

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

**Wednesday, April 23, 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).

1 **A. Chairman Manfredi** called the meeting to order at 5:31 PM.  
2

3 **B. ROLL CALL**

4 **Present:** Chairman Jeff Manfredi, Vice-Chairman Clayton Creager, Commissioners Carol Bush,  
5 Paul Coates, and Nicholas Kite. **Staff Present:** Charlene Gallina, Planning and Building Director,  
6 Kenneth MacNab, Senior Planner, and Kathleen Guill, Planning Commission Secretary. **Absent:**  
7 Erik Lundquist, Associate Planner.  
8

9 **C. PUBLIC COMMENTS**  
10

11 **D. ADOPTION OF MEETING AGENDA**

12 There was motion by **Vice-Chairman Creager** , seconded by **Commissioner Kite** to approve the  
13 agenda as submitted. **Motion carried: 5-0-0-0.**  
14

15 **E. CONSENT CALENDAR**  
16

- 17 1. Planning Commission Minutes of the regular meeting of April 09, 2008  
18

19 There was motion by **Commissioner Coates**, seconded by **Commissioner Kite** to approve the  
20 minutes as submitted. **Motion carried: 5-0-0-0.**  
21

22 **F. COMMUNICATIONS/CORRESPONDENCE**  
23

24 **G. TOUR OF INSPECTION**  
25

26 **H. PUBLIC HEARINGS**  
27

28 I. **U 2008-02 and DR 2008-04.** Consideration of Conditional Use Permit and Design Review  
29 applications to allow operation of a 70-seat restaurant and wine bar in an existing 2,500 square-  
30 foot commercial space located in the Mt. View Hotel at 1457 Lincoln Avenue (APN 011-205-018)  
31 within the “DC-DD”, Downtown Commercial-Design District zoning district. The property owner is  
32 Michael Wood / Mt. View Hotel Partners. The applicant is Matthew Spector/ Matyson Corporation.  
33 The proposed project is exempt from the California Environmental Quality Act (CEQA) under  
34 Section 15301 (Class 1 - Existing Facilities) of the CEQA Guidelines.  
35

36 **Chairman Manfredi** and **Commissioner Bush** recused themselves from discussion due potential  
37 to conflict of interest.  
38

39 **Planner MacNab** provided a summary of the request for conditional use permit approval, for 1457  
40 Lincoln Avenue, for a proposed restaurant. This project will be located in conjunction with other  
41 existing uses including a hotel lobby, Barvino Restaurant, the hotel spa and restrooms all  
42 operating on the ground floor. The proposal included a private dining area, noting the applicant  
43 anticipated serving lunch and dinner Tuesday through Saturday, and possibly on Sunday for  
44 brunch. The applicant was also seeking approval for three business signs as described in the  
45 Staff report. Planner MacNab reported this proposal was for a re-occupancy of existing restaurant  
46 space, with no expansion for outdoor seating, music or exterior alterations excepting signage.  
47 Staff recommended approval of this application for a conditional use permit.

48  
49 **Matt Spector** and wife Sonia, thanked staff for processing the application so quickly.

50  
51 With no further comment **Chairman Manfredi** closed the public portion of the hearing at 5:38 PM.

52  
53 **Commissioner Coates** referenced the Staff Report Page 4 of 8 related to the former issue with  
54 waste management, noting this should also be monitored by Environmental Management. He  
55 further asked for clarification just as a procedural item, if the Design Review and Use Permit  
56 required two separate motions.

57  
58 **Director Gallina** recommended the motion should include acknowledgment of waiving design  
59 review.

60  
61 **Commissioner Kite** asked if the reported historical waste management problems had  
62 disappeared since Stomp closed.

63  
64 **Planner MacNab** reported that Chief Mills reports we have still received complaints on this issue.

65  
66 **Director Gallina** stated because we are continuing to get complaints we have included the  
67 requirement of the waste management plan (Resolution 2008-15, Condition 12)

68  
69 **Commissioner Kite** noted ergo the former restaurant was not solely responsible for making this a  
70 condition.

71  
72 **Chairman Manfredi** re-opened the public portion of the hearing.

73  
74 **Matt Spector** noted all three businesses will share a common dumpster; the problem is it has  
75 sometimes been left out on the street. Once they are in operation they will have a more frequent  
76 pickup and they will take care of the issue.

