

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

Wednesday, June 08 2011
5:30 PM
Calistoga Community Center
1307 Washington St., Calistoga, CA

Chairman Jeff Manfredi
Vice-Chairman Paul Coates
Commissioner Nicholas Kite
Commissioner Matthew Moya
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 5:39 PM.
3

4 **A. ROLL CALL**

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

9 **B. PLEDGE OF ALLEGIANCE**

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11 **C. PUBLIC COMMENTS**

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13 **D. ADOPTION OF MEETING AGENDA**

14 There was motion by **Commissioner Bush**, seconded by **Commissioner Kite** to approve the
15 agenda as provided. **Motion carried: 5-0-0-0.**
16

17 **E. COMMUNICATIONS/CORRESPONDENCE**

18 Email Correspondence from Doug Cook 06/04/11. (Attachment 1)
19

20 **F. CONSENT CALENDAR**

21
22 Planning Commission regular Meeting Minutes of May 25, 2011.
23

24 There was motion by **Vice-Chairman Coates**, seconded by **Commissioner Bush** to approve the
25 Consent Calendar as presented. **Motion carried: 5-0-0-0.**
26

27 **G. TOUR OF INSPECTION**

28
29 **H. PUBLIC HEARING**

30 **ZO 2009-03.** Consideration of a Zoning Ordinance Text Amendment, initiated by the City of
31 Calistoga, amending Chapter 17.35 of the Calistoga Municipal Code, *Bed and Breakfast Inns and*
32 *Facilities* adding fire sprinklers requirements and off site manager proximity standards. This
33 proposed action is exempt from the California Environmental Quality Act (CEQA) under Section
34 15061(b)(3) of the CEQA Guidelines.
35

36 **Commissioner Kite** stated as co-owner of the Wine Way Inn and Craftsman Inn he would recuse
37 himself from discussion as a Commissioner and join the public sector to participate in the debate
38 as per FPPC regulations.

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39 **Planner Lundquist** acknowledged receipt and distribution of a communication from Doug Cook,
40 109 Wappo Avenue, Calistoga, sharing concerns over the proposed Zoning Ordinance Text
41 Amendment regarding “fire sprinkler requirements” and “off site manager proximity standards”.
42 (Attachment 1)

43

44 **Planner Lundquist** provided a brief history of the City Council direction to prepare a revision to
45 the Bed and Breakfast Ordinance to establish sprinkler requirements and set off site manager
46 proximity standards.

47

48 **Planner Lundquist** reviewed various Fire Code standards that would achieve this purpose and
49 provided suggested language that could be added to the Bed and Breakfast Ordinance, Section
50 17.35.020 (H).

51

52 *“A fire sprinkler system shall be installed throughout any new structure or building or*
53 *throughout any bed and breakfast inn where the number of units or rooms are*
54 *increased.”*

55

56 **Planner Lundquist** provided other alternatives with a range of requirements from strict to more
57 lessoned requiring the Fire Code and Building Code Officials to make a determination on a case
58 by case basis.

59

60 **Planner Lundquist** the provided a brief overview regarding provisions in the current ordinance
61 that allow an owner or manager to live off site if certain conditions apply and if located in the R1-
62 10 zoning district. He suggested that the Planning Commission consider using the CJUSD
63 boundary as the area within which an off site owner or manager must live.

64

65 **Planner Lundquist** concluded his presentation stating the recommendation was to adopt
66 resolution PC 2011-12 to recommend amendments.

67

68 **Commissioner Bush** asked if the recommendation for fire sprinklers is above and beyond the
69 standard Fire Code requirements and questioned if lodging in general have sprinkler
70 requirements.

71

72 **Planner Lundquist** stated it depends on the initial time of approval, however with renovations it is
73 possible that sprinklers could be required.

74

75 **Commissioner Bush** asked if that meant our proposed standard was more strict.

76

77 **Planner Lundquist** stated we are allowed to be more restrictive for the Fire Code.

