



City of Calistoga
Planning Commission
Agenda Item Summary

DATE

August 23, 2017

ITEM

Draft Minutes of July 26, 2017 Meeting

RECOMMENDATION

Approve minutes with any necessary changes

MINUTES

CALISTOGA PLANNING COMMISSION

July 26, 2017

A. ROLL CALL

1 Commissioners present: Chair Paul Coates, Vice Chair Tim Wilkes, Alissa McNair,
2 Scott Cooper, Walter Abernathy. 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 July 26, 2017 was accepted as presented.

9 E. COMMUNICATIONS/CORRESPONDENCE

10 An email regarding Item G.1. was distributed to the Commission.

11 F. CONSENT CALENDAR

12 1. Minutes for the June 28, 2017 Planning Commission meeting

13 The minutes were adopted as presented.

14 G. PUBLIC HEARING

15 1. **Zoning Code Amendment ZOA 2017-2:** Consideration of a recommendation to
16 the City Council regarding a proposed amendment to CMC Section 17.41.030 to
17 require notification to property owners within 300 feet of an administrative
18 residential design review application at least 10 days prior to Planning Director
19 action

20 Planning Director Goldberg presented the staff report. The Council has initiated a
21 Zoning Code amendment that would require notification to property owners within
22 300 feet of an administrative residential design review application at least 10
23 days prior to Planning Director action in order to advise the public of a pending
24 action and allow public comments. The noticing requirement will add some time
25 and expense to the review process. She read an email from Stephanie Duff-
26 Ericksen opining that a 10-day notification period is insufficient and that a 30-day
27 period would be more appropriate.

28 In response to questions from **Vice Chair Wilkes**, Ms. Goldberg described the
29 contents of the notice, which would note the date that staff is intending to
30 approve the application, generally describe the proposed project, advise the
31 public of the opportunity to submit comments before the action date and note that
32 the action may be appealed to the Planning Commission within 10 days. A copy
33 of the project's site plan and representative elevation would also include with the

34 notice. If substantial concerns are received from the public that cannot be
35 addressed through a project redesign, staff could refer the application to the
36 Planning Commission for consideration, or could approve the application and it
37 could be appealed to the Commission by an interested party. It wouldn't be
38 necessary for an individual to have registered a concern about the project prior to
39 staff's action in order for them to appeal the decision. In the case of the 1900
40 Cedar Street second-story addition, staff was aware that there could be
41 neighborhood concerns and informally solicited public input that resulted in
42 changes to the project's design. Staff would make the same required findings
43 that the Commission does in approving a design review application. If the
44 findings could not be made by either staff or the Commission, the application
45 would be denied.

46 **Commissioner McNair** suggests that the notice also be posted on the City web
47 site so that people who have signed up for e-notifications would also be advised
48 of the pending action, and Ms. Goldberg concurred.

49 In response to a question from **Commissioner Abernathy**, Ms. Goldberg
50 confirmed that the 300-foot radius property owner notification area is standard
51 and prescribed by the Government Code.

52 In response to a question from **Commissioner Cooper**, Ms. Goldberg confirmed
53 that a 10-day notice is standard for all types of actions by the Planning
54 Commission and City Council and she doesn't feel that a longer period is needed
55 for administrative design review applications, which are not complicated projects.

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

57 **Yvonne Henry** thanked the Commissioners for their service to the city. She
58 believes that the proposed amendment is really important and a good idea
59 because it builds a stronger community by allowing for public comment.
60 However, 10 days' notice is not sufficient time considering that people may be
61 out of town when the notice is mailed. Thirty days is the norm in most cities.
62 There is technical information that the public needs time to research and
63 understand. She shared comments from other residents who were not able to
64 attend this hearing. Denise Flaherty also believes that 10 days' notice is not
65 enough and that 30 days should be provided. Antoinette Mayard supports the
66 noticing requirement but believes the 10-day period is insufficient and 30 days
67 should be provided. She requested that the notice include project details, such as
68 size, height, and trees to be removed, as well as days and hours of construction.
69 Gail Sysock also believes that 10 days' notice is insufficient in order to ensure
70 that neighborhood character is protected. Ms. Henry suggested that the 300-foot
71 radius may be insufficient in cases where projects are on large properties and
72 only the adjoining property owners would end up being notified.

73 **Karen Mann** thanked the Commission for its service. She agrees that 10 days'
74 notice is insufficient to explore and research a project application.

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

76 In response to a question from **Commissioner McNair**, Ms. Goldberg confirmed
77 that 10 days is the standard notice period for discretionary actions, as prescribed
78 by the Government Code, with the exception of longer review periods for draft
79 environmental documents. **Commissioner McNair** observed that there is an
80 additional 10 days of public review provided by the appeal period, for a total of 20
81 days.

82 Ms. Goldberg reiterated that design review applications are only approved if they
83 meet all Zoning Code development standards and are consistent with the
84 residential design guidelines. Staff works with most applicants to refine their
85 design to improve its conformity with the guidelines. Any requested deviations
86 from development standards would require Commission review of a variance
87 application. It isn't appropriate to note allowable days and hours of construction
88 in the public notice because they are standard for all projects.

