

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

Wednesday, April 09, 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
2 **A. Chairman Manfredi** called the meeting to order at 5:31 PM.

3
4 **B. ROLL CALL**

5 **Present:** Chairman Jeff Manfredi, Vice-Chairman Clayton Creager, Commissioners Carol Bush,
6 Paul Coates, and Nicholas Kite. **Staff Present:** Charlene Gallina, Planning and Building Director,
7 Kenneth MacNab, Senior Planner, Dan Takasugi, Director of Public Works, Bill McBride,
8 Maintenance Superintendent, and Kathleen Guill, Planning Commission Secretary. **Absent:** Erik
9 Lundquist, Associate Planner.

10
11 **C. PUBLIC COMMENTS**

12 None.

13
14 **D. ADOPTION OF MEETING AGENDA**

15 **Motion Paul Coates**, seconded by **Commissioner Kite** to approve the agenda as submitted.
16 **Motion carried: 5-0-0-0.**

17
18 **E. CONSENT CALENDAR**

- 19
20 1. Planning Commission Minutes of the regular meeting of February 27, 2008
21 2. Planning Commission Minutes of the special meeting of March 05, 2008
22 3. Planning Commission Minutes of the regular meeting of March 12, 2008

23
24 There was motion by **Commissioner Coates**, seconded by **Commissioner Kite** to approve the
25 minutes as submitted. **Motion carried: 5-0-0-0.**

26
27 **F. COMMUNICATIONS/CORRESPONDENCE**

28
29 **G. TOUR OF INSPECTION**

30
31 **H. PUBLIC HEARINGS**

- 32
33 1. **PM 2006-01(E)**. Consideration of an extension of time for a previously approved Tentative
34 Parcel Map (PM 2006-01 – MacPhail) to divide a 31,200 square foot lot in the R-1, single-family
35 residential, zoning district into three lots. The property is located at 1716 Foothill Boulevard (APN

36 011-192-016). This proposed action is exempt from the California Environmental Quality Act
37 (CEQA) under Section 15315 of the CEQA Guidelines.

38

39 **Planner MacNab** provided an overview of a request for extension of time for the previously
40 approved parcel map for the property situated between Foothill and Myrtle Streets, which allowed
41 for division of the property in the northern section for two new single family lots with the remaining
42 existing home on it's own individual lot. He reported the applicant has applied for permits from PG
43 & E but does not anticipate approval until after the tentative map expires. Planner MacNab
44 advised a one year extension is allowed, however with this extension an additional condition has
45 been added stating that the applicant shall provide acceptable reimbursement to Kathleen Cooper
46 for a share of recent infrastructure improvements.

47

48 **Vice-Chairman Creager** asked if the provision is a payout directly to Mrs. Cooper.

49

50 **Director Takasugi** reported Ms. Cooper provided substantial infrastructure improvements on
51 Myrtle Street and Public Works has been working on a reimbursement plan on a per portion basis
52 per development. It was reported there were two options of reimbursement, one the applicant
53 may pay the determined per portion reimbursement directly to the city or the applicant may
54 negotiate their own agreement with Kathleen Cooper. Either/or they are responsible to reimburse
55 their fair share.

56

57 There was extensive discussion regarding the share of benefits of improvements and clarification
58 on the proposed resolution conditions of approval. **Director Gallina** advised this proposed
59 resolution included application of all previous conditions of approval plus one new condition
60 related to reimbursement of a fair share cost for improvements previously provided by Kathleen
61 Cooper while subdividing her project.

62

63 **Collin MacPhail**, 1716 Foothill Blvd., requested clarification stating it was his understanding they
64 could negotiate payment to Kathleen Cooper, but could he negotiate to pay after his lots are sold
65 and would he be allowed to secure an arrangement with her different than the fair share identified
66 by the City.

67

68 **Director Takasugi** stated the reimbursement was apportioned and he did not expect numbers to
69 be changed, however If an agreement is made directly between Ms. Cooper and the applicant, the
70 applicant would be exempt from this condition.

71

72 **Commissioner Kite** clarified the perspective stating if the money is paid to Ms. Cooper and if
73 both parties have been satisfied then the applicant would be exempt from this condition.

74

75 **Planner MacNab** stated if payment negotiations were agreed upon Ms. Cooper could provide a
76 letter to confirm the agreement to the City prior to recordation of map.

77

78 **Commissioner Coates** asked if a short sale amount would impact the remaining parties.

79

80 **Director Takasugi** said it would not affect the other apportionments.

81

82 **Collin MacPhail** reported he has expended just shy of \$80,000 so far for development so they will
83 pursue an agreement with Kathleen Cooper for what they think is fair.