78

79 **Vice-Chairman Coates** recalled the code states that any structure with an increase of 50% value
80 triggers that fire sprinklers will be required. Considering the cost factor to retrofit on a hillside for
81 us to say you have to do it is a little too restrictive. That is why we should have the flexibility to
82 help the owner and review projects for safety on a case by case basis, at the discretion of our Fire
83 and Building Officials.

84

85 **Planner Lundquist** stated the way it is presented tonight, fire sprinklers will be required in the
86 existing structure as well as the new.

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87 **Commissioner Moye** referenced the proposed off site manager standards and asked if this will
88 trigger allowing the option to bed and breakfast facilities outside the R-1 10.

89
90 **Planner Lundquist** referenced the staff report, Exhibit A, page 3 of 4, item 4, Exception;
91 restricting the option to properties in the R-1-10 zoning district and sub-section 4 states it must
92 meet all findings below.

93
94 **Chairman Manfredi** referenced Doug Cook's letter, suggesting it may be worth adding that the
95 property owner or manager or occasional substitute must live within the area. He thought this was
96 a good point from Mr. Cook.

97
98 **Planner Lundquist** believed the reference as "the acting manager" is required to live within
99 Calistoga city limits or within the Calistoga Joint Unified School District was adequate.

100
101 **Planner Lundquist** asked if there was consensus of the Commission for a change.

102
103 **Chairman Manfredi** replied there was some consensus.

104
105 **City Manager Richard Spitler** acknowledged this item was coming forward as a follow up at the
106 direction of the City Council. He reminded under current Fire Code all brand new structures have
107 to install fire sprinklers. The Fire Code does have provisions for the Fire Chief/Building Official to
108 make a determination if the change in occupancy has a greater fire risk. The present code does
109 provide them the discretion to make the judgment call. Years back it was much simpler with a
110 simple numerical trigger. The recommendation is the more astringent standard and we basically
111 need to make a decision of all or nothing. To say the trigger should apply when there are more
112 than five units would be a draconian proposal, and probably not cost effective.

113
114 **Commissioner Moye** asked if there was additional liability to the City if the determination was at
115 the discretion of the Fire Chief.

116
117 Staff stated the burden is always on the official or the Fire Chief on discretionary determinations.

118
119 **Chris Canning, Director, Chamber of Commerce** referenced the proposed off site manager
120 standards, stating he believed the recommendation to be quite reasonable if determined it would
121 be within the School District boundaries. Referencing fire sprinkler requirements he stated he was
122 in attendance during the referenced City Council meeting and he did not hear the direction to staff
123 to make the code more strict. Speaking from a business perspective this is way too extreme and
124 unreasonable. There are State Fire Codes in place and we have someone designated in the city
125 to make determinations, so there is a simple solution to a difficult political problem. He concluded
126 noting due to the competitive nature between communities, he was absolutely opposed to the
127 strict interpretation.

128
129 **Dennis MacNay**, 2653 Foothill Blvd., provided a handout with identifying five concerns he had
130 with the proposed revisions. (Attachment 2)

131 "Spirit of B & B's" The initial intent was to allow for "Mom and Pop" live/work business
132 opportunities and should be limited to six rooms or less.

133 "Max Rooms 6 & Converting B&B To Motel Then Change Use Permit" If a property wants to
134 develop more than six rooms they should be required to apply for a new use permit to convert to a

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135 motel or inn and they would not be subject to bed and breakfast rules. Change your use permit if
136 you want more.

137 "All Off Site Managed Need To Have Fire Sprinklers-Safety Issues." Fire sprinklers should be
138 required for all B&B's with off site managed units because the guests have no knowledge as to
139 locations of fire extinguishers; power, water, and gas shut offs, etc. Those with on site managers
140 can respond much more quickly to address general safety concerns.

141 "Should Have Sprinklers If More Than 6 Units." If you want to add additional rooms to the
142 existing business, and there will be more than six rooms it should be fire sprinkled.

