

**CITY OF CALISTOGA  
PLANNING COMMISSION  
MEETING MINUTES**

**Wednesday, August 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).

**MEETING CALLED TO ORDER AT 5:32 p.m.**

**A. ROLL CALL**

**Present:** Chairman Jeff Manfredi, Vice Chairman Paul Coates, Commissioners Nick Kite and Walter Kusener. **Absent:** Commissioner Bush. **Staff Present:** Ken MacNab, Planning and Building Manager and Erik Lundquist, Senior Planner.

**B. PLEDGE OF ALLEGIANCE**

**C. PUBLIC COMMENTS**

None.

**D. ADOPTION OF MEETING AGENDA**

**MOVED** by Commissioner Kite, seconded by Vice Chair Coates, to approve the meeting agenda of August 22, 2012.

The motion carried with the following vote:

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

**E. COMMUNICATIONS/CORRESPONDENCE**

None.

**F. CONSENT CALENDAR**

**MOVED** by Vice Chair Coates, seconded by Commissioner Kusener, to approve the regular meeting minutes of June 27, 2012, the special meeting minutes of July 18, 2012 and the regular meeting minutes of July 25, 2012 as provided.

The motion carried with the following vote:

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

**G. TOUR OF INSPECTION**

None.

**H. PUBLIC HEARINGS**

1. **BOUNSALL CONTRACTOR YARD:** Consideration of a request for Conditional Use Permit (U 2012-04) to allow the operation of a contractor's office and storage yard on the property located at 414 Foothill Boulevard (APN 011-260-045 to -052; 011-260-076) within the "I", Light Industrial Zoning District.

*\*\*\* This item was continued from the July 11, 2012 Planning Commission meeting. \*\*\**

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

**Commissioner Kite** asked if the "baseline condition" was referenced in the Resolution for approving the project. Senior Planner Lundquist responded that it was referenced in Condition No. 1.

**Commissioner Kite** asked for clarification on when removal of the office trailer would be required. Senior Planner Lundquist confirmed that the trailer would have to be removed within six months from the date of Conditional Use Permit approval.

**Commissioner Kite** asked if the owners would be able to apply to have the trailer restored at a later date. Senior Planner Lundquist stated they could through a Conditional Use Permit amendment process.

**Commissioner Kusener** asked for confirmation that removal of the trailer would satisfy the neighbors concerns and address the non-conforming issues.

**Commissioner Kusener** asked if the project could change after approval. Senior Planner Lundquist responded that changes could be proposed but would require permit approval first.

**Chairman Manfredi** opened the public hearing.

**Elizabeth Hammond**, 304 Foothill Boulevard. Ms. Hammond made the following comments:

- Claimed that the proposal involves disputed property.
- The zoning on the property should not be changed.
- The subject property has unpermitted structures and septic systems.
- Fuel tanks are being stored on the property without permits.
- The Planning Department has been unresponsive to complaints.
- The use of the property has changed since the Bounsall's took ownership.

**Planning Manager MacNab** advised that Condition No. 8 requires the Bounsall's to obtain permits for any structure on the property that requires a permit but does not have one.

**Kerri Abreu** 1720 Reynard Lane. Ms. Abreu made the following comments:

- The staff report identifies the equipment that will be allowed to be kept on site and states that "occasionally" additional equipment and employees will be allowed on site. The term occasional is too vague and should be clarified.
- The use of the term "etcetera" at the end of the list in the staff report on the types of additional equipment that could be stored on site is too open ended – anything could be allowed.
- Concerned about the potential for the property to become an auto-storage lot.
- Concerned that not enough consideration has been given to the aesthetic appearance of the contractor's yard.
- Believes that there should be penalties to show the community that there are consequences when the City Code is violated.

**Norma Tofanelli**, 1001 Dunaweal Lane. Ms. Tofanelli made the following comments:

- The City has yet to provide a formal response to Ms. Hammond's complaint of code violations on the subject property.
- Suggests that the item be continued until staff has had a chance to review the evidence that Ms. Hammond has.
- Questions how the Bounsall property was zoned Light Industrial.
- Questions how the property came to be designated Light Industrial in the General Plan.
- Believes the City should review how the General Plan land use designation was established when there were known code violations.