89 **Vice Chair Wilkes** noted that in some communities, more than a 10-day notice is
90 required. For example, in Laguna Beach, applicants are required to attend
91 neighborhood meetings and present a project's details. Every project must also
92 stake the outline of the project. He suggested that the notice be sent as soon as
93 an application is filed and state that staff will be taking action on it. He wants to
94 make sure that the public has ample opportunity to review and understand
95 projects. Ms. Goldberg responded that staff does not deny applications, but
96 works with applicants to address areas of concern that are then reflected in
97 revised plans and conditions of approval. Applications with unresolved issues
98 would be referred to the Commission for review. She believes it is more useful to
99 advise the public that staff intends to approve the application on a certain date so
100 they can decide whether to appeal the decision. Applications are often not
101 complete when they are initially filed, and revisions and additional information are
102 often required, which can take several weeks to receive. Therefore, it would not
103 be beneficial for the public to review incomplete submittals. Staff typically sends
104 the notices as soon as an application is deemed complete.

105 **Commissioner Abernathy** suggested that a date be included in the notice to
106 make it clear when the 10-day appeal period ends, and staff concurred.

107 **Chair Coates** suggested a 14-day notice period for administrative design review.
108 Ms. Goldberg observed that it would be difficult to have a notice period that
109 differed from the standard that is applied to all other types of applications.
110 Furthermore, these are simpler projects whose approval has been delegated to
111 staff, and they shouldn't require a longer public notice period.

112 **Commissioner McNair** believes that simply adding this public notice
113 requirement is a huge improvement to the review process and will provide
114 interested members of the public an opportunity to participate.

115 Senior Planner Lundquist noted that staff will be more likely to refer controversial
116 applications to the Commission in the future as result of the Commission's and
117 Council's discussions.

118 **Vice Chair Wilkes** would like the proposed maximum building height noted in the
119 project description because the public is sensitive to that issue. **Commissioner**
120 **McNair** noted that the building height must be compliant with the Zoning Code in
121 order for staff to approve a project, and that it is not an appropriate topic for the
122 public to weigh in on. They will be able to see the height on the elevation that is
123 included with the notice. **Vice Chair Wilkes** feels that it could be a concern if an
124 entire block is develop with single-story residences and a two-story residence or
125 addition is proposed. Projects are supposed to be consistent with the Residential
126 Design Guidelines, which calls for maintaining the small town character. He
127 doesn't see a risk in informing the public of a project's proposed building height.

128 In response to a question from **Commissioner Cooper**, Mr. Lundquist explained
129 that the height of a code-compliant building would not be grounds for an appeal.
130 Staff works with applicants to minimize potential privacy issues through the
131 design and location of windows and balconies.

132 **Chair Coates** believes that if a member of the public who receives a notice is
133 truly concerned about the project, they will take the time to contact the City and
134 obtain any details that they are interested in. Adding a 10-day notice requirement
135 is a big step forward to increasing public awareness of pending development.

136 **Chair Coates** reopened the public hearing.

137 **Richard Testa** is concerned that someone who wants to a build a two-story
138 home within a neighborhood of primarily single-story residences could face
139 opposition. He asked if a two-story home could be denied even though it
140 complies with the Zoning Code. It doesn't seem fair to the applicant if they are
141 compliant and have been counting on the regulations that are in place at the time
142 they purchased the property. He asked if the Planning Commission would have
143 the ability to deny an application. It could have an effect on whether someone
144 buys a property. A lengthier notification process would increase the costs for the
145 applicant.

146 **Vice Chair Wilkes** noted that applications need to comply with the Residential
147 Design Guidelines in addition to Zoning Code compliance.

148 In response to a question from **Commissioner Abernathy**, Ms. Goldberg
149 confirmed that a project could not be denied simply because it is two-story. Staff
150 reviews applications for neighborhood compatibility and would only deny such an
151 application if there was a clearly-defined neighborhood character that would be
152 negatively affected by a two-story design. That was not the case for the Cedar
153 Street project, since there were other two-story homes in the vicinity and the
154 neighborhood character was not clearly defined. However, staff did work with the
155 applicant to minimize privacy impacts on adjoining properties.

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

157 In response to a question from **Vice Chair Wilkes**, Ms. Goldberg responded that
158 staff had no second thoughts on the approval of the Cedar Street project. They

159 had worked with the applicant to revise the design in response to public
160 comments and believe that it complies with the Residential Design Guidelines.

161 A motion by **Commissioner McNair** and seconded by **Commissioner Cooper**
162 to adopt a resolution recommending to the City Council approval of a Zoning
163 Code amendment to require notification to property owners within 300 feet of an
164 administrative residential design review application at least 10 days prior to
165 Planning Director action on the application was approved 4-1 (Wilkes
166 abstention).