143

144 **Chairman Manfredi** closed the public portion of the discussion. He asked the commissioners to
145 first address the offsite manager proximity standards. He asked if they concurred with the staff
146 recommendation to limit residency requirements to within the Calistoga Unified School District
147 boundaries.

148

149 **Commissioner Bush** agreed that within the School District was fine.

150

151 **Vice-Chairman Coates and Commissioner Moye** agreed, but with an exception. If there were
152 confirmed issues or complaints due to no on site manager we should review and revoke that
153 privilege.

154

155 **Chairman Manfredi** polled the Commissioners and confirmed there was unanimous consensus to
156 recommend adoption of the off site manager proximity standards.

157

158 **Chairman Manfredi** asked the commissioners to now address adding fire sprinkler requirements
159 for Bed and Breakfast Inns.

160

161 **Manager MacNab** reported he met internally with Fire Chief Campbell and Building Official Clif
162 Castle to discuss the viability for potential middle ground alternatives. The first could be requiring
163 fire sprinklers for any B&B of six or more units; and for those with fewer units the determination
164 would be at the discretion of the Fire and Building Officials. Also discussed just requiring an
165 evaluation on a case by case basis.

166

167 **Planner Lundquist** suggested alternative language such as "based on a fire and safety
168 evaluation, a fire sprinkler system may be required with five or fewer units; and regardless of
169 occupancy fire sprinkler systems shall be required for six or more rooms".

170

171 **Vice-Chairman Coates** stated he still had concern with the requirement for six or more units
172 because every building is different, and consideration should be given to criteria such as the age
173 of the building, materials, etc. This would provide a little more flexibility and the determination
174 would still be made by the Fire Chief and Building Official.

175

176 **Commissioner Bush** agreed with the need for flexibility rather than absolute mandatory
177 measures.

178

179 **Chairman Manfredi** reminded the existing guidelines are in step with State and Federal
180 regulations. If someone opens a B&B the Fire Chief determines the need and it doesn't matter
181 how many rooms there are. Everything is in place and that has been working. He stated he was
182 opposed to mandated requirements over and above the State and Federal regulations.

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Chairman Manfredi recommended the city maintain the current Fire regulations knowing that safety is a concern of everyone and it doesn't degrade what we have.

Planner Lundquist confirmed with the existing requirements new construction, construction of more than 50% of a building, or change in occupancy triggers the fire sprinkler requirement.

Vice-Chairman Coates noted a detached new structure (or unit) would automatically have to be fire sprinkled.

Commissioner Moye agreed we should follow the State code and leave it alone.

Chairman Manfredi polled for consensus and it was unanimously agreed to recommend the City Council maintain the current regulations regarding fire sprinklers in bed and breakfast.

There was motion by **Commissioner Bush**, seconded by **Chairman Manfredi** to adopt PC Resolution 2011-12 recommending approval to the City Council of a Zoning Ordinance Text Amendment amending the bed and breakfast regulations concurring to use the Calistoga Joint Unified District boundary for proximity off site manager standards, and no change to the existing fire sprinkler requirements. **Motion carried: 4-0-0-1**

Commissioner Kite resumed his seat on the Commission at 6:12 PM.

I. NEW BUSINESS

J. MATTERS INITIATED BY COMMISSIONERS

K. DIRECTOR'S COMMENTS/PROJECT STATUS

Manager MacNab announced the upcoming meeting has a very full agenda including the Fast and Easy design review which requires two commissioners recuse themselves. So he wanted to confirm all will be in attendance to assure a quorum.

L. ADJOURNMENT

There was motion by **Commissioner Bush**, seconded by **Chairman Manfredi** to adjourn to the next regular meeting of the Planning Commission, Wednesday, June 22, 2011, at 5:30 PM. **Motion carried: 5-0-0-0.** The meeting adjourned at 6:13 PM

Kathleen Guill
Secretary to the Planning Commission

Attachment