



**CITY OF LAKEPORT
PLANNING COMMISSION
March 15, 2017**

MINUTES

CALL MEETING TO ORDER AND ROLL CALL: Chairman Taylor called the meeting to order at 5:01 p.m. with Commissioners Russell, Taylor, Green and Froio present. Also present were Community Development Director, Kevin Ingram and Associate Planner, Dan Chance.

ACCEPTANCE OF AGENDA: A motion was made by Commissioner Russell, to accept the agenda as posted; seconded by Commissioner Green and carried by voice vote (5-0) to accept the agenda.

COMMUNICATIONS: No citizen input.

CONSENT AGENDA: A motion was made by Commissioner Wicks, to accept the minutes as amended; seconded by Commissioner Froio, and unanimously carried by voice vote (5-0) (Minutes from the regular Planning Commission meeting of February 8, 2017).

REGULAR AGENDA:

Market Street Dev. – AR 16-08 / CE 16-13

Associate Planner, Daniel Chance briefed the Commission on the proposed application for an Architectural and Design Review for construction of an 11,026 S.F. commercial medical building on a vacant 0.57 acre parcel located at 244 Peckham Court.

Chance described the proposed Signage, Landscape, Parking, Architectural and Design Review, and Environmental Review information for the project.

Commissioner Green asked staff regarding the request of the applicant to have the name of the clinic remain confidential.

Community Development Director Ingram advised what the Commission was being asked to do was to approve the use and the appropriateness of that use within that area. Ingram stated in weighing their confidentiality request he didn't see any conflicts in transparency or conflicts with the Lakeport Zoning Ordinance.

Commissioner Green asked staff what categorized a phase 1, 2, or 3 in terms of an archeological inquiry for a project. Chance advised that the applicant completed a cultural resource study that determined the presence of no resources. As such, no additional study was recommended, however Chance stated there were conditions added to the Project Conditions Agreement, conditions 8, 9, and 10, that do require the applicant to have an onsite inspections when they do any trenching on the property.

Public hearing open at 5:35 p.m. Applicant for the project Charles Smyth and Architect David Kim spoke in favor of the project.

Public hearing closed at 5:45 p.m.

Commissioner Wicks asked about Condition #25 and the use of the term "construction plans". Wicks advised the Commission did not have construction plans what they have are architectural plans. Community Development Director Ingram advised the construction drawings is future tense and means the construction drawings shall conform to the plans that are approved by the Commission.

Ingram recommended the second sentence of condition #25 be amended to read: *"construction drawings and improvement plans for the retail project shall conform to those Architectural and Design review plans approved by the Planning Commission."*

Public hearing reopened at 5:52 p.m. Charles Smyth spoke in favor of the project. Public hearing closed at 5:57 p.m.

Ingram clarified the following amendments:

Condition #11 to remove "Industrial Avenue" and changed to read "on-site improvements"

Condition #15 to add "as approved by the City Engineer"

Condition #25 to remove the wording "and mitigation measures" and add "Architectural and Design review plans approved by the Planning Commission."

Chair Taylor called for a consensus regarding the changes to the Project Conditions and agreed upon (5-0).

Categorical exemption Approval

Commissioner Wicks moved that the Planning Commission find that AR 16-08 as applied for by Market Street Development, LLC is categorically exempt pursuant to Section 15332 of the CEQA Guidelines. Seconded by Commissioner Russell.

The vote was called and was as follows:

AYES: Commissioners Wicks, Russell, Froio, and Chair Taylor (4-1)

NOES: Commissioner Green

ABSENT: None

Architectural and Design Review Approval

Commissioner Wicks moved that the Planning Commission find that the Architectural and Design Review applied for by Market Street Development, LLC, on property located at 244 Peckham Ct. 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

subject to the project conditions of approval (Attachment B) as amended, and with the findings listed in the March 15, 2017 staff report. Seconded by Commissioner Froio.

The vote was called and was as follows:

AYES: Commissioners Wicks, Russell, Froio, Green and Chair Taylor (5-0)

NOES: None

ABSENT: None

AR 16-05 / Napa Auto Review of Conditions of Approval: Review of the Conditions of Approval for the Architectural and Design Review (AR 16-05) for Lakeport Napa Auto Parts. At the August 10, 2016 Planning Commission hearing, the Commission requested the item be reviewed on February 10, 2017, if the conditions have not been addressed. The condition being reviewed by the Planning Commission consists of removal of the cargo container.

Associate Planner Daniel Chance read portions of the memorandum dated March 15, 2017, describing the Architectural and Design project and associated Conditions of Approval.

