



City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: October 21, 2008

SUBJECT: Appeal of the City of Woodland Planning Commission decision granting a Conditional Use Permit to allow for the construction of a 63,275 square foot, 105 room Fairfield Inn & Suites Hotel on Freeway Drive (APN: 027-300-45 & 54)

Report in Brief

Mr. Ram N. Sah of the Sah Group Inc, Comfort Inn & Suites and Mr. Arvind Patel, owner of the existing Hampton Inn & Suites on Freeway Drive have jointly submitted a request to appeal the City of Woodland Planning Commission decision of September 18, 2008 granting a Conditional Use Permit to construct a 63,275 square foot, 105-room Fairfield Inn & Suites Hotel on Freeway Drive.

The request for appeal has been submitted on the basis that the Planning Commission did not properly enforce the City's own design guidelines and zoning ordinance in granting the Conditional Use Permit. The appellants claim that the approved structure exceeds the maximum height limit of 40' as required in Highway Commercial (C-H) Zone. This claim is based on the fact that the overall height of the structure including architectural features extends approximately 9'2" above the 40' height requirement for an overall height of 49'2" when architectural embellishments are included (See Attachment A). The appellants claim the design, which includes multiple tower features are actually parapet walls which are mandated by the zoning ordinance to be no taller than 4'.

The appellants also claim that the approved Fairfield Inn & Suites is inconsistent with the Community Design Standards for Commercial Development which states that new commercial developments should be harmonious with adjacent developments in terms of height, bulk, and design.

The Planning Commission and Planning Division staff believes that the Commission's approval of the Conditional Use Permit is consistent with the design requirements of the Highway Commercial Zone and City's Entryway Overlay Zone.

Staff recommends that the City Council **deny the appeal** of the project appellants, thereby supporting the actions of the Planning Commission at their September 18, 2008 Planning Commission meeting granting approval of a Conditional Use Permit for the construction of a 63,275 square foot, 105 room hotel on Freeway Drive.

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PAGE: 2**ITEM:****Background**

On September 4, 2008 the City of Woodland Planning Commission reviewed a proposed Conditional Use Permit for a 105-room hotel (Fairfield Inn & Suites). This agenda item was continued to the September 18, 2008 Planning Commission meeting due to a change in design which necessitated extended public notice. On September 18, 2008, the Planning Commission rendered its final decision, unanimously approving a Conditional Use Permit for a 105-room hotel (Fairfield Inn & Suites). On September 29, 2008 Mr. Sah & Mr. Patel submitted a joint written appeal to the City Clerk seeking to overturn the Planning Commission's September 18, 2008 decision. Per City Code, any person dissatisfied with any decision by the Planning Commission may appeal to the City Council at any time within fourteen (14) days after the rendering of the decision by the Planning Commission.

The Fairfield Inn & Suites is located within the Highway Commercial (C-H) Zone and the City's Entryway Overlay Zone (EOZ), as designated in the City's Community Design Standards. The EOZ provides architectural design requirements for all development within the EOZ area. These design requirements seek to pull architectural elements from "Historic Downtown Woodland", and include them in any new development in the EOZ. The Fairfield Inn & Suites Hotel elevations as approved by the Planning Commission, comply with the City's Community Design Standards and the EOZ design requirements.

Community Design Standards per the EOZ:***Purpose:***

- 1. To provide Entryway Design elements reminiscent of historic Woodland, using more traditional design elements and colors dating from the 1880s.*

Standards:

- 2. The exterior design of the building to fit the image of "Historic Woodland" and be less contemporary in appearance. Building elevation shall have traditional materials, forms, colors, and massing.*

Discussion

The Fairfield Inn & Suites Hotel was approved through an application for a Conditional Use Permit and Site Plan & Design Review. Those applications were reviewed and unanimously approved by the Planning Commission at the September 18, 2008 Planning Commission Meeting. The Planning Commission supported the proposed design, stating that the development was consistent with the requirements of the EOZ.

Prior to approving the Fairfield Inn & Suites Hotel, the Commission held a pointed discussion in regards to the proposed design and height requirements. The Commission determined that the proposal was consistent with the maximum height requirement in the Highway Commercial (C-H) Zone as the top of roof line is 39' 2 1/2" tall with architectural features that extend above the 40' max height requirement. The basis for this determination is that the overall height of 49' 2" includes

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PAGE: 3**ITEM:**

multiple 10' high architectural features that were designed in an attempt to make the structure compliant with the design requirements in the EOZ. The Planning Commission determined that the proposed tower features were in fact architectural features commonly found in Richardsonian designs and not standard parapet walls which typically don't extend above 4' in height.

The Planning Commission further stated that the previously approved hotels (Hampton Inn & Sites and the Comfort Inn & Suites) on Freeway Drive each have architectural features that extend well above the 40' max height requirements in the same zone. The Planning Commission specifically cited the 75' tower on the Hampton Inn & Suites and the two (2) 57' tall tower features on the Comfort Inn & Suites.

