

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

Wednesday, February 22, 2012
5:30 PM
Calistoga Community Center
1307 Washington St., Calistoga, CA

Chairman Jeff Manfredi
Vice Chairman Paul Coates
Commissioner Carol Bush
Commissioner Nicholas Kite
Commissioner Walter Kusener

“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

1. Adopted 2012 Planning Commission’s Rules of Procedure.
2. Correspondence from Joe Mathews dated February 11, 2012 regarding proposed General Plan Amendments for implementation of the Urban Design Plan.

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 February 8, 2012 Planning Commission meeting.

Recommended Action: 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. T 95-2:** Consideration of a request submitted by Don Albini to amend the terms of the affordable housing obligation required by Condition 21 of Tentative Subdivision Map 95-2 (Centre Court Subdivision), which requires payment of \$450,000 dollars in-lieu of constructing three deed-restricted single-family homes. The subject properties are located at 1711, 1721, and 1739 Emerald Drive, Lots 10, 11, and 13 of the Centre Court Subdivision (APN 011-032-013, -014, & -016) within the “R1”, Single Family Residential Zoning District. This proposed action is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines.

Recommended Action:

Staff recommends that the Planning Commission discuss the request and provide direction for proceeding to the City Council with a recommended course of action.

- 2. GPA 2011-01:** Presentation of final draft General Plan Amendments implementing portions of the 2010 Urban Design Plan for review and recommendation to the City Council. The General Plan is the City’s long term plan for guiding growth and development within the City. The proposed amendments would establish new land use “overlay districts” that set forth specific land use and development objectives for new development in certain areas of the City. A Negative Declaration has been prepared pursuant to the requirements of the California Environmental Quality Act (CEQA). of text amendments to the Calistoga Municipal Code, initiated by the City of Calistoga, amending Title 17 (Zoning) to: (1) establish grape sourcing regulations for wineries located in the Rural Residential (RR) and Planned Development (PD) Zoning Districts; (2) establish grape sourcing requirements for wines poured for tasting in a “stand alone” winery tasting room; (3) clarify home occupation winery uses; and (4) update and clarify winery-related land use definitions.

Recommended Actions:

- A. Staff recommends that the Planning Commission adopt Planning Commission Resolution PC 2012-03 recommending that the City Council adopt a Negative Declaration based on the Initial Study that has been prepared for the General Plan Amendments implementing the Urban Design Plan Character Areas.
- B. Staff recommends that the Planning Commission adopt Planning Commission Resolution PC 2012-04 recommending that the City Council adopt the proposed amendments to the Land Use, Community Identity and Circulation Elements of the General Plan for implementation of the Urban Design Plan Character Areas.

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, March 14, 2012, 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, February 17, 2012 no later than 4:30 p.m*

Ken MacNab,
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.

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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.