

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

**Wednesday, February 8, 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**

**Present:** Chairman Jeff Manfredi, Vice Chairman Paul Coates, Commissioners Carol Bush, Nick Kite and Walter Kusener. **Absent:** None. **Staff Present:** Ken MacNab, Planning and Building Manager and Erik Lundquist, Senior Planner.

**B. PLEDGE OF ALLEGINACE**

**C. PUBLIC COMMENTS**

1. Kristin Casey, 1132 Denise Drive. Ms. Casey commented in response to correspondence provided to the Planning Commission regarding re-routing of Highway 29. Ms. Casey suggested the City consider looking at Deer Park Road as a possible by-pass route. Ms. Casey noted that intersection conditions at Deer Park Road are superior to intersection conditions at Dunaweal Lane and Tubbs Lane, and that re-routing to Deer Park Road would avoid compounding poor service conditions that currently exist at Foothill Boulevard and Petrified Forest Road.

**D. ADOPTION OF MEETING AGENDA**

**MOVED** by Commissioner Bush, seconded by Vice Chair Coates, to approve the meeting agenda of February 8, 2012 as provided.

The motion carried with the following vote:

- AYES: (5) Manfredi, Coates, Bush, Kite, Kusener
- NOES: (0)
- ABSTENTIONS: (0)
- ABSENT: (0)

**E. COMMUNICATIONS/CORRESPONDENCE**

Chairman Manfredi noted receipt of the following two communications:

1. Memorandum from Dan Takasugi, Public Works Director, regarding the status of the Silverado Trail roundabout and Garnett Creek Bridge replacement projects by CalTrans.
2. Memorandum from Ken MacNab, Planning and Building Manager, regarding General Plan language on the Highway 29 by-pass.

**Chairman Manfredi** took agenda item I.1 out of order and entertained a Motion to approve the 2012 Planning Commission Rules of Procedure.

It was **MOVED** with a second by Chairman Manfredi, that the Planning Commission approve the 2012 Planning Commission Rules of Procedure as provided.

The motion carried with the following vote:

- AYES: (5) Manfredi, Coates, Bush, Kite, Kusener
- NOES: (0)
- ABSTENTIONS: (0)
- ABSENT: (0)

**F. CONSENT CALENDAR**

**MOVED** by Chairman Manfredi, seconded by Commissioner Kite, to approve the regular meeting minutes of January 25, 2012 as provided.

The motion carried with the following vote:

- AYES: (4) Manfredi, Bush, Kite, Kusener
- NOES: (0)
- ABSTENTIONS: (1) Coates
- ABSENT: (0)

**G. TOUR OF INSPECTION**

None.

**H. PUBLIC HEARINGS**

1. **U 2011-05 and DR 2011-05.** Consideration of Conditional Use Permit and Design Review applications, requested by Joseph and Jill Cabral, to allow

a new 30,000 gallon (approximately 12,600 cases) per year winery on the subject parcel with the construction of a new 5,214 square feet winery building and associated infrastructure. In addition, the project proposes to add to the available uses a new bicycle rental business on the property located at 963/965 Silverado Trail within the "CC-DD", Community Commercial - Design District (APN 011-050-043).

**Commissioner Kite** recused himself from the item because he has a business relationship with the applicant.

**Senior Planner Lundquist** gave the staff report.

**Joseph Cabral**, 965 Silverado Trail (applicant) introduced himself and made himself available for Commissioner questions.

**Chairman Manfredi** expressed some reservations about taking a risk on moving forward without resolution of the County's comments regarding installation of a left-turn lane as part of the project.

**Chairman Manfredi** expressed concern about the size of the proposed winery in conjunction with the other uses proposed for the site. **Manfredi** stated that he did not fully understand how the mix of uses would work together. Mr. Manfredi noted that it would have been beneficial to his understanding of the project if the applicant gone through the conceptual design review process first.

**Commissioner Kusener** concurred with Chairman Manfredi that the intensity and mix of uses seemed ambitious. **Kusener** asked the applicant several questions about winery operations and the proposed bicycle rental operation.

**Commissioner Bush** asked the applicant for clarification on custom crush activities at the proposed winery.

**Chairman Manfredi** opened the public hearing.

**Norma Tofanelli**, 1001 Dunaweal Lane (on behalf of Napa County Farm Bureau). Requested that no action be taken on the Lava Vine proposal until the City Council has taken action on the pending grape source ordinance under consideration.