84 **Chairman Manfredi** closed the public portion of the hearing at 5:51 PM.

85

86 **Commissioner Kite** questioned if it was a common practice using one party to financially provide
87 City improvements and shared concern we were not promoting fair negotiation practices for an
88 applicant. He was also concerned with third party arrangements.

89

90 **Chairman Manfredi** noted the work was provided by Ms. Cooper and there have been other
91 agreements like this. Had she not done the improvements she would not have been able to
92 complete her development. Another example would be Solage Resort, and if or when Silver Rose
93 comes forward they will have to contribute to those City improvements.

94

95 **Commissioner Coates** reported it is a norm for cities to implement a reimbursement plan and
96 have a developer provide the improvements up front.

97

98 **Commissioner Kite** stated the cap would be the amount by City determination of a fair portion
99 and if able the applicant could negotiate something less with Ms. Cooper.

100

101 **Director Takasugi** suggested the applicant could choose to wait until the reimbursement
102 agreement is finalized, and then he would know the applicable apportionment, but noted that
103 could be some time. Consideration of exact invoices, expenditures and the actual frontage of the
104 properties affected will determine each apportionment.

105

106 There was motion by **Commissioner Coates**, seconded by **Chairman Manfredi** to direct Staff to
107 file a Notice of Exemption for the Project based on the findings and pursuant to Section 15315 of
108 the CEQA Guidelines. **Motion carried: 5-0-0-0.**

109

110 There was motion by **Commissioner Bush**, seconded by **Vice-Chairman Creager** to adopt
111 Resolution PC 2008-14 approving a one-year time extension for the MacPhail/Tulloch Tentative
112 Parcel Map (PM 2006-01), based on the findings and subject to conditions of approval. **Motion**
113 **carried: 5-0-0-0.**

114

115 2. **ZO 2008-02.** Consideration of a Zoning Ordinance Text Amendment, initiated by the City
116 of Calistoga, Chapter 17.38 General Provisions and Exceptions of the Calistoga Municipal Code,
117 in order to allow limited increases in lot coverage within residential zoning districts. This proposed
118 action is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3)
119 of the CEQA Guidelines. (This item was continued from the Planning Commission Regular
120 meeting of February 13, 2008.)

121

122 **Commissioner Coates** stated this is one of the best Staff reports provided in a long time.

123

124 **Planner MacNab** summarized advising the base lot coverage in the zones are generally
125 adequate, but direction suggested flexibility was needed on applying the standard to secondary or
126 ancillary structures. Staff suggested three alternatives rather than changing the zoning ordinance
127 to accessory structures, i.e. a regulatory approach; a range of percentage of increase; or a limited
128 increase with a credit provision. Staff provided an overview of regulatory alternatives as follows:

129

- Allow an increase for shade structures only;
- Second allow an increase for all accessory structures, no performance criteria; or

130

- 131 • Allow an increase for any accessory building or structure with performance criteria. He
132 stated this is the most discretionary of all three alternatives, but does provide guidance.

133

134 **Commissioner Coates** liked option three, which provides staff flexibility to allow an increase for
135 any accessory building or structure within guidance criteria.

136

137 **Commissioner Bush** agreed stating alternative three was the most appealing, and allowed the
138 means for aesthetically integrated structures.

139

140 **Commissioner Kite** stated option three was the way to go, so if a project is ugly, obtrusive and
141 out of character in the neighborhood an applicant has a problem, but it gives staff reasonable
142 latitude.

143

144 **Vice-Chairman Creager** stated he liked alternative three if we can include some provision for
145 neighborhood review to be imposed.

146

147 **Chairman Manfredi** concluded stating he also had no problem with alternative three.

148

149 **Planner MacNab** posed the question as to what percentage of increase would be appropriate and
150 recommended some zoning districts be excluded. He provided an overview of the zoning districts
151 concluding the two districts to have the most impact or benefit would be the R1 and R3 area's.
152 Visual comparisons of square footage were provided.

153

154 **Commissioner Kite** asked how frequently we approach the allowed coverage, R1 and R3 where
155 we are focusing .

156

157 **Chairman Manfredi** reported in preparation of the General Plan we came to agreement to
158 preserve space on R1 lots

159

160 **Planner MacNab** stated the 40 percent coverage is an anomaly.

161

162 **Commissioner Kite** questioned if R3 already has 40%, couldn't R1 be 40% also.

163

164 **Commissioner Coates** reminded R3 is also multi family.

165

166 **Vice-Chairman Creager** noted the percentage was created to preserve character, in rural you
167 see accessory structures and a wider variability of lot size, and that is where a flat percentage
168 does not work. He could see a sliding range.