**Planning Manager MacNab** informed the Planning Commission that staff has been communicating with Ms. Hammond, Ms. Abreu and other family members on the status of the City's effort to address this situation. Mr. MacNab also informed the Commission that the property was first designated for industrial use when the City adopted its 1990 General Plan.

**Ms. Tofanelli** clarified her comments regarding the General Plan, noting she was referencing recent amendments to the General Plan related to the City's Urban Design Plan.

**Jeff Bounsall**, 414 Foothill Boulevard. Mr. J. Bounsall disputed all of the comments made by Ms. Hammond and Ms. Tofanelli. Mr. J. Bounsall extended an invitation for anyone to come and inspect his property. In regard to the property line question, Mr. J. Bounsall stated that his property boundary has been surveyed.

**Bill Bounsall**, 414 Foothill Boulevard. Mr. B. Bounsall offered to answer any questions that the Commission may have about the proposed use.

**Commissioner Kusener** asked for clarification on how big the light industrial operation could become. **Mr. B. Bounsall** stated that he did not anticipate the use become larger than proposed.

**Commissioner Kusener** asked staff how the City will control conditions on the property. **Senior Planner Lundquist** stated the approved uses are specifically defined in the Use Permit. Mr. Lundquist suggested that the Commission discuss and clarify some of the uses being allowed under the permit.

**Commissioner Kusener** asked if hours of operation would be established by the Use Permit. Senior Planner Lundquist stated they would.

**Chairman Manfredi** asked for clarification on the water truck discussed earlier. Mr. B. Bounsall confirmed that the truck is a 2,000 gallon water truck, not a fuel truck.

**Chairman Manfredi** suggested that project description be made more specific with regard to equipment that is proposed to be allowed on the property. Mr. Manfredi suggested the Commission consider establishing a numerical limit on additional pieces of equipment.

**Mr. B. Bounsall** stated he would be comfortable with a restriction of no more than six pieces of equipment on the property at any one time.

**Commissioner Kite** asked Mr. B. Bounsall about restrictions on the length of time occasional equipment/vehicles could be stored on the property. Mr. B. Bounsall stated that a week would be sufficient.

**Commissioner Kusener** inquired about noise regulations.

**Vice Chair Coates** noted that Condition No. 5 does regulate the hours of operation.

**Ms. Hammond** stated that the Bounsall's have caused her problems and that they do everything "under cover".

**Chairman Manfredi** recessed the meeting for a three minute break.

*[The meeting was reconvened at 6:20 p.m.]*

**Chairman Manfredi** closed the public hearing.

**Commissioner Kite** stated that he would like to add more specificity with regard to vehicles stored on the property and duration. Based on the statements of the applicant, Mr. Kite suggested a maximum of six vehicles, with the extra three being allowed to stay on the property for a week.

**Chairman Manfredi** and **Commissioner Kusener** concurred with Commissioner Kite's comments.

**Commissioner Kusener** asked about the City's ability to monitor and manage and if there would be any review to ensure compliance.

**Chairman Manfredi** suggested that the Commission could require review as a condition of approval.

**Senior Planner Lundquist** suggested that if the Commission wants a condition on periodic review the condition could be worded to allow the review be done administratively. Mr. Lundquist stated that if violations were found during administrative review they would be brought to the Planning Commission for review.

**Commissioner Kite** expressed some concern that the Commission may be overreacting to some of the comments made by the public and that he is not ready to add a condition requiring annual review.

**Vice Chair Coates** stated that compliance is also achieved through citizen complaints.

**Chairman Manfredi** stated he would like to add a condition requiring that the trailer be removed within six months (by March 1, 2013).

**Senior Planner Lundquist** asked if Condition No. 4 addressed Mr. Manfredi's interest. Chairman Manfredi stated he wanted to clarify the required date.

**Chairman Manfredi** summarized the Commission's interest in a condition of approval that would allow no more than six vehicles at any one time.

