



City of Calistoga
Planning Commission
Agenda Item Summary

DATE

March 22, 2017

ITEM

Draft Minutes of February 22, 2017 Meeting

RECOMMENDATION

Approve minutes with any necessary changes

MINUTES

CALISTOGA PLANNING COMMISSION

February 22, 2017

A. ROLL CALL

1 Commissioners present: Chair Paul Coates, Vice Chair Tim Wilkes, Alissa McNair,
2 Walter Abernathy, Scott Cooper. Absent: None. Staff present: Planning and Building
3 Director Lynn Goldberg, Senior Planner Erik Lundquist.

4 B. PLEDGE OF ALLEGIANCE

5 C. PUBLIC COMMENTS

6 None.

7 D. ADOPTION OF MEETING AGENDA

8 The meeting agenda of February 22, 2017 was accepted as presented.

9 E. COMMUNICATIONS/CORRESPONDENCE

10 Two letters were distributed to the Commission regarding Item G.2.

11 F. CONSENT CALENDAR

12 1. Minutes for the January 25, 2017 Planning Commission meeting

13 The minutes were adopted as presented.

14 G. PUBLIC HEARINGS

15 1. **AT&T Telecommunications Facility (UP 2017-1):** Consideration of a use
16 permit application to allow the installation and operation of antennae and an
17 unmanned wireless telecommunication facility at the Napa County Fairgrounds at
18 1435 N. Oak Street

19 **Senior Planner Erik Lundquist** presented the staff report. A similar application
20 was approved by the Commission several years ago but the approval expired
21 because a building permit was not issued during the allowable timeframe. He
22 recommends incorporating vinyl slats instead of redwood into the fence
23 surrounding the equipment facility. In response to a question from **Vice Chair**
24 **Wilkes**, he responded that the replacement light standard would be six inches
25 taller. In response to a question from **Chair Coates**, he responded that a lease
26 for the proposed use has already been executed with the Napa County
27 Fairgrounds.

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

29 **Misako Hill**, representing AT&T, noted that the applicant is agreeable to all of
30 the recommended conditions of approval.

31 In response to a question from **Vice Chair Wilkes** regarding the noise level of
32 the emergency generator, Mr. Lundquist responded that it would be 64.9 dBA at

33 the source and 44 dBA at the closest property line. The nearest sensitive
34 receptor is several hundred feet away. The generator is only tested periodically.

35 **Chair Coates** closed the public hearing.

36 A motion by **Vice Chair Wilkes** and seconded by **Commissioner Abernathy** to
37 adopt a resolution allowing the installation and operation of antennae and an
38 unmanned wireless telecommunication facility at the Napa County Fairgrounds at
39 1435 N. Oak Street, with the requirement that the fencing slats be vinyl, was
40 approved unanimously.

41 2. **Lopez Family Child Care (UP 2017-2):** Consideration of a use permit
42 application to operate a large family child care home at 1908 Emerald Drive

43 Mr. Lundquist presented the staff report. The applicant proposes to offer child
44 care services for up to 12 children, and 14 under certain circumstances, Monday
45 through Friday between 7:00 am and 6:00 pm. She would have an on-site
46 assistant. California law treats family child care as a residential use of property
47 and the City is limited to prescribing reasonable standards, restrictions and
48 requirements concerning spacing, concentration, traffic control, parking and
49 noise control. The City has not adopted any standards specific to large family day
50 care homes. Staff recommends several conditions of approval to minimize
51 potential parking problems, including allowing drop-offs and pick-ups to occur
52 over a minimum one-hour time period, and prohibiting the operator's personal
53 vehicles from interfering with use of the property's driveway for client vehicles.

54 In response to a question from **Commissioner Cooper** as to whether the City
55 had received any complaints about the current small family day care home at the
56 subject location, Mr. Lundquist responded that there had been none that he was
57 aware of.

58 **Vice Chair Wilkes** observed that the day care parking requirement in the
59 Municipal Code appears to refer to a commercial use. If it is applied to the
60 proposed operation, five to six spaces would be required, along with two for the
61 residence. Mr. Lundquist noted that per the Code, these spaces would have to
62 be located outside of the minimum required setbacks, which would not be
63 possible for a typical family day care home.