169

170 **Planner MacNab** noted with base standards the impact is in the middle categories,

171

172 **Vice-Chairman Creager** noted that is also where there is more impact on neighbors.

173

174 **Chairman Manfredi** suggested it was wise to focus on R1 and R3 only.

175

176 **Commissioner Coates** concurred.

177

178 **Planner MacNab** continued his presentation exploring square-footage “credit” including eaves
179 less than two feet not counted in coverage, and new structures with pervious ground surface or
180 that discharge roof-collected stormwater. He advised consideration for capping the amount of
181 credited area, with a base allowance.

182
183 Additional credit provisions could be provided to benefit and not penalize an owner by counting an
184 area that would not otherwise be counted. However the negative would be this requires additional
185 documentation and staff time and could be cumbersome.

186
187 **Planner MacNab** stated the alternative could be to establish a base percentage increase, and a
188 second level of increase, subject to notification of surrounding property owners and possible
189 review by the Planning Commission.

190
191 **Director Gallina** noted anything over the second tier would trigger a variance application.

192
193 **Paul Knoblich**, 1019 Cedar Street, stated he didn’t hear the discussion regarding “integrated”
194 and asked if it meant attached or aesthetically integrated.

195
196 **Ken MacNab** noted the intent was aesthetically integrated.

197
198 **Paul Knoblich** provided review of a presentation (attachment 1), and asked if there were a
199 building with 28% coverage, could staff administratively approve an additional structure with 7%
200 more lot coverage.

201
202 **Planner MacNab** stated it would be dependent if the Commission adopts a flat percentage
203 increase and if notification of neighbors is required then it could only be administrative with
204 neighbor consensus.

205
206 **Commissioner Kite** asked if existing non-conformance was typical of properties.

207
208 **Planner MacNab** stated he did not have data on structures, only lot size, however Staff does see
209 lots with coverage maxed out.

210
211 **Commissioner Kite** stated he was inclined to consider the tier two proposal.

212
213 **Commissioner Coates** he was agreeable with consideration if a property is at 28% coverage and
214 wants flexibility to 35%, but to tier anything over the 35% should be reviewed by the Planning
215 Commission.

216
217 **Chairman Manfredi** stated the consensus is we don’t want anything in R1 over 35% in the first
218 tier. Process anything over that as a use permit as a variance.

219
220 **Commissioner Kite** clarified the primary plus ancillary structure would be allowable up to 35%.

221
222 **Vice-Chairman Creager** further clarified the eaves credit was no longer a consideration with the
223 tier proposal.

224
225 **Planner MacNab** stated we may not have the regulatory ability with a flat percentage.

226

227

Vice-Chairman Creager stated he was not crazy about the tier two, unless criteria could be included, requiring provisions an applicant must infiltrate runoff into the yard rather than dispersing the runoff off property.

230

231

Commissioner Coates suggested for provisions over the 5% the entire property should be designed to be filtered through the ground in entirety.

233

234

Vice-Chairman Creager was agreeable with two tiers as long as there would be tools for review and provisions for Staff to grant additional lot coverage or an option to forward any tier level to the Planning Commission if needed.

237

238

Director Gallina advised Staff would research the current practice and if provisions were not in place Staff will integrate environmental sensitive language into the new test amendment.

240

241

Planner MacNab asked if notification of neighbors would be required.

242

243

Director Gallina suggested Staff send out a notice and with no objections Staff could administratively approve.

245

246

Vice-Chairman Creager stated he would be comfortable with a 5% increase with staff approval. Anything staff is disagreeable with or in excess of the 5% should be elevated to the Planning Commission.

249

250

Commissioner Kite stated the key is he did not want to close the door to good creative suggestions.

252

253

Planner MacNab recap:

254

- Allow percentage increase for all accessory structures if integrated and if they do not impact the neighborhood.
- Consideration for an increase is authorized up to 5%, or elevate anything in excess of the 5%
- Possibly require storm water management that staff will explore
- This flexibility applies only on properties within R1 zoning.

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There was brief discussion on the level of percentage increase ranging from 3%/5% upper, 5%/5% upper to 7% upper.

263

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Chairman Manfredi reminded these things would have to fit into the setbacks. The Commissioners concurred with up to 5 percent administratively and 2% on the second tier.

