

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

Wednesday, January 9, 2013
5:30 PM
Calistoga Community Center
1307 Washington St., Calistoga, CA

Chairman **Jeff Manfredi**
Vice Chairman **Paul Coates**
Commissioner **Carol Bush**
Commissioner **Walter Kusener**
Commissioner **Scott Cooper**

“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 5:33 PM

A. ROLL CALL

Present: Chairman Jeff Manfredi, Vice Chairman Paul Coates and Commissioner Walter Kusener. **Absent:** Commissioners Bush and Cooper.
Staff Present: Richard Spitler, City Manager and Erik Lundquist, Senior Planner.

B. SALUTE TO THE FLAG

C. OATH OF OFFICE

City Clerk, Richard Spitler administered the Oath of Office to the newly appointed Planning Commissioner, Paul Coates who then reassumed his seat.

D. PUBLIC COMMENTS

City of Calistoga Mayor, Chris Canning congratulated and thanked Commissioner Coates, Bush and Cooper for being willing and capable of serving on the Planning Commission. Mayor Canning thanked all applicants and expressed his appreciation for their desire to serve. Mayor Canning gave a special thank you to outgoing Commissioner, Kite for his years of service.

E. ADOPTION OF MEETING AGENDA

MOVED by Vice Chair Coates, seconded by Commissioner Kusener, to approve the meeting agenda of January 9, 2013.

The motion carried with the following vote:

- AYES: (3) Manfredi, Coates, Kusener
- NOES: (0)
- ABSTENTIONS: (0)
- ABSENT: (2) Bush, Cooper

F. COMMUNICATIONS/CORRESPONDENCE

Chairman Manfredi noted receipt of the following communication:

1. Distribution of 2012 Planning Commission's Rules of Procedure.

G. CONSENT CALENDAR

MOVED by Chairman Manfredi, seconded by Commissioner Kusener, to continue consideration of the regular meeting minutes of November 14, 2012 to the regular meeting of January 23, 2013 due to lack of quorum.

The motion carried with the following vote:

- AYES: (3) Manfredi, Coates, Kusener
- NOES: (0)
- ABSTENTIONS: (0)
- ABSENT: (2) Bush, Cooper

H. TOUR OF INSPECTION

None

I. NEW BUSINESS

1. Presentation of a Resolution honoring Nicholas Kite for his service on the Planning Commission from December 19, 2006 to November 20, 2012 and his commitment to the citizens of Calistoga.

Chairman Manfredi presented Resolution 2013-01 honoring Nicholas Kite for his service on the Planning Commission by reading it into the record.

MOVED by Chairman Manfredi, seconded by Commissioner Kusener, to adopt Resolution 2013-01 honoring Nicholas Kite for his service on the Planning Commission from December 19, 2006 to November 20, 2012 and his commitment to the citizens of Calistoga.

The motion carried with the following vote:

- AYES: (3) Manfredi, Coates, Kusener
- NOES: (0)
- ABSTENTIONS: (0)
- ABSENT: (2) Bush, Cooper

Nicholas Kite received a plaque and thanked the Planning Commission.

2. **Election of 2013 Planning Commission Officers:** Election of Planning Commission Chair, Vice Chair and Secretary.

Recommended Actions: Elect a Chairperson, Vice-Chair and Secretary.

MOVED by Chairman Manfredi, seconded by Commissioner Kusener, to continue the election of officers to the regular meeting of January 23, 2013.

The motion carried with the following vote:

AYES: (3) Manfredi, Coates, Kusener
•NOES: (0)
•ABSTENTIONS: (0)
•ABSENT: (2) Bush, Cooper

J. PUBLIC HEARINGS

1. **BERRY COTTAGES (PD 2012-01 and PM 2012-01):** Consideration of a Planned Development application requested by the property owners, Robert and Valerie Beck and Thomas Crowley to include; 1) the rezoning of the property from an "R3", Residential/Professional Office to a "PD", Planned Development Zoning District, 2) a Parcel Map, 3) a Preliminary/Final Development Plan, and 4) a waiver from the undergrounding of utilities allowing the creation of 3 parcels from an already developed property located at 1110, 1112 and 1116 Berry Street (APN 011-242-001).

Senior Planner Lundquist gave the staff report.

Vice Chair Coates questioned if the suggested deed restricted unit would count against the City's regional housing needs allocation (RHNA) numbers.

Senior Planner Lundquist indicated that the unit would not be counted towards the RHNA since it was a conversion rather than a new unit.

Commissioner Kusener asked if the setbacks described in the proposed PD District were reflecting the existing conditions.

Senior Planner Lundquist confirmed that the proposed "PD" District standards reflect current conditions. Senior Planner Lundquist noted that the property is currently within the "R3" Zoning District and the existing developments on the property do not conform to the "R3" District.