**Commissioner Kite** added that the "occasional" equipment/vehicles to be stored on the property should only be allowed to stay on-site for two weeks.

**Senior Planner Lundquist** reviewed the conditions of approval that were added by the Planning Commission.

**Mr. B. Bounsall** requested a modification to the new conditions that would give him the flexibility to have up to nine pieces of equipment/vehicles on the property at any one time, for limited duration. The Commission accepted this request.

**MOVED** by Commissioner Kite, seconded by Commissioner Kusener, to direct staff to file a Notice of Exemption for the Project pursuant to Section 15303 of the CEQA Guidelines as a Class 3 Exemption.

The motion carried with the following vote:

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

**MOVED** by Commissioner Kusener, seconded by Commissioner Kite, to approve Conditional Use Permit (U 2012-04) to allow a contractor's office and storage yard located on the property located at 414 Foothill Boulevard (APN 011-260-045 to -052; 011-260-076) within the "I", Light Industrial Zoning District, subject to conditions of approval, as amended.

The motion carried with the following vote:

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

2. **RIVER HOUSE BED & BREAKFAST INN:** Consideration of a Conditional Use Permit (U 2012-05) to allow the operation of a Bed and Breakfast facility on the property located at 1340 Greenwood Avenue (APN 011-400-019) within the "RR", Rural Residential Zoning District.

**Vice Chairman Coates** recused himself because he is representing the property owner in this matter.

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

**Chairman Manfredi** opened the public hearing.

**Xenophon Tragoutsis**, 1400 Greenwood Avenue. Mr. Tragoutsis owns an adjoining property and made the following comments:

- Surprised to learn that a bed and breakfast inn could be allowed on the property. What is the justification for allowing this?
- The project will lower property values in the area.
- Concerned that guests will have parties, play music and make noise.

**Chairman Manfredi** noted that bed and breakfast inns are an allowable use in residential areas.

**Mr. Tragoutsis** stated that they assumed after 18 years of living on the property that a proposal like this would never happen, and stated that he does not see how the use will enhance the area.

**Mr. Tragoutsis** expressed concern that the project will have the unintended consequence of encouraging other area property owners to open a bed and breakfast inn.

**Mr. Tragoutsis** expressed concern about increased traffic in the neighborhood.

**Commissioner Kite** acknowledged Mr. Tragoutsis' concerns about limiting the number of guests and the behavior of guests.

**Chairman Manfredi** noted that bed and breakfast's should not be confused with illegal vacation rentals – which often do operate with the kind of problems Mr. Tragoutsis is concerned about. Mr. Manfredi stated that problems with permitted bed and breakfasts are very rare.

**Chairman Manfredi** also noted that a bed and breakfast operator does have the right to apply for a special event permit that would allow larger gatherings on occasion.

**Mr. Tragoutsis** asked how noise, parties and conditions of approval are enforced. Mr. Tragoutsis reiterated his lack of understanding on how allowing a bed and breakfast on this property would be an enhancement.

**Paul Coates**, 1710 Reynard Lane (owner's representative). Mr. Coates made the following comments:

- Acknowledged that Mr. Tragoutsis concerns are legitimate.
- Noted that occasional noise or parties are no different than what one might expect if the property were occupied by a family with kids.
- Noted that unlike a residence, there will now be an ability to set limits on and enforce noise violations or parties.
- Stated that the benefit to the community is payment of transient occupancy taxes to the City.

**Commissioner Kite** asked about the number of beds in each guest unit and expressed an interest in discussing other operational aspects.

**Daniel Merchant**, 1712 Lincoln Avenue (property owner). Mr. Merchant responded to questions from Commissioner Kite and addressed concerns raised by Mr. Tragoutsis.

**Commissioner Kite** sought reassurance from Mr. Merchant that the bed and breakfast regulations are not being used to open a vacation rental on this property.

**Mr. Merchant** stated that his Aunt and Uncle would reside on the property, host and serve breakfast. Housekeeping services would be



provided by Indian Springs Resort. Mr. Merchant stated that they are not interested in frequent use by small groups (they require more intensive management).