64 In response to a question from **Commissioner McNair**, Mr. Lundquist confirmed
65 that the intent of staff's recommended condition to require that the driveway be
66 kept clear for use by client vehicles is to have the residents park in the garage.

67 **Chair Coates** opened the public hearing.

68 **Brian Fennen**, whose in-laws live next door to the proposed child care home,
69 observed that pick-up and drop-off times will depend on parents' schedules and
70 it's hard to stagger them. There is limited on-street parking in the neighborhood.
71 The Municipal Code requires one parking space per employee, plus one per 500
72 square feet and a safe loading area, which is similar to the Code's pre-school
73 requirements. In this case, only two spaces would be provided. According to his

74 research, there are no other licensed large family day care homes in town. He
75 asked if the current facility has been operating legally. He suggests that they
76 operate as a small care home and see how that goes. If there are 14 kids, that
77 would be a lot of cars, especially on trash days because garbage cans would be
78 blocking on-street parking.

79 **Stephen Cinocco**, 1909 Emerald, lives directly across the street from the
80 proposed care home and works at home. He thanked the Lopez family for its
81 service to the community over the years in many capacities. The applicant
82 previously operated a large family day care home outside of the city limits. This
83 hearing is only required because the care of more than six children is requested.
84 He supports this use in our community and thinks the home will provide a
85 valuable service. He would like information about the ages of the children that will
86 be cared for. He also wants to know if the front yard would be used by the
87 operation. Parking on Thursday mornings will be a challenge because of garbage
88 collection; perhaps the staggering of drop-offs will help. He assumes that the City
89 code already prohibits vehicles from blocking other driveways. He suggested the
90 possibility of the Commission reviewing the operation in one year to see if there
91 have been any concerns.

92 **Lorne Glaim**, 1910 Emerald, lives adjoining the project site. He is not totally
93 opposed to the operation but is bothered by the scale. Despite the legal
94 definition, it is in fact a business. He is concerned that this means any business
95 can be established in the neighborhood. The current operation isn't a problem,
96 but there will be increased noise and vehicle congestion if it is expanded. The
97 staff report makes it sound like a done deal. There are no guidelines to ensure
98 that the grounds are maintained to neighborhood standards. The applicant has
99 been a good neighbor, but the potential for problems in the future makes him
100 wary of supporting the application. He thinks there is little likelihood of the
101 Commission re-visiting the permit in the future. Without a definite recourse for
102 future review, the project could be a disruptive influence in their quiet
103 neighborhood.

104 **Stephanie Allen** has a child who attends the applicant's current day care. The
105 applicant provides a wonderful service and her child is very happy there. Some
106 children will be walked to and from the home. She hasn't observed any traffic
107 problems with the current operation. There is only one other licensed day care
108 home in Calistoga. The applicant has a long wait list and the only other option for
109 families is to drive to St. Helena. In response to a question from **Vice Chair**
110 **Wilkes**, Ms. Allen replied that the drop-off process takes just a few minutes.

111 **Laurel Rios**, whose daughter currently attends the applicant's day care, reported
112 that the applicant provides a loving, happy environment and safe and trustworthy
113 care. She hopes that the Commission allows the operation to expand.

114 **Aron Weinkauff** is appreciative of the service that the applicant is providing his
115 son. There are few local options for affordable child care, especially for the
116 youngest children. In response to a question from **Vice Chair Wilkes**, Mr.

117 Weinkauff opined that approximately 70 percent of parents drive to the home and
118 30 percent walk. It's just a matter of minutes to drop-off or pick-up his son.

119 **Erin Maloney** feels so blessed to have the applicant caring for her son. There
120 are no other options in Calistoga. We should make an investment in our families
121 by allowing the home to expand. The applicant is a great asset to our community.
122 She absolutely understands about the neighbors' concerns and tries to park
123 legally, and come and go as quickly as possible.

124 **Pilar Lopez**, applicant, stated that she started a day care home seven years ago
125 and decided to move it to Calistoga. She has operated in this location for six
126 months under a state license and has not heard any complaints. Parking is not a
127 problem; all of the parents have different pick up and drop off times. In response
128 to a question from **Commissioner McNair**, Ms. Lopez confirmed that both of her
129 family's cars will be parked in the property's two-car garage to keep the driveway
130 clear for parents.

