

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

**Wednesday, November 30, 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 ALLEGINACE

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 the November 9, 2011 Planning Commission meeting.
2. Review/approve the 2012 Planning Commission regular meeting schedule as presented.

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. Consideration of Conditional Use Permit (U 2011-01) and Design Review (DR 2011-04) applications, requested by James Harder and Chuck Easley, to allow the construction and operation of a 2,500 case production winery including associated winery administration and hospitality uses, on the property located at 810 Foothill Boulevard within the "CC-DD", Community Commercial - Design District (APN 011-260-019). The Applicants have also requested variances (VA 2011-01) to allow a reduction in the front yard setback for a principal building from 20 feet to 10 feet and the rear yard setback for an accessory structure from 5 feet to 0 feet.

Recommended Actions:

- A. Staff recommends that the Planning Commission adopt Resolution PC 2011-18 adopting a Mitigated Negative Declaration, finding that with the inclusion of mitigation measures, the project will not have a significant adverse impact on the environment.
 - B. Staff is recommending that the Planning Commission adopt Resolution PC 2011-19 approving Variances allowing a reduction in the front yard setback for a principal building from 20 feet to 10 feet and the rear yard setback for an accessory structure from 5 feet to 0 feet on the property located at 810 Foothill Boulevard (APN 011-260-019) within the "CC-DD", Community Commercial - Design District, based upon the findings and subject to conditions of approval contained in the Resolution.
 - C. Staff is recommending that the Planning Commission adopt Resolution PC 2011-20 approving a Conditional Use Permit and Design Review allow the construction and operation of a 2,500 case production winery including associated winery administration and hospitality uses, on the property located at 810 Foothill Boulevard (APN 011-260-019) within the "CC-DD", Community Commercial - Design District, based upon the findings and subject to conditions of approval contained in the Resolution.
2. **A 2011-03:** Consideration of an appeal received from Thomas Faherty regarding the Planning and Building Manager's determination that conversion of a building space formerly occupied by a pre-school into a third residential unit is not permissible under the City's current zoning regulations. The subject property is located at 1411 Fourth Street (APN 011-201-008) within the R-1 (Single-Family Residential) Zoning District.

Recommended Action:

Staff recommends that the Planning Commission deny the appeal and uphold the Planning and Building Manager's determination that, absent evidence of historic use, the addition of a third residential unit to the subject property would exceed the maximum permissible number of units allowed under current land use regulations.

I. NEW BUSINESS

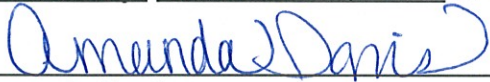
J. MATTERS INITIATED BY COMMISSIONERS

K. COMMENTS/PROJECT STATUS

L. ADJOURNMENT

The next regular meeting of the Planning Commission is scheduled for Wednesday, December 14, 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 Wednesday, November 23, 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.