

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

**Wednesday, August 10, 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).

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. 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.

D. ADOPTION OF MEETING AGENDA

E. COMMUNICATIONS/CORRESPONDENCE

F. CONSENT CALENDAR

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

1. Minutes from July 13, 2011 Planning Commission meeting.

Recommendation: Approve the Consent Calendar as presented

G. 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.

H. PUBLIC HEARINGS

1. **U 2011-09:** Consideration of a Conditional Use Permit application to establish retail wine sales, including wine tasting in an existing 1,989 square foot mixed-use space located at 1471 First Street (APN 011-204-012) within the "CC-DD", Community Commercial-Design District Overlay Zoning District. The property is developed with a residential structure that is currently used for residential purposes and administrative offices for Beer and Wine Services, Inc. This proposed action is exempt from the California Environmental Quality Act (CEQA) under Section 15332 of the CEQA Guidelines. *This item was continued from the July 13, 2011 regular meeting of the Planning Commission.*

Recommended Actions:

- a. Direct Staff to file a Notice of Exemption for the Project pursuant to Section 15332 of the CEQA Guidelines.
 - b. Adopt Resolution PC 2011-14 approving Conditional Use Permit (U 2011-09) to allow retail wine sales, including wine tasting in an existing mixed use space located at 1471 First Street (APN 011-204-012) within the "CC-DD", Community Commercial-Design District, based upon the findings provided in the Resolution and subject to conditions of approval.
2. **DR 2009-03:** Consideration of a Design Review application to install a 31.5 square foot gas price sign. The proposed sign is 5.5 feet in height and 7 feet in width and will replace the existing monument sign located at the corner of Lincoln Avenue and Foothill Boulevard. The subject gas station is located at 1108 Lincoln Avenue (APN 011-254-003) within the "DC-DD", Downtown Commercial-Design District Overlay Zoning District. No changes to use or operations are being proposed as part of this application. This proposed action is exempt from the California Environmental Quality Act (CEQA) under Section 15303 of the CEQA Guidelines. *This item was continued from the July 13, 2011 regular meeting of the Planning Commission.*

Recommended Action:

Approve Resolution PC 2011-13 regarding Design Review (DR 2009-03) to allow installation of a 31.5 square foot gasoline pricing sign at the gas station located at 1108 Lincoln Avenue (APN 011-254-003) within the "DC-DD", Downtown Commercial-Design District Overlay Zoning District, subject to conditions of approval.

I. NEW BUSINESS

1. **Planning Commission Initiated:** Discussion and possible recommendation to the City Council on preparation of a "right-to-farm" ordinance.

Recommended Action:

Pass a motion recommending that the City Council consider preparation of a right-to-farm ordinance.

J. MATTERS INITIATED BY COMMISSIONERS

K. COMMENTS/PROJECT STATUS

L. ADJOURNMENT

The next regular meeting of the Planning Commission is scheduled for Wednesday, August 24, 2011, 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, August 5, 2011 no later than 4:30 p.m.*



Amanda Davis,
Planning Commission Secretary

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.