77  
78 **Vice-Chairman Creager** asked the applicant if they had read the findings and conditions and if  
79 they understood them and were in agreement.

80  
81 **Matt Spector** replied "yes".

82  
83 **Vice-Chairman Creager** stated he had no additional comments and was glad the space would be  
84 put to good use again.

85  
86 **Commissioner Coates** agreed.

87

88 There was motion by **Commissioner Coates**, seconded by **Commissioner Kite** to direct staff to  
89 file a Notice of Exemption for the project pursuant to Section 15301 of the CEQA Guidelines as a  
90 Class 1 Exemption. **Motion carried: 3-0-2-0**

91

92 There was motion by **Commissioner Kite**, seconded by **Vice-Chairman Creager** to adopt  
93 Resolution PC 2008-15 approving Conditional Use Permit (U 2008-02) and waiving design review  
94 to allow operation of a 70-seat restaurant and wine bar in an existing 2,500 square-foot  
95 commercial space located in the Mt. View Hotel at 1457 Lincoln Avenue (APN 011-205-018)  
96 within the "DC-DD", Downtown Commercial-Design District zoning district, based upon the  
97 Findings presented in the staff report and subject to conditions of approval. **Motion carried: 3-0-  
98 2-0.**

99

100 **Chairman Manfredi** and **Commissioner Bush** resumed their seats on the Committee.

101

102 2. **ZO 2008-02.** Consideration of a Zoning Ordinance Text Amendment, initiated by the  
103 City of Calistoga, Chapter 17.38 General Provisions and Exceptions of the Calistoga Municipal  
104 Code, in order to allow limited increases in lot coverage within residential zoning districts. This  
105 proposed action is exempt from the California Environmental Quality Act (CEQA) under Section  
106 15061(b)(3) of the CEQA Guidelines.

107

108 **Planner MacNab** reported this was a continued discussion from the regular Planning Commission  
109 meeting of April 9<sup>th</sup>, where the Commission concurred with staff's interpretation and application of  
110 the lot coverage standard recognizing a need for some flexibility in applying the standard to  
111 secondary or ancillary structures. Planner MacNab reviewed the four recommended changes to  
112 the General Provisions and Exceptions of the Zoning Ordinance, reference page 2 of 4 in the April  
113 23, 2008 Staff Report, highlighting item three allowing the Planning Director to be given discretion  
114 to administratively approve an increase of lot coverage within the R1 Zoning District up to 5% for  
115 accessory structures should she feel it is appropriate. In conclusion Staff recommended approval  
116 of Resolution PC 2008-16 proposing an addition to Chapter 17.38 General Provisions and  
117 Exceptions of the Zoning Ordinance, sub section code 17.38.050 (Accessory structure standards)  
118 with conditions as described in the Staff Report.

119

120 **Chairman Manfredi**, referenced the resolution Exhibit C page 5 of 10, stating this exhibit should  
121 be put in all future packets whenever we have discussion related to height measurement because  
122 it was very helpful.

123

124 **Commissioner Kite** stated the report was excellent, another piece of great staff work.

125

126 **Chairman Manfredi** thanked staff for a clear and concise report and called to open the public  
127 portion of the hearing. With no response from the audience the public hearing was closed.

128

129 There was motion by **Commissioner Kite**, seconded by **Commissioner Coates** to adopt  
130 Planning Commission Resolution PC 2008-16 recommending to the City Council approval of a  
131 Zoning Ordinance Text Amendment (ZO 2008-02) amending Chapter 17.38 General Provisions  
132 and Exceptions of the Calistoga Municipal Code to allow limited increases in lot coverage within  
133 the R-1 zoning district. **Motion carried: 5-0-0-0.**

134

135 2. **ZO 2007-05.** Consideration of an Ordinance, initiated by the City of Calistoga, amending  
136 the Calistoga Municipal Code (Title 17 Zoning) to add Sexually Oriented Retail Businesses as a

137 conditionally permitted use within the "DC" Downtown Commercial and "CC" Community  
138 Commercial Zoning Districts, and adding appropriate definitions and specific regulations to the  
139 Zoning Ordinance. This proposed action is exempt from the California Environmental Quality Act  
140 (CEQA) under Section 15061(b)(3) of the CEQA Guidelines. *(This item was continued from the*  
141 *Planning Commission Regular Meeting Agenda of April 09, 2008.)*  
142

