

**CITY OF CALISTOGA  
PLANNING COMMISSION  
REGULAR MEETING MINUTES**

**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).

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2 **Chairman Manfredi** called the meeting to order at 5:33 PM.  
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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 **B. PLEDGE OF ALLEGIANCE**

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12 **C. PUBLIC COMMENTS**

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14 **D. ADOPTION OF MEETING AGENDA**

15 There was motion by **Vice-Chair Coates**, seconded by **Commissioner Moye** to approve the  
16 agenda as provided. **Motion carried: 4-0-1-0.**  
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18 **E. COMMUNICATIONS/CORRESPONDENCE**

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20 **F. CONSENT CALENDAR**

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22 The following items listed on the Consent Calendar are considered routine and action taken by the  
23 Planning Commission is by a single motion. Any member of the Planning Commission, staff or  
24 the public may request that an item listed on the Consent Calendar be moved and action taken  
25 separately. In the event that an item is removed from the consent calendar, it shall be consider  
26 after the last scheduled item under New Business.  
27

28 Planning Commission regular Meeting Minutes of February 09, 2011.  
29

30 There was motion by **Commissioner Bush**, seconded by **Vice-Chair Coates** to approve the  
31 Consent Calendar as presented. **Motion carried: 4-0-1-0.**  
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33 **G. TOUR OF INSPECTION**

34 None.

35 **PUBLIC HEARING**

36

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

43

44 In accordance with the California Environmental Quality Act (CEQA), the Planning and Building  
45 Department of the City of Calistoga has prepared an Initial Study/CEQA Checklist for the above  
46 referenced project. The Planning and Building Department has determined that the proposed  
47 project will not have a significant adverse effect on the environment. A Notice of Intent to Adopt  
48 Negative Declaration was prepared and circulated for a 30-day comment period starting January  
49 16, 2011.

50

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

54

55 **Manager MacNab** explained that a Housing Element was a State-mandated element in the City's  
56 General Plan requiring review and update every five years. Manager MacNab provided a brief  
57 summary of the process involved for the update which began in 2009 and included updating  
58 household information, examination of housing programs and actions, and changes in Housing  
59 Element law. He highlighted the process that started in March 2009 with multiple public meetings  
60 with the Advisory Committee, through the release of a preliminary draft, public review, submittal  
61 and review by HCD, revisions and release of the Final Draft. Assuming the Planning Commission  
62 is agreeable with the final document, it is anticipated it will be forwarded to City Council next  
63 month for adoption. The adopted update will then be sent to the State for certification.

64

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

70

71 **Chairman Manfredi** directed attention to the new program proposals found within the February  
72 23, 2011 Staff Report, starting on page 5 of 16 through page 9 of 16, reading aloud each of the  
73 fourteen section highlights that were being proposed as part of the update to the Housing  
74 Element. Chairman Manfredi entertained questions or comments on each item. The Commission  
75 acknowledged agreement with all of the proposals with minimal or no comment or question noting  
76 the changes would help to remove unnecessary obstacles and perpetuate more flexibility. The  
77 following questions were included in the review and discussion.

78

79 During review of item 6. (page 7 of 16) regarding the amendment of Calistoga's Inclusionary  
80 Housing Ordinance to create a range of options for non-residential development projects to  
81 address their inclusionary housing requirement, **Commissioner Moye** questioned allowing the

82 dedication of land in another location and referenced the in-lieu payment program. He reported it  
83 seemed to be the public's perception that no one knows where or how this in-lieu money is used.  
84

85 **Manager MacNab** reported as currently written the City's Inclusionary Housing Ordinance  
86 identified only two options for meeting a project's inclusionary housing requirement – on-site  
87 construction or fee-in-lieu payment. Other options may be negotiated through a development  
88 agreement. During these unprecedented times the Advisory Committee felt it was important to  
89 allow for broadening the range of options, particularly for non-residential development projects.  
90 This will provide flexibility and not preclude innovative approaches for fulfillment of affordable  
91 housing obligations. Dedication of land recommendations might have to go to City Council for  
92 individual review and approval. The statement is intended to remove constraints and provide  
93 flexibility.  
94

95 **Chairman Manfredi** noted as an example that Solage Resort provided land for affordable housing  
96 and that the process does work.  
97

98 **Manager MacNab** reported affordable housing in-lieu funds are maintained in separate dedicated  
99 accounts that are to be productively used for assorted programs to generate housing such as the  
100 Down Payment Assistance Program, Rehabilitation program, etc.  
101

102 **Commissioner Moye** referenced item 8 (page 7 of 16), which recommends establishment of an  
103 annual inspection program to abate unsafe living conditions in the City's multi-family housing  
104 stock; asking if staff will be going into individual housing units?  
105

106 **Manager MacNab** reported the housing demographic survey portrayed a sense that overcrowding  
107 is a problem and may present unsafe and unhealthy living conditions. Overcrowding can  
108 perpetuate negative ideas related to affordable housing. An inspection program to verify if there  
109 are unsafe conditions will need to be handled with sensitivity and preparedness when it comes to  
110 potential displacement of residents.  
111

