



**CITY OF LAKEPORT
PLANNING COMMISSION
September 9, 2015**

MINUTES

CALL MEETING TO ORDER AND ROLL CALL: Chairman Gayner called the meeting to order at 5:00 p.m., with Commissioners Wicks, Russell, and Taylor were present. Commissioner Kauper was absent. Also present were Community Development Director, Kevin Ingram; Associate Planner, Dan Chance; and Administrative Specialist, Linda Sobieraj.

ACCEPTANCE OF AGENDA: A motion was made by Commissioner Taylor seconded by Commissioner Wicks, and unanimously carried by voice vote (4-0) to approve the agenda as posted.

CONSENT AGENDA: Commissioner Wicks pointed out several typographical errors to the June 24, 2015, Minutes that needed amending. No changes were made to the July 8, 2015, Minutes. A motion was made by Commissioner Wicks to accept the minutes as adjusted and presented; seconded by Commissioner Taylor. Motion was unanimously carried by voice vote (4-0) to accept consent agenda item A (Minutes of the Special Meeting of June 26, 2015, and Minutes of July 8, 2015, Planning Commission meeting).

CITIZEN INPUT: Community Development Director Ingram indicated that there was no citizen input submitted.

REGULAR AGENDA:

AR 14-08 – Kathy Fowler Chevrolet –Revision

Application revising a previously approved Architectural and Design Review application for a 558 square foot sales office at 1277 Parallel Drive and 1305 Todd Road Extension APNs 005-043-24 and 005-043-01.

Associate Planner Chance read from his report advising of a revision of a previously approved Architectural and Design Review application for a 558 square foot automobile sales office. Chance stated the proposed design change to the sales office building would not impact the approved site improvements or the Use Permit for the outdoor display and sale of pre-owned automobiles.

Chance advised that the applicant had recently submitted improvement plans for the site and building plans for the sales office. Upon review, staff determined the design of the sales office on the building plans did not reflect the design approved by the Planning Commission.

Chance stated the materials for the car sales building is proposed to match the materials of the current Fowler Auto dealership building, located adjacent to the project site, with vertical metal siding for the walls and horizontal metal siding on the parapet. Chance advised the modified design, materials and color of the building will match the existing dealership on the neighboring property, and would reflect a harmonious design within the immediate area.

Chance stated staff recommends that the Planning Commission approve the Revised Architectural and Design Review application subject to the addition of two new conditions of approval set forth in the staff report.

Commissioner Taylor advised that the new design is a cleaner look than the original design submitted. Chair Gayner stated he agreed the new building blends better with the existing building.

Commissioner Wicks stated that the two new conditions of approvals appeared to be identical to the original ones and asked what the change is in these two conditions. Chance advised since the date of the original approval date is listed in the first two conditions of approval and the revised conditions reflect the date of the new plans under consideration.

Categorical exemption Approval

Commissioner Russell moved that the Planning Commission find that the revision to AR 14-08 as applied for by Kathy Fowler is categorically exempt from CEQA, pursuant to Section 15303(c) of the CEQA Guidelines. Commissioner Taylor seconded the motion.

The vote was called and was as follows:

AYES: Commissioner Taylor, Wicks, Russell and Chair Gayner (4-0)

NOES: None

ABSENT: Commissioner Kauper

Architectural and Design Review Revision Approval

Commissioner Taylor moved that the Planning Commission find that the Architectural and Design Review revisions applied for by Kathy Fowler Chevrolet, on property located at 1277 Parallel Drive does meet the requirements of Section 17.27.080 of the Lakeport Zoning Ordinance; consistent with the

objectives and policies of the Lakeport General Plan; and grant the revision to AR 14-08, subject to the modified project conditions of approval (Attachment A), and with the findings listed in the September 9, 2015 staff report. Commissioner Russell seconded the motion.

The vote was called and was as follows:

AYES: Commissioner Taylor, Wicks, Russell and Chair Gayner (4-0)

NOES: None

ABSENT: Commissioner Kauper

Commissioner Russell stepped down from her Commissioner duties as she was the applicant in the next item.

F 15-03/CE 15-08 Fence Variance – Suzanne Russell

Application for a Fence Variance to permit an existing 6 foot high wooden fence constructed within the street side lot setback area of Cherry Street. Project location 600 Sixth Street, APN 05-205-07.

Community Development Director Ingram read from his staff report advising of an application seeking approval of fencing in excess of the three foot height limitation within the street side lot line setback area fronting Cherry Street of a corner lot located at 600 Sixth Street.

Ingram stated that on April 28, 2015, Community Development Department staff noted the construction of a fence (placement of posts) in excess of 3' feet within the required side street setback area of Cherry Street at the subject property. Staff made contact with the contractor at the site and informed him of the need to either: 1) relocate the fence 10' back from the property line; 2) reduce the height of the fence to 3'; or 3) submit an application for a fence variance to obtain approval of the placement of an over height fence within the required setback area. Ingram advised that the contractor stated the fence was intended to be located outside of the required setback area, but it appeared a mistake was made in assuming that the edge of curb was the property line. The contractor further stated that he would inform the property owner of the situation.