266

267

There was motion by **Chairman Manfredi**, seconded by **Commissioner Coates** to continue this item to the regular meeting of April 23, 2008 for final review. **Motion carried: 5-0-0-0.**

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3. **ZO 2007-05.** Consideration of an Ordinance, initiated by the City of Calistoga, amending the Calistoga Municipal Code (Title 17 Zoning) to add Sexually Oriented Retail Businesses as a conditionally permitted use within the "DC" Downtown Commercial and "CC" Community

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272

273 Commercial Zoning Districts, and adding appropriate definitions and specific regulations to the
274 Zoning Ordinance. This proposed action is exempt from the California Environmental Quality Act
275 (CEQA) under Section 15061(b)(3) of the CEQA Guidelines. *(This item was continued from the*
276 *Planning Commission special meeting of March 05, 2008.)*

277

278 There was motion by **Chairman Manfredi**, seconded by **Commissioner Creager** to continue this
279 item to the regular Planning Commission meeting of April 23, 2008. **Motion carried: 5-0-0-0.**

280

281 I. NEW BUSINESS

282

283 J. MATTERS INITIATED BY COMMISSIONERS

284 **Vice-Chairman Creager** provided comment relating to the Vineyard Oaks Subdivision
285 streetscape. Noting he was advised an alternative to the Commissions recommendation would be
286 provided to City Council by Public Works because they did not want to commit to maintaining the
287 streetscape and they were requesting transferring the maintenance requirement to the Vineyard
288 Oaks Developer.

289

290 **Director Galina** reported the Resolution reflects the desires of the Planning Commission, and the
291 Staff Report is providing an alternative suggestion.

292

293 **Vice-Chairman Creager** asked if a rolled curb and gutter is part of the alternative, because the
294 deferred maintenance on the street would be transferred to our creek bed and will have a negative
295 impact on delivering storm flow to creeks and cause bank failure. This becomes more of an issue
296 as we become more developed. Serious consideration should be given on if we should provide
297 extra street maintenance now or transfer that energy to creek bed maintenance later.

298

299 **Commissioner Coates** drew attention to discussion related to business licenses. He believed
300 more and more people are working in Calistoga that do not have a business license. He reported
301 in the City of Sonoma, contractors have to supply a list of sub contractors and they all have to sign
302 it. He questioned the accountability of what is going on, and how it impacts our community and
303 City revenue struggles.

304

305 **Planning Secretary Guill** reported at the Building Department level when permits are issued
306 Staff confirms if they have a business license. With large projects like Solage and our City Pool
307 project our Building Inspector directs subcontractors to come to the office for a license and will not
308 inspect if they do not comply. All owner/builder applicants are advised a business license is
309 required if they hire an independent contractor to perform work, however it is more difficult to
310 monitor the situation with that type of permit.

311

312 **Vice-Chairman Creager** questioned progress on the old hospital project, noting projects like this
313 become an unattractive nuisance.

314

315 **Director Gallina** reported Staff was meeting with applicant the following day and she would be
316 able to provide an oral update next meeting. The owner has worked to clean up the site and is
317 putting together a development application and completing an assessment of historic inventory.
318 Staff is closely monitoring the site.

319

320 **Vice-Chairman Creager** noted there had been a remarkable clean up of the site.

321 **Chairman Manfredi** asked of the progress on the Jag Patel project.

322

323 **Director Gallina** stated the applicant has one last study to prepare and then begin work on
324 environment. Staff estimates it may be ready after June.

325

326 **Commissioner Kite** reported hearing chain saws running up the hill at Kortum Canyon.

327

328 **Director Gallina** advised reports of chain saw activity and contacted Public Works. Mr. Busk had
329 obtained a tree removal permit following a site visit from Public Works and he has sixty days to
330 implement. A permit was issued due to three leaning trees.

331

332 **K. DIRECTOR'S COMMENTS/PROJECT STATUS**

333 **Planning Secretary Guill** announced the upcoming City Council agenda will include a proposed
334 Proclamation designating May 5, 2008 through May 11, 2008 Building Safety Week. She reported
335 the Building Department will be hosting a Calistoga Building Safety Day on Thursday, May 08,
336 2008 from 1:00 PM to 7:00 PM and asked everyone to put that date on their calendars. Ms. Guill
337 reported a host of vendors participating in this event including HCD, Napa County Environmental
338 Management, Central Valley Building Supply, Diamond Quality Pools, Coastland Civil
339 Engineering, Castle Engineering, and the Calistoga Fire Department, to provide information in an
340 open forum on building safety, permit processes, plan check, energy efficiency, flood drainage
341 and fire sprinkler systems.

342

343 **L. ADJOURNMENT**

344 There was motion by **Vice-Chairman Creager**, seconded by **Chairman Manfredi** to adjourn the
345 meeting. **Motion carried: 5-0-0-0.** The meeting adjourned at 7:17 PM.

346

347 The next regular meeting of the Planning Commission is scheduled for Wednesday, April 23, 2008
348 at 5:30 PM.

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352 _____
353 Kathleen Guill,
354 Secretary to the Planning Commission

354

355 Attachment 1 (Knoblich presentation)