143 There was motion by **Vice-Chairman Creager**, seconded by **Commissioner Kite** to continue the  
144 Public Hearing to the regular Planning Commission meeting of June 11, 2008. **Motion carried:**  
145 **5-0-0-0.**  
146

147 **I. NEW BUSINESS**

148  
149 **J. MATTERS INITIATED BY COMMISSIONERS**

150  
151 **Commissioner Kite** asked about the progress on having Nicolas reduce the size of their new  
152 sign.  
153

154 **Director Gallina** reported staff was working with the business owner on replacing the sign.  
155

156 **Vice-Chairman Creager** reported there were a lot of people asking about the trail head and  
157 asked if the draft of the Urban Design Plan and discussions for a traffic roundabout were giving  
158 consideration to formalize the trail head.  
159

160 **Director Gallina** stated there has been discussion for the trail head parking to be included in the  
161 completion of intersection improvements in the upcoming proposed Urban Design Plan.  
162

163 **Vice-Chairman Creager** recollected there was a land dedication as part of the Jehovah Witness  
164 project.  
165

166 **Director Gallina** acknowledged the dedication stating that it will be included as part of the design  
167 of the intersection area.  
168

169 **Chairman Manfredi** reported a request by the MacPhail's for reconsideration of the Resolution for  
170 the Tentative Parcel Map Extension approved on April 26 because of a concern with the condition  
171 that was added during that meeting. Chairman Manfredi suggested agendizing reconsideration of  
172 their item for the meeting of May 28, 2008.  
173

174 **Director Gallina** stated the applicant was somewhat confused on what is being asked of them  
175 and why we imposed the condition, so the applicant would like an opportunity to explain their  
176 position to the Planning Commission.  
177

178 **Vice-Chairman Creager** asked if there will be an alternate proposal by staff.

179 **Director Gallina** reported Colin MacPhail had advised he was unable to be at this meeting, but  
180 requested reconsideration.  
181

182 **Commissioner Kite** reported in follow up research he has found the practice of passing on the  
183 share of costs for development improvements is very normal.  
184

185 **Chairman Manfredi** noted it is important to understand when they were first given the lots, one of  
186 the conditions clearly identified they would be responsible for frontage improvements.

187

188 There was motion by **Chairman Manfredi**, seconded by **Vice-Chairman Creager** to reconsider  
189 the MacPhail lot split PME 2006-01, Extension of Time for MacPhail Map supplement during the  
190 May 28, 2008 Planning Commission meeting. **Motion carried: 5-0-0-0**

191

192 **Commissioner Coates** advised he would not be attending the May meetings due to vacation.

193

#### 194 **K. DIRECTOR'S COMMENTS/PROJECT STATUS**

195

196 **Director Gallina** advised the Vineyard Oaks project will be scheduled to return to the Planning  
197 Commission on the May 14, 2008 agenda, noting the item has been re-noticed to all affected  
198 property owners as well as others requesting notice. Staff noted previous meeting tapes were  
199 available to listen to as well as Minutes and Staff recommendations if needed.

200

201 **Vice-Chairman Creager** stated coincident with this communication on Vineyard Oaks, he advised  
202 he had been in communication via email with Public Works regarding streetscape design,  
203 additional maintenance costs, and exploration of the feasibility of LID design, just to note it will  
204 come up again.

205

206 **Director Gallina** announced the Building Department will be hosting a special event and invited  
207 the Commissioners to please attend Building Safety Day, Thursday May 8, 2008 from 1:00 PM to  
208 7:00 PM at the Calistoga Community.

209

210 **Secretary Guill** reported this will be a fun yet very informational event offered to the public during  
211 National Building Safety Week, providing home sprinkler demonstrations and access to vendors,  
212 HCD, and building plan checkers for general questions.

213

214 **Chairman Manfredi** noted highly recommended attendance at the upcoming Local Vintners event  
215 to be held in St. Helena the following Monday.

216

#### 217 **L. ADJOURNMENT**

218 There was motion by **Chairman Manfredi**, seconded by **Vice-Chairman Creager** to adjourn the  
219 meeting. **Motion carried: 5-0-0-0.** The meeting adjourned at 6:05 PM

220

221 The next regular meeting of the Planning Commission is scheduled for Wednesday, May 14, 2008  
222 at 5:30 PM.

223

224

225

226 \_\_\_\_\_  
Kathleen Guill,  
227 Secretary to the Planning Commission