**Commissioner Kite** asked about the availability of the kitchen to the guests. Mr. Merchant stated that there is a kitchen that the guests will have access to.

**Commissioner Kusener** asked if there would be frequent visits by service vehicles. Mr. Merchant stated there would be visits by housekeeping and maintenance vehicles, but that there is plenty of parking on the property.

*[Inaudible conversation ensues between Mr. Merchant and Mr. Tragoutsis regarding prevention of guests trespassing on their property]*

**Commissioner Kite** asked how the property would be marketed. Mr. Merchant stated it would be marketed for individual and group use at first, and then tailored depending on customer response.

**Mr. Tragoutsis** asked for clarification on the maximum number of guests that would be allowed on the property. **Chairman Manfredi** responded that the maximum number of guests would be eight.

**Commissioner Kusener** asked if there would be any limitations on on-street parking. Mr. Merchant responded that they do not anticipate having to use on-street parking because parking is available on site.

**Mr. Coates** stated that there is sufficient parking on site for eight vehicles.

**Mr. Coates** noted that the conditions of approval are appropriate and have been reviewed by the County Health Department.

**Commissioner Kite** asked if the property would be added to the list of bed and breakfasts that are periodically inspected if approved. **Senior Planner Lundquist** responded that it would.

**Chairman Manfredi** closed the public hearing.

**Commissioner Kite** reiterated his hope that this facility will be run as a bed and breakfast and not a vacation rental.

**Chairman Manfredi** noted that the property owner owns other properties in town and have a great track record on keeping their properties in good condition.

**MOVED** by Commissioner Kusener, seconded by Chairman Manfredi, to direct staff to file a Notice of Exemption for the Project pursuant to Section 15332 of the CEQA Guidelines as a Class 3 Exemption.

The motion carried with the following vote:

- AYES: (3) Manfredi, Kite, Kusener
- NOES: (0)
- ABSTENTIONS: (1) Coates
- ABSENT: (1) Bush

**MOVED** by Commissioner Kite, seconded by Chairman Manfredi, to approve Conditional Use Permit (U 2012-05) to allow the operation of a Bed and Breakfast facility on the property located at 1340 Greenwood Avenue (APN 011-400-019) within the "RR", Rural Residential Zoning District, subject to conditions of approval, as amended.

The motion carried with the following vote:

- AYES: (3) Manfredi, Kite, Kusener
- NOES: (0)
- ABSTENTIONS: (1) Coates
- ABSENT: (1) Bush

*[Vice Chairman Coates returned]*

**I. NEW BUSINESS**

None.

**J. MATTERS INITIATED BY COMMISSIONERS**

None.

**K. COMMENTS/PROJECT STATUS**

**Planning Manager MacNab** informed the Commission that the City Council had approved the Enchanted Resorts proposal and that it appears that there will be a referendum effort.

**Planning Manager MacNab** informed the Commission that construction of the Brian Arden Winery project has begun and that the contractor is doing a good job communicating with the neighbor and managing the construction site.

**Planning Manager MacNab** informed the Commission that the first meeting in September may be cancelled but at the second meeting the Commission would

be considering an update to the City Bicycle Master Plan and possibly a Conceptual Design Review for an affordable housing project on the former Calistoga Gardens assisted living facility property.

**Commissioner Kusener** inquired about the status of the Lava Vine Winery project. **Senior Planner Lundquist** responded that he is working with the applicant on developing a plan for phased construction of the project.

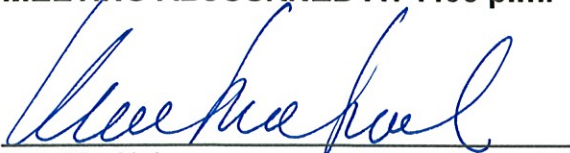
**L. ADJOURNMENT**

**MOVED** by Chairman Manfredi, seconded by Commissioner Kite, to adjourn to the next regular meeting of the Planning Commission on September 12, 2012.

The motion carried with the following vote:

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

**MEETING ADJOURNED AT 7:06 p.m.**



Ken MacNab,  
Planning Commission Secretary