In addition, the appellants suggest that the Conditional Use Permit application was unfairly expedited thought the entitlement process stating the review period was virtually cut in half due to missed steps in the process. This application was submitted to the Community Development Department's Planning Division on July 2, 2008. This application was reviewed for completeness, and was deemed complete on July 9, 2008 one week after its submittal date. Staff circulated all appropriate documents to agencies with jurisdiction for review and comments. Comments were later returned to the planning staff for review, and modifications were incorporated into the project by the applicant accordingly. This proposal was properly noticed under the supervision of the Community Development Department's Office Manager and public notices were sent to all properties within 300' of the subject parcel. A public hearing date was scheduled and held on September 4, 2008. The Planning Commission continued the item to the September 18, 2008 Planning Commission meeting to ensure compliance with all applicable City requirements. The project was approved on September 18, 2008 and a Notice of Exemption (NOE) was filed with the Yolo County Records Office on September 19, 2008.

In general, the Commissioners' discussion over the proposed design, overall height and entitlement processing was thorough and specific to the appropriate Design Standards, Zoning Ordinance and State law. Each Commissioner agreed that the proposed structure was in compliance with the height limits with a roof line of 39' 2 1/2". The Commission as a whole supported the design as being consistent with the design requirements in the EOZ. Furthermore the Commission supported the implementation of process improvement between City staff and the applicant in an effort to keep the application moving through the review process in a timely manner.

Staff's recommendation to **deny the appeal** reflects the fact that the approved Fairfield Inn & Suites meets all the requirements of the zoning ordinance and the community design standards. It is believed that having this type of use will further contribute to the overall synergy of the Highway Commercial Zone by providing an appropriate use that will better serve the traveling public needs. This type of use will also provide much needed tax revenue in the form of Transient Occupancy Tax (TOT) which will improve the City's fiscal and economic standing.

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PAGE: 4**ITEM:****Conditional Use Permits**

Conditional Use Permits allow the proper integration into the community, uses which may be suitable only in specific locations in a zoning district or only if such uses are designed or laid out on the site in a particular manner. Conditional Use Permits are issued by the Planning Commission. Applications for a Conditional Use Permit can take from 2-5 months to process, depending on the level of environmental review that is required and staff's current workload. This time frame includes certain minimum timeline requirements stipulated by State law for environmental review and public notice.

In order for the Planning Commission to approve a Conditional Use Permit they must be able to make the following findings about the project.

1. The requested use is listed as a conditional use in the zone regulations of the Land Use Matrix;
2. The requested use is essential or desirable to the public comfort and convenience;
3. The requested use will not impair the integrity or character of the neighborhood nor be detrimental to the public health, safety or general welfare;
4. The requested use will be in conformity with the General Plan; and
5. Adequate utilities, access roads, drainage sanitation and/or other necessary facilities will be provided.

Appeals

Per the Municipal Code, The Planning Commission action on a Conditional Use Permit shall be final unless, within fourteen (14) calendar days after the decision, the applicant or any other person including the City Council, any individual City Council member, or the City Manager, not satisfied with the decision of the Planning Commission, may appeal to the City Council. No conflict of interest shall exist solely by reason of the filing of the appeal by the city council, any individual City Council Member, or the City Manager. Any appeal shall be filed with the City Clerk and, except an appeal of the City Council, a Council Member, or the City Manager, shall be accompanied by a filing fee as prescribed by City Council resolution. The City Clerk shall set a date for a public hearing and shall give notice to the appellant, the applicant and neighboring property owners in the manner provided in Section 25-27-20.

Fiscal Impact

The Fairfield Inn & Suites will generate tax revenue for the City of Woodland in the form of Transient Occupancy Tax (TOT). TOT is collected by hotels in Woodland at a rate of 11% per room booked. This 11% TOT tax is collected when the room is paid for. These monies are then distributed to three (3) separate agencies in the following amounts. The City of Woodland receives 8% of the collected TOT tax, Yolo County receives 2% and 1% of the collected TOT goes to the BID/Visitors Bureau. It is estimated that a 105 room hotel such as the approved Fairfield Inn & Suites, in its first year of business, will generate approximately \$200,000 per year for the City of Woodland at a 65% occupancy rate with an average room rate of \$129.00 per night. Should the City

Council decide to reverse the decision of the Planning Commission, the City will not be able to capitalize on the projected Transient Occupancy Tax revenue that this 105-room hotel will generate.

Commission Recommendation

The Planning Commission unanimously approved the Conditional Use Permit and supported the proposed site plan and elevations for the Fairfield Inn & Suites as being consistent with the zoning ordinance, including the height requirements and the EOZ design requirements.

Alternative Courses of Action

1. Deny the appeal of the project appellants, thereby supporting the actions of the Planning Commission from the September 18, 2008 Planning Commission meeting granting approval of a Conditional Use Permit for the construction of a 63,275 square foot, 105 room hotel on Freeway Drive.
2. Approve the appeal of the project appellants, overturning the Planning Commission’s decision to allow a Conditional Use Permit for the construction of a 63,275 square foot, 105 room hotel on Freeway Drive based on the fact that the overall height of the approved structure exceeds the maximum height requirements as started in the zoning ordinance.

Recommendation for Action

Staff recommends Alternative No. 1.

Prepared by: Jimmy A. Stillman
Associate Planner

Reviewed by: Robert MacNicholl
Planning Manager

Reviewed by: Barry Munowitch, AICP
Assistant City Manager

Mark G. Deven
City Manager

- Attachment A: Planning Commission Staff Report dated September 18, 2008
- Attachment B: Appeal Letter
- Attachment C: Resolution