Chairman Manfredi opened the public hearing.

Bob Beck, 1018 Cedar Street (Property Owner), noted that since the Planning Commission was familiar with the project he would not go into the project but wanted to discuss the quality of life fee and the affordable housing restriction.

Mr. Beck opined that the Quality of Life development impact fee is not applicable to his project since the housing units already exist and are already part of the community. Mr. Beck noted that he felt the Quality of Life development impact fee should be assessed for new developments.

Mr. Beck indicated that levels of affordability should be regulated by the market conditions not by a cumbersome affordable housing agreement that is more applicable to a new housing complex rather than an existing three unit housing project. Mr. Beck expressed that the intention is good but the overbearing regulations results in unintended consequences by making it difficult for a first time home buyer and/or a lender to finance and purchase the deed restricted unit. Mr. Beck suggested that the Planning Commission not require affordable housing deed restrictions on the project.

Chairman Manfredi closed the public hearing and asked for Commission discussion.

Chairman Manfredi asked Senior Planner Lundquist to confirm that the Planning Commission's role was to make recommendations on the project to the City Council.

Senior Planner Lundquist confirmed that the Planning Commission's role was to make recommendations to the City Council.

Vice Chair Coates stated that he does not see a need to deed restrict a unit to a level of affordability since it does not address the RHNA numbers. Vice Chair Coates further stated that this project provides a unique type of housing unit that is necessary in Calistoga.

Senior Planner Lundquist indicated that when allowing a "PD" District the City should receive in return special benefits. In this case, it was discussed that deed restricting a unit to an affordable level would be a special benefit.

Vice Chair Coates indicated that since the unit does not count toward the RHNA obligation there is no real benefit.

Chairman Manfredi asked Commissioner Kusener what he thought about the affordable housing issue.

Commissioner Kusener stated that Mr. Beck's points are good and that the units will be affordable by nature but the affordability of a unit is reason

to apply the "PD" District. **Commissioner Kusener** asked Mr. Beck what the units would be sold for.

Chairman Manfredi asked for a ballpark estimate of price for each unit in 2013.

Bob Beck, 1018 Cedar Street (Property Owner) indicated that the larger attached single family homes in Saratoga Manor are selling between \$130,000 and \$180,000. Mr. Beck indicated that typical single family homes are selling between \$300,000 and \$360,000. Mr. Beck indicated that there is nothing comparable to the proposed units but would estimate a starting price would be approximately \$200,000.

Commissioner Kusener indicated that he thought that estimated price sounded affordable.

Chairman Manfredi indicated that he finds no reason for a unit to be deed restricted to an affordable level. **Chairman Manfredi** indicated that there are other projects in the pipeline that are better suited to satisfy housing obligation. Chairman Manfredi stated he believes it was unanimous and suggested that the Planning Commission recommend to the City Council that these units be left at market rate.

Chairman Manfredi asked if the other Planning Commissioners had any comments on the applicability of the Quality of Life fee.

Commissioner Kusener asked if the units have been anything other than rental units.

Bob Beck indicated that he has owned the property for about 25 years and has rented them for that duration.

Commissioner Kusener indicated that since the fee has not been leverage before and that the fee is necessary to offset the impact of new homeowners that will use the recreation facilities it should be applicable.

Bob Beck indicated that the burden is already accounted for since the renters already use the facilities. Mr. Beck gave an example of another situation where existing developments would not be required to provide parking where new developments should be burdened with compliance. Mr. Beck indicated that these units have grown up in the community rather than a new home being developed.

Chairman Manfredi asked Commissioner Coates his opinion regarding the Quality of Life fee.

Vice Chair Coates indicated that the Quality of Life fee is applicable to those projects that create an impact on the community. Vice Chair Coates

stated it is difficult to charge the project when it already exists. Vice Chair Coates suggested this project is not a new project and has a hard time applying the fee.

Chairman Manfredi asked Commissioner Kusener's feelings on the Quality of Life fee.

Commissioner Kusener stated that he believes that the fee applies to new development and the project is suggesting a lot of changes through the "PD" District. Commissioner Kusener noted that the town is evolving and the community has particular needs that are partially addressed through the established development impact fees. Commissioner Kusener stated that the project should abide by the fee.

Chairman Manfredi indicated that this project could be considered a new development since three new lots are created for the benefit of the applicants. Chairman Manfredi stated the fee is not unreasonable and finds that since two out of the three Commissioners find the fee applicable it should apply.

Commissioner Kusener noted the request to waive the undergrounding requirement and asked if the City could collect an in-lieu fee for future undergrounding.

Senior Planner Lundquist indicated that the City does not have an established utility undergrounding in-lieu fee. Senior Planner Lundquist stated that the Code does indicate that conduit can be required for future undergrounding but it is to pre-mature to require it for this project.