Ingram advised a second site visit was conducted by staff on April 30, 2015 which observed that the fence was fully constructed measuring 6' feet in height and located within the required side street setback area. A letter was sent to the property owner on May 15, 2015, notifying them of the existence of a Municipal Code violation and providing two weeks to either bring the fence in compliance or submit an application for a fence variance with the Community Development Department.

A formal application for a fence variance was received on June 16, 2015 and after a site visit, a revised project description was submitted on August 12, 2015.

Ingram advised based on the observations made at the time of the site visit, the information provided by the applicant and the responses from City staff, the height and location of the proposed fencing is consistent with the performance standards and requirements for residential fences outlined in Section 17.28.010.O.2 of the Lakeport Municipal Code. The proposed location of the fence will not create a significant visual hindrance for the general public, the residents of the subject property or any nearby properties. Furthermore, staff believes the fence is aesthetically pleasing and will not create an inappropriate walled-in effect or visual barrier.

Commissioner Wicks stated the fence should not have been put up. He advised he read all of the information and it's very sound and the fence is beautiful, however when informed that was the opportunity to move the fence.

Chair Gayner stated if the owner was really worried about the dogs the fence boards should extend to the ground. He advised there is one portion where the fence boards are is almost 18 inches above the ground, which raises the height of the fence to almost 7 ½ feet tall. A large dog could easily get under the fence.

Public hearing opened at 5:29; owner, Suzanne Russell spoke in favor of the fence variance.

Commissioner Wicks stated to the application, looking at the timeline you made a conscious decision to build it even after you were told it was in the street side set back area. The applicant stated that the posts and the frame were already up when staff first made contact; the fence went up pretty quickly because of the safety concerns posed by the vicious pit bulls regularly roaming the neighborhood and the safety of her tenants.

Commissioner Wicks advised that he also measured the height of the fence and it is above 6 feet. So if the fence variance was approved the height would have to be reduced in some locations to bring it into compliance.

Public hearing closed at 5:49.

Commissioner Wicks asked what the City's policy on penalty regarding violations that have been exceeded should a variance not be granted. Community Development Director Ingram advised if the Planning Commission chose not to grant the fence variance it would still remain an outstanding code enforcement issue subject to the City's nuisance abatement ordinance. This would start with a notification letter to bring the fence into compliance within a set time frame and could lead to an administrative citation or formal abatement procedure.

Ingram proposed an additional condition of approval be added requiring those portions of the fence within the required side lot set back area measuring greater than 6 feet be reduced in height to be consistent with the performance standards set forth within the zoning ordinance, within 60 days of the approval date.

Commissioner Wicks stated he falls within the black and white of the rules of code, however the recommendation he would have if he would vote in favor of the fence variance would be to leave it in its place, but make sure it is in compliance with maximum height allowances. Wicks advised his honest vote would be to have it removed and replaced consistent with the regulations and code.

Chair Gayner suggested a compromise to approve the fence variance but make the applicant bring the fence height to 6 feet. Commissioner Wicks advised although he feels it is a good compromise he will not consent to that; he will stick to the code.

Categorical Exemption Approval

Commissioner Taylor moved that the Planning Commission find that the Fence Variance application F 15-04 as applied for by Suzanne Russell is categorically exempt from the California Environmental Quality Act pursuant to Section 15303(c) of the CEQA Guidelines. Commissioner Wicks seconded the motion.

The vote was called and was as follows:

AYES: Commissioner Taylor, Wicks, and Chair Gayner (3-0)

NOES: None

ABSENT: Commissioner Kauper

Recused: Commissioner Russell

Fence Variance Approval

Commissioner Taylor moved that the Planning Commission find that the Fence Variance application as applied for by Suzanne Russell, on property located at 600 Sixth Street does meet the requirements of Section 17.28.010.O.2; consistent with the objectives and policies of the Lakeport General Plan; and grant the approval of F 15-04, subject to the project conditions of approval and with the findings listed in the September 9, 2015 staff report.

Further moved that the portions of the existing fence within the required street side lot setback area that exceed 6 feet shall be reduced in height to meet the height requirements in the zoning ordinance within 60 days of the project approval. Commissioner Wicks seconded the motion.

The vote was called and was as follows:

AYES: Commissioner Taylor and Chair Gayner (2-1)

NOES: Commissioner Wicks

ABSENT: Commissioner Kauper

Recused: Commissioner Russell

Commissioner Russell returned at 6:04.

Outdoor Seating in the Right-of-way

Discussion with the Planning Commission over potential changes to Section 17.22.020.H "Outdoor Food Service, Tables, and Seating Placement on Sidewalks" in the City of Lakeport Zoning Ordinance.

Community Development Director Ingram read from his memorandum stating he was seeking input from the Planning Commission on general guidelines and possible zoning ordinance revisions as it relates to the review of requests for outdoor dining areas within public sidewalk areas.