Chance advised that on August 10, 2016, the Planning Commission reviewed and approved an Architectural and Design Review (AR 16-05) for Lakeport Napa Auto Parts for a metal structural addition in the rear of an existing commercial building (NAPA Auto Parts). Approval of the project included eight conditions. Conditions included removing the cargo container from the property or submitting an Architectural and Design Review for some type of screening material around the cargo container.

Chance stated that all of the conditions have been addressed, with the exception of condition #6 which reads as follows:

"The temporary storage container shall be removed on or before February 10, 2017."

Chance advised that on January 10, 2017, the project applicant submitted a letter addressing condition compliance related to AR 16-05. The letter outlined several reasons the applicant does not believe the city has the authority to require the removal and/or screening of the existing cargo container. Chance stated the applicant's main arguments were:

"Acknowledging that there are no City development standards for commercial accessory storage containers in place that requires the expensive chain-link fence, and do not require fencing."

"Instead of requiring removal, re-authorize its placement, require proper maintenance/painting of the storage container, require that there be no storage of materials or equipment around, on, or outside the container at any time."

Chance advised that storage containers are permitted in the C-2 (Major Retail), however they require the approval of an Architectural and Design permit. In order to be compliant with the Architectural and Design review standards, staff believes that some type of screening or shielding of the storage container would need to be provided. Chance

advised that staff was open to the considering alternative screening options other than the construction of a fence.

Chance advised the applicant contended the storage container should be grandfathered in; and that the fence around the storage container would not adequately screen the container. He stated the applicant advised the cost of fencing would be \$5,000 and would represent a significant impact on a small business; as of March 7, 2017 the cargo container has yet to be moved.

Commissioner Russell asked if the business still had the required number of parking spaces after the 400 square foot addition area was added. Chance advised staff did make a site visit in May 2016 and determined an adequate number of parking spaces exist consistent with the requirements set forth in the Lakeport Zoning Ordinance.

Commissioner Green stated he was not on the Commission in August 2016 and asked for some background on how the Commission came to the language of Project Condition #8, which reads:

If the temporary storage container, Building Permit or landscaping are not addressed by February 10, 2017, the project will be scheduled for additional Planning Commission Public Hearing review and possible abatement action of the addition and the storage container.

Chance stated the project that was before the Planning Commission at the hearing of August 10, 2016, was for a 400 square foot addition of the rear of the building. During the application process it came to staff's attention that the cargo container was approved in 2005 as a temporary structure with the condition that it be removed a year later. At the time of the August 2016 hearing it was determined by the Planning Commission that the container would have to be removed and or returned back to the Planning Commission with some means of screening to evaluate compatibility with the City's Community Design Standards.

Commissioner Wicks advised the addition to the business was constructed illegally and in place for several years. Wicks stated the storage container was secondary and Commissioner Gayner made a recommendation to compromise with the applicant. Gayner's suggestion was if the applicant could come up with a reasonable design to enclose the container, so that it wasn't in public view from Main Street by February 10, 2017, then no further action would be needed.

Commissioner Russell added that the applicant agreed the Project Conditions Agreement from August.

Commissioner Wicks asked for clarification on the Building Permit penalty fees; what is the difference between a "double fee" and an "investigation fee" which was what was applied to the Building Permit. Community Development Director Ingram stated that the California Building Code does not have a provision that automatically provokes a punitive "double fee", however it does have an "investigation fee" which is based on the Building Official's time to perform an evaluation of the building after it's been built.

Wicks asked if the addition was still subject to abatement as stated in Project Condition Agreement #8. Ingram advised the addition has been permitted, inspected and now a legitimate structure so therefore it cannot be abated. Ingram advised if the applicant did

not get the Building Permit, abatement would be an option. Ingram stated further that the addition had been properly permitted and a landscape plan submitted, therefore the only remaining item before the Planning Commission concerned the storage container.

Wicks asked staff what they did to work with the applicant to gain compliance on this project. Chance stated staff made several site visits and made recommendations regarding the landscape and fencing around the storage container.

Public hearing opened at 6:31 p.m. Applicant, Deanne Patel spoke in favor of the project.

Ms. Padel noted that several other locations in town had storage containers including the City of Lakeport. Ms. Padel advised she recently contacted the previous Acting Community Development Director, Scott Harter who agreed to the original terms that the painting of the storage container to match the main building was adequate; he remembers the meeting but advised her he did not want to get involved. Commissioner Russell stated hearsay was not admissible. Ms. Patel stated she was "not a liar".

Commissioner Wicks made a recommendation to Chair Taylor to focus specifically on the issue of the cargo container only. He stated it was getting a little personal and he would like the Commission to be more of a body politic on the issue.

