

CITY OF CALISTOGA
PLANNING COMMISSION
REGULAR MEETING MINUTES EXCERPT

ATTACHMENT 5

Wednesday, February 23, 2011
5:30 PM
Calistoga Community Center
1307 Washington St., Calistoga, CA

Chairman Jeff Manfredi
Vice-Chairman Paul Coates
Commissioner Nicholas Kite
Commissioner Matthew Moye
Commissioner Carol Bush

“California Courts have consistently upheld that development is a privilege, not a right.”

Among the most cited cases for this proposition are Associated Home Builders, Inc. v. City of Walnut Creek, 4 Cal.3d633 (1971) (no right to subdivide), and Trent Meredith, Inc. v. City of Oxnard, 114 Cal. App. 3d 317 (1981) (development is a privilege).

1
2 **Chairman Manfredi** called the meeting to order at 5:33 PM.

3
4 **A. ROLL CALL**

5 **Present:** Chairman Jeff Manfredi, Vice-Chair Paul Coates, Commissioners Matthew Moye and
6 Carol Bush. **Absent:** Commissioner Nicholas Kite. **Staff Present:** Ken MacNab, Planning and
7 Building Manager, and Kathleen Guill, Planning Commission Secretary. **Absent:** Erik Lundquist,
8 Senior Planner.

9
10 **H. PUBLIC HEARING**

11
12 **1. GPA 2009-01:** Presentation of the final draft of the updated Housing Element for review and
13 recommendation to the City Council. The Housing Element is one of seven mandated elements in
14 the City’s General Plan. It provides a comprehensive assessment of current and projected housing
15 needs for all economic segments of the City and sets forth goals, policies and programs for
16 addressing those needs. By State law, the City is required to review and update the Housing
17 Element every five years.

18
19 In accordance with the California Environmental Quality Act (CEQA), the Planning and Building
20 Department of the City of Calistoga has prepared an Initial Study/CEQA Checklist for the above
21 referenced project. The Planning and Building Department has determined that the proposed
22 project will not have a significant adverse effect on the environment. A Notice of Intent to Adopt
23 Negative Declaration was prepared and circulated for a 30-day comment period starting January
24 16, 2011.

25
26 **Chairman Manfredi** introduced the item and thanked adhoc committee members Vice-Chair
27 Coates and former Commissioner Creager, along with staff member Manager MacNab for their
28 hard work preparing the Draft Housing Element.

29
30 **Manager MacNab** explained that a Housing Element was a State-mandated element in the City’s
31 General Plan requiring review and update every five years. Manager MacNab provided a brief
32 summary of the process involved for the update which began in 2009 and included updating
33 household information, examination of housing programs and actions, and changes in Housing
34 Element law. He highlighted the process that started in March 2009 with multiple public meetings
35 with the Advisory Committee, through the release of a preliminary draft, public review, submittal
36 and review by HCD, revisions and release of the Final Draft. Assuming the Planning Commission

37 is agreeable with the final document, it is anticipated it will be forwarded to City Council next month
38 for adoption. The adopted update will then be sent to the State for certification.
39

40 **Manager MacNab** asked the Commissioners for any suggestions on the Draft Housing Element
41 and reminded that staff was also asking for action on recommending adoption of a Negative
42 Declaration based on the Initial Study that was prepared. He reported receipt of only one
43 comment that was from Caltrans, but no comments were received from the public at large. Staff
44 concluded by offering to assist the Commission with any questions they may have.
45

46 **Chairman Manfredi** directed attention to the new program proposals found within the February 23,
47 2011 Staff Report, starting on page 5 of 16 through page 9 of 16, reading aloud each of the
48 fourteen section highlights that were being proposed as part of the update to the Housing Element.
49 Chairman Manfredi entertained questions or comments on each item. The Commission
50 acknowledged agreement with all of the proposals with minimal or no comment or question noting
51 the changes would help to remove unnecessary obstacles and perpetuate more flexibility. The
52 following questions were included in the review and discussion.
53

54 During review of item 6. (page 7 of 16) regarding the amendment of Calistoga's Inclusionary
55 Housing Ordinance to create a range of options for non-residential development projects to
56 address their inclusionary housing requirement, **Commissioner Moyer** questioned allowing the
57 dedication of land in another location and referenced the in-lieu payment program. He reported it
58 seemed to be the public's perception that no one knows where or how this in-lieu money is used.
59

60 **Manager MacNab** reported as currently written the City's Inclusionary Housing Ordinance
61 identified only two options for meeting a project's inclusionary housing requirement – on-site
62 construction or fee-in-lieu payment. Other options may be negotiated through a development
63 agreement. During these unprecedented times the Advisory Committee felt it was important to
64 allow for broadening the range of options, particularly for non-residential development projects.
65 This will provide flexibility and not preclude innovative approaches for fulfillment of affordable
66 housing obligations. Dedication of land recommendations might have to go to City Council for
67 individual review and approval. The statement is intended to remove constraints and provide
68 flexibility.
69

70 **Chairman Manfredi** noted as an example that Solage Resort provided land for affordable housing
71 and that the process does work.
72

73 **Manager MacNab** reported affordable housing in-lieu funds are maintained in separate dedicated
74 accounts that are to be productively used for assorted programs to generate housing such as the
75 Down Payment Assistance Program, Rehabilitation program, etc.
76

77 **Commissioner Moyer** referenced item 8 (page 7 of 16), which recommends establishment of an
78 annual inspection program to abate unsafe living conditions in the City's multi-family housing stock;
79 asking if staff will be going into individual housing units?
80

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81 **Manager MacNab** reported the housing demographic survey portrayed a sense that overcrowding
82 is a problem and may present unsafe and unhealthy living conditions. Overcrowding can
83 perpetuate negative ideas related to affordable housing. An inspection program to verify if there
84 are unsafe conditions will need to be handled with sensitivity and preparedness when it comes to
85 potential displacement of residents.

86
87 **Commissioner Moye** referenced items 11 and 12, (pages 8 and 9 of 16) related to
88 accommodation of transitional or emergency shelters; he asked if there is actually this type of
89 housing existing in Calistoga.

90
91 **Manager MacNab** advised during the housing survey process it was disclosed that emergency
92 housing due to family abuse situations does reportedly exist, although unofficially due to
93 confidentiality.

94
95 There was motion by **Commissioner Bush**, seconded by **Commissioner Moye**, to adopt
96 Planning Commission Resolution PC 2011-07 recommending that the City Council adopt a
97 Negative Declaration based on the Initial Study that has been prepared for the City of Calistoga
98 2009 Housing Element Update. **Motion carried: 4-0-1-0.**

99
100 There was motion by **Commissioner Moye**, seconded by **Chairman Manfredi**, to adopt Planning
101 Commission Resolution PC 2011-08 recommending that the City Council adopt the proposed
102 update to the Housing Element of the City's General Plan. **Carried: 4-0-1-0.**

103
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105 

106
107 Kathleen Guill
108 Planning Commission Secretary