167 Staff agreed to include the appeal deadline in the notice and post the notice on
168 the web site.

169 H. GENERAL GOVERNMENT

170 **1. In-Lieu Parking Fees:** Staff report on historic collection and use of in-lieu
171 parking fees

172 Senior Planner Lundquist presented the staff report.

173 **Commissioner Cooper** noted that the Tier II fee is significantly higher than
174 Tier I. Mr. Lundquist explained that the higher fee is intended to cover the
175 purchase of land and develop the parking, as opposed to simply adding paving to
176 a City-owned property.

177 In response to a question from **Commissioner Abernathy**, Mr. Lundquist
178 explained that he was unable to find records on how many parking spaces had
179 been provided using in-lieu fees, besides paving of the Police Station parking lot.
180 **Commissioner Abernathy** believes that this is a very important metric to know
181 in order to determine if the program is working.

182 **Chair Coates** believes that zero spaces have been provided, although some of
183 the funding may have been used to repave parking lots.

184 **Vice Chair Wilkes** opined that the underlying assumption for the in-lieu fee is
185 that there is a hardship for a property and they are unable to provide on-site
186 parking. This largely occurs downtown where buildings were constructed before
187 there were cars. There seems to be an assumption that paying an in-lieu fee is a
188 right, rather than a choice, and that Tier I fees are usually paid. It's putting a
189 burden on the City to provide the parking instead, as well as the burden of proof
190 that parking can't otherwise be provided by the property owner. The unspoken
191 assumption is that in-lieu fees can be paid and it is not a discretionary action.
192 The City is collecting a meager amount of fees and is not building any parking.
193 The burden should be on the applicant to rather than making an assumption that
194 an in-lieu fee can be paid. Staff should take a different approach when
195 considering whether an in-lieu fee can be paid. Only older buildings on Lincoln
196 Avenue should be allowed to pay the fee. It should be stipulated that the fees be
197 used for the actual construction of parking. 2016 Building Code requires that
198 charging stations for electric vehicles be provided in parking lots and a portion of
199 the fees should be set aside for that. He recommends that staff put something

200 together that would move these ideas forward to the Council. In-lieu fees should
201 not be used by the City to maintain existing public parking.

202 **Commissioner McNair** agrees that the fee should be used to create parking and
203 that the Municipal Code provision allowing it to be used for maintenance should
204 be eliminated.

205 **Chair Coates** supports depositing the fees in a separate account to be used to
206 creating parking. Maintenance should be covered by the General Fund.

207 **Commissioner Abernathy** observed that keeping the fees in a separate account
208 is already required and asked if there is a plan to provide public parking? Mr.
209 Lundquist replied that the City is looking at developing it in the area known as the
210 Fair Way extension in the former railroad right-of-way. **Vice Chair Wilkes**
211 supports the need for a parking plan.

212 **2. Location Opportunities for Contractor Storage Yards:** Staff report on
213 additional opportunities for contractor storage yards

214 Ms. Goldberg presented the staff report.

215 In response to a question from **Commissioner Cooper**, Ms. Goldberg noted that
216 the two current tenants at 1506 Grant Street had expressed a need for additional
217 locations for contractor yards if that property is developed in the near future.
218 They have been unable to find any sites locally and some have to park their
219 vehicles and equipment at their homes.

220 **Vice Chair Wilkes** believes that allowing contractor yards in the Rural
221 Residential Zoning District would be full of unintended consequences. He agrees
222 with allowing them in the Light Industrial District. He would like to see if the City
223 Council would be amenable to providing an enticement for someone who would
224 like to locate these on appropriate vacant land.

225 Ms. Goldberg noted that there are very few Light Industrial properties, and nearly
226 all of them are already developed or are tied up. Mr. Lundquist noted that the use
227 permit for the contractor yard on the Bounsall property included limitations on the
228 number of vehicles, amount of equipment, hours of operations and required
229 screening. Ms. Goldberg explained that the Rural Residential Zoning District was
230 suggested because there are large properties on the periphery of the city where
231 impacts on surrounding uses could be minimal from a small business. This
232 district already conditionally allows uses such as wineries and veterinary clinics.
233 She reiterated that the intent is to accommodate small operations and not
234 something as large as a paving contractor like Blakeley Construction.

235 **Chair Coates** supports going ahead and drafting a Zoning Code amendment and
236 get public input. Although he shares Vice Chair Wilkes' concerns, there could be
237 a few sites for small, locally-owned businesses.

238 It was the consensus of the Commission to recommend the initiation of a Zoning
239 Code amendment to the City Council, with a limitation on the size of the
240 contractor yards.

241 **I. MATTERS INITIATED BY COMMISSIONERS**

242 None

243 **J. DIRECTOR REPORT**

244 Director Goldberg informed the Commission that no items were ready for
245 consideration at its next meeting and the Commission therefore cancelled its August
246 9, 2017 meeting.

247 **K. ADJOURNMENT**

248 The meeting was adjourned at 6:42 p.m.

Lynn Goldberg, Secretary