Commissioner Green requested Ms. Padel provide a history of the container to bring the new Commissioners better background history. Ms. Padel stated when she moved into the building in 2010 the storage container was already in place. Ms. Padel advised at that time she applied for an Encroachment Permit which was approved by Mr. Harter with the condition that the storage container be painted the same color. She stated no further contact regarding the storage container until she applied for the Architectural and Design Review permit to legalize the addition constructed without a permit.

Commissioner Froio stated the Commissioners want to work with her and understands her business is an important part of our community. Ingram stated staff suggested the fencing and the screening which wasn't meant to be the only means necessary; staff would be supportive of other alternatives that achieve the overall objective of screening which doesn't have to be completely invisible from Main Street.

Froio suggested digging holes in the asphalt and planting shrubs or trees around the container as a more cost effective solution. Ingram advised staff would be supportive of a living screen as an option to bring the container into compliance.

Chair Taylor advised Kmart on South Main St. has 10 storage containers, two of which are covering parking spaces. Ingram advised staff has contacted the business regarding the containers and are working with them to become compliant as they don't have a permit.

Commissioner Green asked Ms. Padel if she had an alternative storage area where the contents of the container can be stored to eliminate the container. Ms. Patel advised there was not.

Commissioner Wicks asked Ms. Patel why the fence was no longer an option. Ms. Patel advised the quote she received was too costly for her.

Ingram asked the Commissioners where they stand on Commissioner Froio's suggestion of a living screen as a means of screening the container from Main Street and whether or not they believe this type of screening meets the intent of the Architectural and Design review criteria.

Wicks advised the container is a temporary structure and does not believe it a viable option. Froio asked if these types of containers we prohibited in the City. Ingram advised they are not, however they are subject to Architectural and Design standards.

Chair Taylor asked Ms. Padel if the Planning Commission were to extend the application again, would she come back with a more agreeable type of screening. Ms. Patel advised she would.

Wicks stated the best option would to have it removed and then the applicant could put together a really good plan and come back to the City for review.

Public hearing closed at 7:14 p.m.

Commissioner Russell advised the City has tried to accommodate the applicant and she objects to allow the container.

Commissioner Green stated that the majority of the conditions have been complied with; however, the condition involving the storage container had not. Green stated the applicant is not compliant and there are other options the applicant can explore
Commissioner Wicks advised the applicant has been given sufficient time to comply with the conditions.

Ingram advised the Planning Commission they have several options such as:

1. They could postpone to the next Planning Commission meeting.
2. The Commission could direct staff to take nuisance abatement action consistent with the Lakeport Municipal Code.
3. The Commission could extend the application to give the applicant time to bring a better plan back before the Planning Commission that meets the City's community design standards and is more cost effective.
4. The Commission could amend the current conditions.

Commissioner Green moved that the Planning Commission find that the Architectural and Design review applied for by Lakeport Napa Auto Parts for the property located at 1015 South Main Street does not meet the requirements for section 17.27.080 of the Lakeport Zoning Ordinance consistent with the objectives and policies of the Lakeport General Plan and subject to the Project Conditions of approval (Attachment B) and with the findings listed in the August 10, 2016, staff report based on the non-compliance on Project Conditions of Approval and direct staff to begin nuisance abatement proceedings consistent with those set forth in the Lakeport Municipal Code. Motion was seconded by Commissioner Russell.

The vote was called and was as follows:

AYES: Commissioner Wicks, Russell, Green, and Chair Taylor (4-1)

NOES: Commissioner Froio

ABSENT: None

CORRESPONDENCE:

Staff briefed the Commission on the project submitted for a new storage building for Hospice.

Commissioner Russell asked what the progress was on the Lake County Cars deadlines. Staff advised the owner is cooperating with staff to bring the building into compliance.

Community Development Director Ingram advised the Commission that staff has been working with the state and owners of the Martin Street project about the possibility of switching the senior housing project to a family housing project.

COMMENTS FROM STAFF AND COMMISSIONERS:

Commissioner Green commented to staff about the Market Street Development project and how to balance the sensitive nature of projects coming in with the public's right to know.

Commissioner Wicks asked staff the status of the Giovanni truck that is parked on S. Main St. Associate Planner Chance stated the owner was contacted regarding the problem.

Ingram updated the Commission on the flooding and displaced citizens.

DISCUSS AND SET THE NEXT MEETING DATE: It was agreed by consensus that the next meeting be held on Wednesday, April 12, 2017.

There being no further business, the meeting adjourned at 7:57 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.