Commissioner Kusener questioned if the 25 height limit can be reduced or discouraged through the Design Review process.

Senior Planner Lundquist indicated that the Design Review process does provide a vehicle or mechanism to restrict the height less than 25 feet.

Chairman Manfredi clarified that Staff and the Applicant are on the same page regarding storm drainage and wastewater conditions.

Senior Planner Lundquist confirmed the understanding that the conditions would be reworded and provided the revised language for Parcel Map conditions of approval 18.b and 19.b, regarding sewer and storm drainage.

MOVED by Chairman Manfredi, seconded by Commissioner Vice Chair Coates, to file a Notice of Exemption for the Project pursuant to Section 15061(b)(3) of the CEQA Guidelines.

The motion carried with the following vote:

- AYES: (3) Manfredi, Coates, Kusener
- NOES: (0)
- ABSTENTIONS: (0)
- ABSENT: (2) Bush, Cooper

MOVED by Vice Chair Coates, seconded by Commissioner Chairman Manfredi, to adopt a Resolution recommending to the City Council the adoption of an Ordinance amending Title 17 (Zoning Ordinance) of the Calistoga Municipal Code rezoning the property located at 1110, 1112 & 1116 Berry Street (APN 011-242-001) from an "R3", Residential/Professional Office District to the "PD 2012-01", Berry Cottages Planned Development District.

The motion carried with the following vote:

- AYES: (3) Manfredi, Coates, Kusener
- NOES: (0)
- ABSTENTIONS: (0)
- ABSENT: (2) Bush, Cooper

Senior Planner Lundquist indicated that the following Resolution will be modified to remove the conditions regarding affordable housing.

MOVED by Commissioner Kusener, seconded by Chairman Manfredi, to adopt a Resolution recommending to the City Council approval of a Preliminary/Final Planned Development Plan (PD 2012-01) for the Berry Cottages project located at 1110, 1112 & 1116 Berry Street (APN 011-242-001) incorporating the findings and subject to the conditions of approval as provided in the Resolution, as modified.

The motion carried with the following vote:

- AYES: (3) Manfredi, Coates, Kusener
- NOES: (0)
- ABSTENTIONS: (0)
- ABSENT: (2) Bush, Cooper

Senior Planner Lundquist indicated that the following Resolution will be modified to revise conditions 18.b and 19.b regarding sewer and storm drainage.

MOVED by Chairman Manfredi, seconded by Commissioner Vice Chair Coates, to adopt a Resolution recommending to the City Council approval of a Parcel Map (PM 2012-01) on the property located at 1110, 1112 & 1116 Berry Street (APN 011-242-001) incorporating the findings and

subject to the conditions of approval as provided in the Resolution, as modified.

The motion carried with the following vote:

- AYES: (3) Manfredi, Coates, Kusener
- NOES: (0)
- ABSTENTIONS: (0)
- ABSENT: (2) Bush, Cooper

MOVED by Vice Chair Coates, seconded by Commissioner Chairman Manfredi, to adopt a Resolution recommending to the City Council approval of a waiver from the undergrounding of utilities on the property located at 1110, 1112 & 1116 Berry Street (APN 011-242-001) incorporating the findings as provided in the Resolution.

The motion carried with the following vote:

- AYES: (0)
- NOES: (0)
- ABSTENTIONS: (0)
- ABSENT: (2) Bush, Cooper

1. **Hartman & Summerfield Parking Variance (VA 2012-02)**- Consideration of a Variance requested by the property owners, Ronald Hartman and Ingrid Summerfield to convert the existing single car garage to living space and allow parking within the front yard setback on the property located at 33 View Road (APN 011-061-023) within the "R1", Single Family Residential Zoning District. The proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 of the CEQA Guidelines.

MOVED by Chairman Manfredi, seconded by Commissioner Kusener, to Continue the Public Hearing to January 23, 2013.

The motion carried with the following vote:

- AYES: (3) Manfredi, Coates, Kusener
- NOES: (0)
- ABSTENTIONS: (0)
- ABSENT: (2) Bush, Cooper

K. MATTERS INITIATED BY COMMISSIONERS

None.

L. COMMENTS/PROJECT STATUS

None.

M. ADJOURNMENT

MOVED by Chairman Manfredi, seconded by Commissioner Kusener, to adjourn to the next regular meeting of the Planning Commission on January 23, 2013.

The motion carried with the following vote:

- AYES: (3) Manfredi, Kusener, Coates
- NOES: (0)
- ABSTENTIONS: (0)
- ABSENT: (2) Bush, Cooper

MEETING ADJOURNED AT 6:31 p.m.

Erik Lundquist,
Acting Planning Commission Secretary