**Rob Morrow**, 350 Kortum Canyon Road. Spoke in support of Mr. Cabral's application.

**Anne Steinhauer**, 1800 Mora Avenue (on behalf of Napa Valley Vintners). Supports Farm Bureau's position in requesting a continuance.

**Karen Cakebread**, 1524 Greenwood Avenue. Requested confirmation that the subject property is located in a zoning district that would not be required to comply with the proposed grape sourcing ordinance.

**Kristin Casey**, 1132 Denise Drive. Questioned if the City Council really understood that they recommended a limited application of a grape sourcing requirement for new wineries.

**Tofanelli** questioned if a mistake in the draft ordinance for grape sourcing regulations invalidated consideration of the grape sourcing ordinance item pending review by the Commission.

**Bob Fiddaman**, 1300 Cedar Street. Spoke in favor of the application.

**Colin MacPhail**, 1620 Grant Street. Stated support for applying a 75% grape sourcing requirement for wineries in all zoning districts.

**Chairman Manfredi** closed the public hearing and invited Commissioner comments/discussion.

**Vice Chair Coates** made the following comments:

- Supports the winery use but is concerned about whether an adequate amount of parking has been provided given the mix of uses and size of the winery.
- Concerned that the proposal may be too intense for the site.
- Noted that conflicting information has been given on colors and materials and that the applicant needs to clarify.
- Concurred with earlier comments that it would have been beneficial to have seen the project first as a concept review item.
- Expressed concern about deferring on the County-recommended left-turn lane issue.

**Commissioner Bush** concurs with previous Commissioner comments. Ms. Bush stated that the proposal as presented is hard to get a handle on and that she is having trouble understanding how the project really works. In general she is supportive of project.

**Chairman Manfredi** made the following comments:

- Stated that a rendering showing existing and new structures together is needed.
- Noted that the submittal lacks a landscaping plan and that one should be provided.
- Stated that more information is needed on parking. Specifically, where will overflow parking occur during events? If overflow parking is to be accommodated off-site the applicant needs to provide some evidence of agreement by off-site property owners.
- Stated that more clarification is needed about how the bicycle rental use works.

**Commissioner Kusener** made the following comments:

- Stated concern about traffic conditions along Silverado Trail and whether deferral of the left turn lane was prudent.

**Chairman Manfredi** suggested that the applicant also consider reducing the size of the winery.

**Planning Manager MacNab** informed the Planning Commission that the period of time the City has to process the application is coming to an end and advised that an extension of time may be needed if the Commission wants to continue the item.

**Joseph Cabral** indicated he is willing to agree to an extension of time to allow for an adequate amount of time to respond to the Commission's comments.

**MOVED** by Chairman Manfredi, seconded by Commissioner Bush, to continue the item to a date uncertain.

The motion carried with the following vote:

- AYES: (4) Manfredi, Bush, Coates, Kusener
- NOES: (0)
- ABSTENTIONS: (1) Kite
- ABSENT: (0)

2. **ZO 2012-01:** Consideration 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.

**Planning Manager MacNab** gave the staff report.

**Commissioner Kite** asked for clarification on the basis for regulating tastings in a stand-alone winery tasting room.

**Chairman Manfredi** opened the public hearing.

**Anne Steinhauer**, 1800 Mora Avenue (on behalf of Napa Valley Vintners). Requests that the Planning Commission recommend a 75% Napa-grown sourcing requirement for all new wineries regardless of what zoning district it's located in. Also requests that the Planning Commission recommend a 100% Napa County labeling requirement for all wines poured for tasting in a stand-alone tasting room.

**Norma Tofanelli**, 1001 Dunaweal Lane (on behalf of Napa County Farm Bureau). Supports the position of Napa Valley Vintners. Enters objection to the public hearing process because there was a typo in the draft ordinance circulated with the Planning Commission staff report.

**Karen Cakebread**, 1524 Greenwood Avenue (representing Calistoga Winegrowers). Requests that all new wineries and existing wineries that expand be subject to a 75% Napa-grown sourcing requirement for all new wineries regardless of what zoning district it's located in. Also supports a 100% Napa County labeling requirement for all wines poured for tasting in a stand-alone tasting room.