Ingram advised in recent weeks, the City has been processing a Zoning Permit for an outdoor dining area, to allow an existing restaurant to utilize a portion of the adjacent sidewalk/Public Right-of-way in front of the business. The Zoning Ordinance allows "Outdoor Food Service, Tables, and Seating Placement on Sidewalks" in the C-1, C-2, and Central Business District Zoning Districts. Ingram stated that during the review process, it was determined that the current regulations are inconsistent with the Americans with Disabilities Act (ADA), concerning minimum sidewalk clearance. The City allows a minimum 3-foot, while ADA requires a minimum of 4-feet.

Ingram stated staff has reviewed other City's regulations concerning minimum width of sidewalks adjacent outdoor dining areas, which range from 4 to 6 feet. A review of development standards from other jurisdictions included several regulations that the City of Lakeport may want to consider making a part of its own development standards and/or as conditions of approval for future dining areas in the public right-of-way.

Ingram advised once the appropriate width is determined and any other recommended changes to the sidewalk dining regulations are identified, Planning Staff would return to the Planning Commission with proposed zoning ordinance text changes for review and recommendation of approval to the City Council.

Commissioner Taylor advised that he observed a restaurant on Main Street who has outdoor seating for dining and it often becomes a place for people to sit and smoke that are not patrons of the business.

Commissioner Wicks advised he likes the idea of a proposal he saw where a section of downtown Main Street was narrowed between Second & Fourth Street. The section was two lanes with very ample sidewalk spacing, with trees etc. Traffic would be slower through downtown but it really opened up the public aspect so they could walk around and enjoy the town and allow for greater pedestrian amenities, such as outdoor dining.

Wicks stated he believes outdoor dining is a step in the right direction if it could be done consciously and looks good.

Ingram advised that a 4 foot width requirement for maintenance and sidewalk requirement was likely adequate for most areas of town, however a 5 foot requirement in the Central Business District along Main Street may be appropriate.

Associate Planner Chance advised the pedestrian influx is going to be along S. Main Street, where as the side streets won't have the same pedestrian traffic so 4 feet width should be adequate in most locations.

Chair Gayner stated his concern regarding businesses that currently have outdoor seating but also put out a sandwich board type signage, which greatly reduced the pedestrian right-of-way.

Ingram advised staff will move forward with preparing a draft ordinance and return with it for another public hearing.

Chair Gayner asked, if businesses such as Angelina's and Park Place that have gated or enclosed their outdoor dining area, should the City require other businesses to do the same? Ingram advised that is one of the items that have come up, it seems that some of the other City's they've looked at have a requirement to remove items off the sidewalk at the close of business each day.

Commissioner Russell would like to have the "no smoking" in front of the entrances of the businesses, or while outdoor dining is taking place.

COMMENTS FROM STAFF AND COMMISSIONERS:

Commissioner Wicks thanked staff for their updated staff reports and project list. Wicks wished the Evan's German Auto project had come before the Planning Commission and asked if staff considered if the applicant needed to install curb, gutter and sidewalk improvements on that property. Ingram stated that it was an existing business that was putting a gable roof on from a flat one and it didn't rise to the level that would have required review by the Planning Commission or

exceed the construction threshold amount that would require the installation of curb, gutter and sidewalk.

Commissioner Russell asked what the procedure was regarding paint color approval. Ingram advised currently there is a form that is filled out and approved at a staff level. Chance advised larger projects that require formal architectural and design review would require paint color approval by the Planning Commission as part of the whole project package.

Ingram stated other jurisdictions will advise adjacent properties of a pending decisions and he believes that would be a way of catching some of the smaller projects. Commissioner Wicks suggested setting up a link on the City's website that shows a list of current and approved projects in the City.

Ingram asked if there was any other land use development topics the Commissioners wished to discuss at future Planning Commission agendas. Commissioner Wicks suggested the conditions of some of the City streets where the pot holes are not being filled properly. He stated he has also received complaints from constituents about crosswalks that need to be restriped.

Ingram advised the Commissioners of elections of a Chair and a Vice-Chair should have been in July but was over looked. He stated that he would like to change the resolution to have the elections done in January and he will bring this before the Commissioners at the next Planning Commission meeting.

Ingram updated the Commissioners on the Verizon N. High Street wireless communication tower project stating the City Council did approved an additional continuance to December 1, 2015, to allow the applicant to look at the courthouse site as a possible location.

DISCUSS AND SET THE NEXT MEETING DATE: It was agreed by consensus that the next meeting be held on Wednesday, October 14, 2015.

There being no further business, the meeting adjourned at 7:01 p.m.

Respectfully submitted,

KEVIN M. INGRAM
Community Development Director

These are the summary Minutes of the Planning Commission meeting. A recorded tape of the meeting is available at the Community Development Department at Lakeport City Hall, 225 Park Street, Lakeport, California for a period of 30 days after the approval of these Minutes.