

MINUTES

CALISTOGA PLANNING COMMISSION

February 22, 2017

A. ROLL CALL

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

B. PLEDGE OF ALLEGIANCE

C. PUBLIC COMMENTS

None.

D. ADOPTION OF MEETING AGENDA

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

E. COMMUNICATIONS/CORRESPONDENCE

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

F. CONSENT CALENDAR

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

The minutes were adopted as presented.

G. PUBLIC HEARINGS

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

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

Chair Coates opened the public hearing.

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

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

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

Chair Coates closed the public hearing.

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

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

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

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

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

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

Chair Coates opened the public hearing.

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

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

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

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

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

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

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

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

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

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

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

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

Chair Coates closed the public hearing.

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

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

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

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

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

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

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

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

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

H. GENERAL GOVERNMENT

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

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

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

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

I. MATTERS INITIATED BY COMMISSIONERS

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

J. DIRECTOR REPORT

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

K. ADJOURNMENT

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



Lynn Goldberg, Secretary