**Colin MacPhail**, 1620 Grant Street. Supports the position of Napa Valley Vintners.

**Cakebread**. Notes that the City of St. Helena has a 100% Napa labeling requirement for stand-alone winery tasting rooms. Ms Cakebread submitted a St. Helena staff report and legal opinion for review.

**Jeff Bounsall**, 414 Foothill Boulevard. Stated he does not support the willingness of other members of the public to discriminate against the constitution. Mr. Bounsall also stated that he does not support a citywide

application of a 75% Napa sourcing requirement for all wineries regardless of zoning district.

**Chairman Manfredi** closed the public hearing and invited Commissioner comments/discussion.

**Planning Manager MacNab** noted that much of the testimony received by the Commission has also been given to the City Council during its deliberations. Mr. MacNab stated that staff is obligated to consider the opinions of the City Attorney and recognizes that the ordinance as proposed may not meet all expectations.

**Commissioner Kite** asks for clarification on regulations that have been adopted by other communities in the County.

**Commissioner Kusener** stated concern about the ability of the City to effectively enforce the proposed ordinance. Also expresses some concern about the burden that a sourcing requirement might place on a wine-maker.

**Commissioner Kite** concurs with Commissioner Kusener's concern about the enforceability of the proposed ordinance.

**Commissioner Bush** states that she watched the City Council proceedings on the grape sourcing ordinance and that the draft ordinance before the Commission reflects the direction of Council.

**Commissioner Coates** states his support for an across-the-board application of grape sourcing regulations. Shares concern about exploitation of the Napa/Calistoga name. Not totally convinced that we shouldn't take a stand on this despite City Attorney's position.

**Chairman Manfredi** concerned about enforceability of the 75% tasting room requirement. Suggests that the Commission recommend a 100% Napa labeling requirement in stand alone tasting rooms. States that he believes a limited application of the 75% requirement for wineries is appropriate.

**Commissioner Kite** recognizes that the City Council has choices on how to implement grape sourcing requirements for new wineries. Reiterates concern about the basis for regulating tasting rooms. Supports statements by other Commissioners that any ordinance adopted should be enforceable and that the Council should be informed about resources and costs that might be required for enforcement.

**Commissioner Kusener** asks for clarification on charge provision in the draft regulations for winery tasting rooms.

**MOVED** by Chairman Manfredi, seconded by Commissioner Kite, that the Planning Commission support the proposed text amendments with the following recommendations:

1. Require that 100% of wines poured for tasting in a stand-alone tasting room be labeled Napa County or a legally recognized AVA within Napa County;
2. Support for the 75% sourcing requirement in the RR and PD zoning districts as proposed by staff; and
3. Consideration of the enforceability of the ordinance.

The motion carried with the following vote:

- AYES: (4) Manfredi, Bush, Kite, Kusener
- NOES: (1) Coates
- ABSTENTIONS: (0)
- ABSENT: (0)

#### **I. NEW BUSINESS**

1. **Planning Commission Rules of Procedure.** Annual review and/or revision of Planning Commission Rules of Procedure.

[This item was taken out of order under Item E – Communications]

#### **J. MATTERS INITIATED BY COMMISSIONERS**

**Commissioner Kite** requested that staff consider ways to inform the community about projects happening in the region, including CalTrans projects – possibly in a public meeting forum.

**Commissioner Kite** requested that the City Manager look into whether there is any truth to the notion of retribution by CalTrans if there is community push-back on a project.

#### **K. COMMENTS/PROJECT STATUS**

**Planning Manager MacNab** informed the Planning Commission that the Draft Environmental Impact Report for the Enchanted Resorts project was being released for public review on Friday, February 10<sup>th</sup>.



**Planning Manager MacNab** informed the Planning Commission that there will be a special meeting on March 21<sup>st</sup>.

**L. ADJOURNMENT**

**MOVED** by Chairman Manfredi, seconded by Commissioner Kusener, to adjourn to the next regular meeting of the Planning Commission on Wednesday, February 22, 2012, at 5:30 p.m.

The motion carried with the following vote:

- AYES: (5) Manfredi, Coates, Bush, Kite, Kusener
- NOES: (0)
- ABSTENTIONS: (0)
- ABSENT: (0)

Meeting adjourned at 7:42 p.m.



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Ken MacNab,  
Planning Commission Secretary