council.  
118 **Commissioner Coates** observed that the cost of available land is prohibitive and  
119 there is often neighborhood opposition to development proposals. The City's  
120 impact fees would still be the highest around, which discourages new  
121 development.

122 **Ms. Goldberg** noted that the City has been talking with developers to address  
123 other housing needs within the community besides farmworkers. There are some  
124 opportunities but still challenges. There are no state or federal funding programs  
125 available to construct moderate-income units. However, the City can offer  
126 incentives such as reductions in the minimum lot size through a planned  
127 development district. The First Time Homebuyer Down Payment program needs  
128 to be increased but the Housing Trust Fund is not large enough to support it.

129 **Vice-Chair Bush** is glad that the City is willing to consider small lot subdivisions.  
130 Small lots and homes would be a great resource. The City is desperate for rental  
131 housing.

132 **Commissioner Cooper** thanked staff for the exhaustive report and thanked Mr.  
133 Cook for his comments. It is a good idea to move forward with the Housing  
134 Element, considering the timeline that the City is under. In response to a question  
135 from **Commissioner Cooper**, **Ms. Goldberg** confirmed that the farmworker  
136 housing project currently under construction would meet the City's allocation in  
137 the extremely low, very low and low income categories for the next eight years.  
138 She does not see a concern with meeting the City's fair share housing needs  
139 allocation.

140 **Chair Manfredi** opened the public hearing.

141 **Doug Cook**, 1447 2<sup>nd</sup> Street, thanked Ms. Goldberg for the responses to his  
142 comments. Generally, the effort that has been made in the Housing Element is  
143 great, but he still has a few questions.

144 It does not appear that the Element includes an action calling for a park closure  
145 ordinance. **Ms. Goldberg** identified the proposed action on page H-69.

146 Mr. Cook asked if the City restricting a housing project to occupancy by seniors  
147 would be an unlawful taking. Ms. Goldberg replied that in her opinion it would be  
148 illegal.

149 Mr. Cook identified areas of the document that need to be re-worded to  
150 accurately reflect the status of the updated impact fees and the rent deferral  
151 program at two of the mobile home parks.

152 He believes that the City Council needs to develop a plan to spend the Housing  
153 Trust Fund money immediately.

154 **Chair Manfredi** believes that it is not the role of the Planning Commission to tell  
155 the City Council how to spend the money. He supports the City Council allocating  
156 funds over time as it sees fit to make the best use of it.

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

158 A motion by **Commissioner Cooper** and seconded by **Vice-Chair Bush** to  
159 adopt a resolution recommending to the City Council acceptance of the 2014  
160 Housing Element Update, was approved unanimously.

161 **H. MATTERS INITIATED BY COMMISSIONERS**

162 None.

163 **I. DIRECTOR REPORT**

164 **Director Goldberg** reported that the September 24th Commission meeting would  
165 include a resumed public hearing on Buster's BBQ use permit and a second parcel  
166 map on Mora Avenue.

167 **J. ADJOURNMENT**

168 The meeting was adjourned at 6:37 p.m.

---

Lynn Goldberg  
Planning Commission Secretary