131 **Michael Gallindo**, friend of the applicant, shared that Ms. Lopez is a very
132 compassionate and respectful person. If more and more parents are going to her,
133 she is obviously doing a great job. He has no doubt that she will run the business
134 in a way that will keep the neighborhood happy.

135 **Irais Lopez-Ortega** has tried to give back to the community because Calistoga
136 has given so much to her. She is not speaking as a council member, but as a
137 sister of the applicant, who began babysitting at a very young age. Since then,
138 she has taken care of many children who have actually become a part of their
139 family. Some are now in college. Her sister has a special gift for child care. This
140 is more than about making money; everyone has to pay their bills. As you hear
141 from the parents, this is a safe facility for their children.

142 **Chair Coates** closed the public hearing.

143 **Chair Coates** understands the difficulty of finding child care as well as the
144 reasonable concerns of the neighbors. He encourages them to speak to the
145 applicant if they have problems and get them resolved. The working families of
146 the community are in desperate need of this service.

147 In response to a question from **Commissioner Abernathy** regarding how the
148 permit's conditions of approval would be monitored, Mr. Lundquist responded
149 that the City generally functions on a complaint-driven basis and if there were
150 complaints about the conditions not being met, they would work with the
151 applicant to achieve voluntary compliance. Any continued violation of conditions
152 could ultimately result in stricter measures such as a citation or revocation of the
153 permit.

154 **Vice Chair Wilkes** observed that the city doesn't have any experience with a day
155 care facility of this size so it doesn't know what the impacts will be. A business
156 can't just move into a neighborhood; this is a specific carve-out by the state.
157 Drop-off and pick-up traffic would essentially be a doubling of what is occurring

158 now. One option is to review the operation after a time to assist the City in
159 determining the impacts associated with a large day care home. Another option
160 would be to initially allow fewer children than 12.

161 **Commissioner McNair** noted that it seems the applicant is already providing the
162 parking that is required by the Code. She's confident that the applicant can give
163 clear instructions regarding parking to the parents to ensure that the operation
164 succeeds. She likes that the property's side yards are off-bounds to the children
165 and that they will not be playing outside at an early hour. There is a day care in
166 her neighborhood, which has tight parking conditions, and she doesn't see any
167 problems associated with it. Everyone needs to work together.

168 **Commissioner Cooper** thinks that the applicant will police her operation and
169 noted that there haven't been any complaints about the current operation. If
170 problems arise that can't be worked out, the Commission has the recourse of
171 revoking the use permit.

172 **Vice Chair Wilkes** suggests adding a condition of approval explicitly making the
173 property's front yard off-limits to the operation's activities except for traveling to
174 and from the front door.

175 A motion by **Commissioner Abernathy** and seconded by **Commissioner**
176 **Cooper** to adopt a resolution approving a use permit to operate a large family child
177 care at 1908 Emerald Drive with a condition prohibiting activities in the front yard
178 was approved unanimously.

179 Ms. Goldberg advised that the Commission's action can be appealed to the City
180 Council within 10 days.

181 H. GENERAL GOVERNMENT

182 1. **General Plan Annual Report:** Status of the Calistoga General Plan and
183 progress made toward its implementation in 2016

184 Ms. Goldberg presented the staff report. Staff recommends that the
185 Infrastructure, Economic Development and Geothermal Elements of the General
186 Plan be updated during 2017 because they were drafted more than 15 years ago
187 and do not reflect current conditions.

188 **Chair Coates** remarked on the extensive activities and projects that the City
189 accomplished last year and is already working on this year.

190 A motion by **Commissioner Cooper** and seconded by **Chair Coates** to
191 recommend to the City Council acceptance of the annual report on the General
192 Plan was approved unanimously.

193 I. MATTERS INITIATED BY COMMISSIONERS

194 As a follow-up to Vice Chair Wilkes' previous request for staff to explore the
195 possibility of dedicating a share of in-lieu parking fees to the provision of electric
196 vehicle charging stations, Director Goldberg reported that she would offer that
197 proposal during the upcoming budget study sessions.

198 **J. DIRECTOR REPORT**

199 Ms. Goldberg advised the Commission that no items were ready for its next meeting.
200 The Commission therefore cancelled its March 8, 2017 meeting.

201 **K. ADJOURNMENT**

202 The meeting was adjourned at 6:35 p.m.

Lynn Goldberg, Secretary