

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

**Wednesday, May 14, 2008  
5:30 PM  
Calistoga Community Center  
1307 Washington St., Calistoga, CA**

**Chairman Jeff Manfredi  
Vice- Chairman Clayton Creager  
Commissioner Carol Bush  
Commissioner Paul Coates  
Commissioner Nicholas Kite**

**“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).

**A. ROLL CALL**

**B. PUBLIC COMMENTS**

Public Comments is time reserved on each regular meeting agenda to provide an opportunity for the public to directly address the Planning Commission on items of interest to the public, which do not appear on the agenda. Comments should be limited to three minutes. The Commission will not be able to take action on items raised during Public Comments.

**C. ADOPTION OF MEETING AGENDA**

**D. COMMUNICATIONS/CORRESPONDENCE**

**E. CONSENT CALENDAR**

**F. TOUR OF INSPECTION**

Items on this agenda containing an asterisk (\*) are designated for the Tour of Inspection. Shortly after 5:30 p.m., the Planning Commission will leave the Community Center to inspect these sites and will return as soon thereafter as possible. The purpose of this inspection is to view the physical characteristics of the site only—no action is taken by the Planning Commission on the site. The Planning Commission may eliminate one or more sites on the tour identified with an asterisk (\*). The public is welcome to join the Planning Commission on its tour of inspection.

**G. PUBLIC HEARING**

- 1. ZO 2008-01, DA 2007-02, TTM 2007-02, DR 2008-01. Vineyard Oaks Subdivision**  
– Reconsideration of a Zoning Ordinance Text Amendment, Development Agreement, Tentative Tract Map and Design Review, requested by Ed Nagel of BNK Investments, LLC, on behalf of the property owners, Ira and Lois Carter and 1881 Mora Avenue, to amend Chapter 17.08 of the Zoning Ordinance to provide an alternative means for residential projects to satisfy the affordable housing requirements and to subdivide approximately 18 acres of land into 15 single-family lots. The lots are approximately 1 acre in size. The subdivision includes a lot line adjustment with the property to the east along Mora Avenue strictly for utility and emergency vehicle access. The subject properties are addressed as 2400 Grant Street & 1881 Mora Avenue and located within the RR - Rural Residential Zoning

District. (APN 011-010-013 & 011-010-014 and 011-021-002).

In accordance with the California Environmental Quality Act (CEQA), the City of Calistoga, Planning and Building Department has prepared an Initial Study/CEQA Checklist for the above referenced project. The Planning Commission has determined that the proposed project as amended by the included mitigation measures will not have a significant adverse effect on the environment. The City of Calistoga intends to adopt the Mitigated Negative Declaration for the project. Additional comments will be considered at the public hearing. *(This matter was referred back to the Planning Commission by the City Council during their April 15, 2008 regularly scheduled meeting.)*

**Recommended Actions:**

- A. Adopt Planning Commission Resolution PC 2008-17 upholding Resolution PC 2008-06 recommending to the City Council adoption of a Mitigated Negative Declaration based on an Initial Study prepared for the Vineyard Oaks Subdivision incorporating the findings and mitigation measures as provided in the resolution.
- B. Adopt Planning Commission Resolution PC 2008-18 upholding Resolution PC 2008-07 recommending to the City Council approval of a Zoning Ordinance Text Amendment (ZO 2008-01) amending Chapter 17.08 to provide an alternative means for residential projects to satisfy the affordable housing requirements and incorporating the findings as provided in the resolution.
- C. Adopt Planning Commission Resolution PC 2008-19 upholding Resolution PC 2008-08 recommending to the City Council approval of Development Agreement (DA 2007-02) incorporating the findings as provided in the resolution.
- D. Adopt Planning Commission Resolution PC 2008-20 upholding Resolution PC 2008-09 recommending to the City Council approval of a Tentative Subdivision Map (TTM 2007-01) incorporating the findings and subject to conditions of approval as provided in the resolution.
- E. Adopt Planning Commission Resolution PC 2008-21 upholding Resolution PC 2008-10 recommending to the City Council approval of Design Review (DR 2008-01) for the project incorporating the findings and subject to conditions of approval as provided in the resolution.

**H. NEW BUSINESS**

- 1. **Policy Interpretation (P 2008-02).** Determination of General Plan consistency for pursuing revisions to the City's Sphere of Influence with the Local Agency Formation Commission of Napa County (LAFCO); and (2) Input and guidance on potential revisions to the Sphere of Influence needed to serve planned public facility and service needs.

**Recommended Action:** Review the proposed expansion areas for consistency with the General Plan and provide input and/or guidance on the proposed expansion areas or on areas that have not been identified by staff but should be considered.

- I. MATTERS INITIATED BY COMMISSIONERS**
- J. DIRECTOR'S COMMENTS/PROJECT STATUS**
- K. ADJOURNMENT**

The next regular meeting of the Planning Commission is scheduled for Wednesday, May 28, 2008 at 5:30 PM.

**POSTING:** *I declare that a copy of this Planning Commission agenda was posted at City Hall, 1232 Washington Street, among other locations within the Calistoga City Limits, on Friday, May 09, 2008 at 12:00 p.m.*

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Kathleen Guill,  
Secretary to the Planning Commission

*All Planning Commission reports for items on this Agenda are available online at <http://www.ci.calistoga.ca.us>. For additional information, please call the Planning and Building Department at 707-942-2827.*

**DECISION:** The Planning Commission process is an important step in the permit review process required by the City of Calistoga Zoning Ordinance. For projects that require review by the City Council, the Commission's action shall be a recommendation to the Council. In cases where no other action is required, the action of the Commission is final unless appealed within ten days of the decision.

**APPEALS:** Anyone that does not agree with the Planning commission's decision or the conditions that may have been imposed by the Commission in approving an agenda item may appeal the commission's action to the City Council. Appeals must be filed within ten (10) calendar days from the date of the Commission's action. Appeals may be limited to those issues raised at the public meeting. For additional information concerning the requirements for filing an appeal, please contact the Planning & Building Department, 1232 Washington Street in Calistoga or call (707) 942-2827.

**NOTICE:** If you challenge a city's zoning, planning, or other decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. Judicial review of any City administrative decision may be heard only if a petition is filed with the court not later than the 90th day following the date upon which the decision becomes final. Judicial review of environmental determinations may be subject to a shorter time period for litigation, in certain cases 30 days following the date of final decision.

**SPECIAL ASSISTANCE:** Pursuant to Title II of the Americans with Disabilities Act: In compliance with the American Disabilities Act, if you need special assistance to participate in this meeting please contact the Planning and Building Department at (707-942-2827. Notification forty-eight (48) hours prior to the meeting will enable the City to make reasonable arrangement to ensure accessibility to this meeting. (28 DFR 35.102-35-104 ADA Title II).

**PUBLIC COMMENTS:** All speakers are asked to provide their name, address, and subject of discussion. Presentations to the Commission are generally limited to five minutes. Additional time may be granted by the Commission Chair as appropriate to the scope of the project.

*Any writings or documents provided to a majority of the legislative body regarding any item on this agenda will be made available for public inspection at the Public Counter located on the first floor at 1232 Washington Street during normal business hours.*