112 **Commissioner Moye** referenced items 11 and 12, (pages 8 and 9 of 16) related to  
113 accommodation of transitional or emergency shelters; he asked if there is actually this type of  
114 housing existing in Calistoga.  
115

116 **Manager MacNab** advised during the housing survey process it was disclosed that emergency  
117 housing due to family abuse situations does reportedly exist, although unofficially due to  
118 confidentiality.  
119

120 There was motion by **Commissioner Bush**, seconded by **Commissioner Moye**, to adopt  
121 Planning Commission Resolution PC 2011-07 recommending that the City Council adopt a  
122 Negative Declaration based on the Initial Study that has been prepared for the City of Calistoga  
123 2009 Housing Element Update. **Motion carried: 4-0-1-0.**  
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125 There was motion by **Commissioner Moye**, seconded by **Chairman Manfredi**, to adopt Planning  
126 Commission Resolution PC 2011-08 recommending that the City Council adopt the proposed  
127 update to the Housing Element of the City's General Plan. **Carried: 4-0-1-0.**  
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129 **I. NEW BUSINESS**

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**J. MATTERS INITIATED BY COMMISSIONERS**

**Chairman Manfredi** conveyed the appropriate protocol for any Commissioner that wants staff to work on a project would be to present the request to the City Manager and/or Staff so that it may be forwarded to City Council for a determination and prioritization in the department projected Work Program.

**City Manager Spitler** interjected that obviously any Commissioner needs that can be accomplished and the information is readily available can be requested directly to staff. Requests that are outside the normal project review or may require research and involve a significant use of staff resources should be assigned by the direction of the City Manager and/or City Council. The goal is to establish a policy agreement with the Planning Commission to keep City Council members in the loop.

**Chairman Manfredi** reported completion of the construction of three new bus shelters in town and complimented the work.

**K. DIRECTOR'S COMMENTS/PROJECT STATUS**

**Manager MacNab** provided the following comments and project updates.

- Thank you to both Chairman Manfredi and Mayor Gingles for the prompt reporting of graffiti located at the corner of Foothill Boulevard and Lincoln Avenue (our entry corridor). The problem has been eradicated.
- Shell project update. Staff has contacted the Department of Weights and Measures regarding appropriate signage and they have forwarded it to the District Attorney's office for action. He further reported receipt of monies from the applicant to deposit on account for the project to move forward, however to date we have not received a revised application indicating their intent.
- Planning Commission meetings on the web. Recently the existing VCR equipment has broken and we will be moving forward to DVD capabilities. Staff has been doing research on the use of other resources for web posting and has found that YouTube has time limitations that will not work for us. He has found other web options available that do not have the same restrictions and he will continue to work with the City Clerk to look for acceptable alternatives.
- Consideration was being given for when to schedule Conflict of Interest Training, noting staff wanted to assure all Commissioners would be in attendance and new some were scheduled for vacation in March. Conflict of Interest Training will be placed on the Agenda in April.
- The next regular Planning Commission meeting of March 09, 2011 will be canceled. He reported there are no projects ready to agendize at this time.

**Vice-Chair Coates** reported a structural improvement project on Myrtle that was in progress without a building permit. That problem has been addressed but the new owners have indicated the structural improvements were being performed with the intent to use the property as a vacation rental.

177 **Manager MacNab** reported code enforcement continues to be conducted an investigation of  
178 vacation rentals. Commissioners and the public at large are encouraged to report known illegal  
179 vacation rentals within the city limits. Staff understands this is an important issue and we monitor  
180 the web and work with the Police Department to address the problem. Staff will prepare an  
181 informational flyer to help educate realtors and the public to understand that vacation rentals are  
182 not allowed.

183 **City Manager Spitler** noted Calistoga is not the only community interested in addressing this  
184 problem and he suspects there are several situations that are close to being cited by the District  
185 Attorney's office. He suggested if the situation gets some press coverage and the city provides  
186 more directive information to realtors (the key communicators in the community), and we continue  
187 to have periodic monitoring of the web vacation rental advertisements our on going presence  
188 should put a dent in it.

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190 **Chairman Manfredi** requested staff present a proposal to City Council to look at substantially  
191 increasing the monetary penalty for operating an illegal vacation home. He reported the current  
192 fine is the low amount of \$100 and is not a deterrent. Chairman Manfredi would like to see if the  
193 Council has any interest in pursuing this philosophy.

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195 **L. ADJOURNMENT**

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197 There was motion by **Chairman Manfredi**; seconded by **Vice-Chair Coates** to adjourn to the next  
198 regular meeting of the Planning Commission scheduled for Wednesday, March 23, 2011, at 5:30  
199 PM. The meeting adjourned at 6:07 PM.

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204 Kathleen Guill  
205 Secretary to the Planning Commission