

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

**Wednesday, September 24, 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 **Chairman Manfredi** called the meeting to order at 5:32 PM.  
2

3 **A. ROLL CALL**

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

9 **B. PLEDGE OF ALLEGIANCE**

10 **C. PUBLIC COMMENTS**

11 **D. ADOPTION OF MEETING AGENDA**

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13  
14 There was motion by **Vice-Chairman Creager**, seconded by **Commissioner Kite** to approve the  
15 agenda as submitted. **Motion carried: 5-0-0-0.**  
16

17 **E. CONSENT CALENDAR**

18  
19 1. Planning Commission regular meeting Minutes of August 27, 2008.  
20

21 There was motion by **Commissioner Coates**, seconded by **Vice-Chairman Creager** to approve  
22 the Minutes of August 27, 2008 as presented. **Motion carried: 5-0-0-0.**  
23

24 **F. TOUR OF INSPECTION**

25  
26 **G. PUBLIC HEARING**

27  
28 **1. DR 2008-09.** Consideration of a Design Review requested by Jim Mayfield, on behalf of  
29 Rainbow Ag Services, for the installation of an interior illuminated sign pursuant to the Chapter  
30 17.58.060.B.10 Signs Requiring a Permit – Interior illuminated signs. The subject property is  
31 located at 1856 Lincoln Avenue (APN 011-050-010) within the “CC-DD” Community Commercial-  
32 Design District. This proposed action is exempt from the California Environmental Quality Act  
33 (CEQA) under Section 15311 of the CEQA Guidelines.  
34

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35 **Commissioner Creager** acknowledged there was a numbering discrepancy between the agenda  
36 and Staff Report.

37  
38 **Planner Lundquist** provided an overview of the Staff Report advising all sign development  
39 standards were met, however the reason the application was under Planning Commission review  
40 was the style of the sign. This sign was typical of industrial signs, post modern, developed in the  
41 1970's, with interior illumination. The Sign Ordinance simply requires the Planning Commission  
42 review these signs and consider the context in which they are designed. Staff believed the design  
43 presented a uniqueness that would offset concerns related to outdated interior illuminated light  
44 boxes, however if an alternative design was more desirable Staff could work with the applicant to  
45 provide alternative designs.

46  
47 **Vice-Chairman Creager** asked in discussion with applicant if they had anything particular in mind.

48  
49 **Planner Lundquist** stated the original sign was proposed on the roof and the ordinance prohibited  
50 roof signs. He suggested near the entry was the most appropriate location. The type of sign  
51 included interior illumination and he suggested a sign without illumination, but to provide some sort  
52 of interest with up lighting, or possible different styles of lighting with more inset lighting.

53  
54 **Vice-Chairman Creager** noted the Commission needs to be consistent with everyone recalling  
55 when Hurd Candle Wine Shop wanted a backlight and ended with the current monument sign.

56  
57 **Planner Lundquist** stated all signage is subject to review and discretion for determination is  
58 based on consideration of the character of the community, is it harmonious. This has come  
59 forward with special consideration because of its historical nature.

60  
61 **Vice-Chairman Creager** asked the applicant to fill in why this sign is preferred.

62  
63 **Bob Kaufman**, Manager Rainbow Ag, 1856 Lincoln Avenue stated Jim Mayfield apologized he  
64 could not be here, further noting he was not the authority on this proposal, other than they hoped  
65 to get the sign on the structure intended for signage. He concluded noting based on Staff  
66 recommendations they would have liked the slit signage on both sides, not downsized. Rainbow  
67 Ag is looking for support for further consideration.

68  
69 **Commissioner Coates** asked if the lights would be illuminated all night or if there would be  
70 restricted hours,

71  
72 **Planner Lundquist** advised there were no limitations imposed on hours.

73  
74 **Commissioner Coates** asked if hours could be restricted.

75  
76 **Bob Kaufman** reported there was no reason to have the sign on after hours.

77  
78 **Commissioner Coates** asked if they had an issue with up lighting.

79

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80 **Bob Kaufman** stated he didn't know the difference, but it may not be objectionable.

81

82 **Chairman Manfredi** suggested adding a condition stating the sign lighting would not be on later  
83 than one-hour past closing. Make it 6:00 PM and not prior to 7:00 AM.

84

85 **Commissioner Bush** stated she did not love the sign, but she can live with it.

86

87 **Commissioner Kite** stated it is all about aesthetics. He suggested adding some stone or rock,  
88 something to make it less like a gas station sign, less stark because it is a key gateway to town,  
89 something softer.

90

91 **Planner Lundquist** asked what the purpose of lighting is if it is off at Night.

92

93 **Bob Kaufman** reminded it is dark in 7 am and after 5 in the afternoon during some times of year,  
94 and in the middle of the day it calls attention to the business.

95

96 **Chairman Manfredi** recapped there is the interior lighting issue, noting he had no personal  
97 problem with it; and then there is the design review. He recommended the Commission direct staff  
98 work with applicant to address Commissioner Kites concerns with something less industrial in  
99 appearance.

100

101 **Vice-Chairman Creager** noted there is a consistent style of signs used by a lot of local  
102 businesses, with a hanging painted sign and the up-lighting which shows more character and he  
103 was hoping to go in that direction. He recommended the applicant work with staff to arrive at  
104 something reflecting the gateway of the town.

105

106 **Commissioner Bush** noted the interior lighting in daylight will not make much difference, and the  
107 style of the sign goes with the building. It would almost be a conflict if you add a wooden sign.

108

109 **Bob Kaufman** noted taking something in place in downtown could look ridiculous at their location.  
110 He reported they were trying to meet John Deere Dealership criteria and reaching for a suitable  
111 middle ground.

112

113 **Director Gallina** reported all cities face this challenge but do have a right to eliminate the  
114 corporate type of signs.

115

116 **Commissioner Kite** commented reminding we are not a town with corporate logos.

117

118 **Bob Kaufman** stated a nice wooden sign would probably be out of place.

119

120 **Commissioner Coates** recommended taking this sign and a simple post, elevating the sign and  
121 adding plants below, instead of a block sign. You can add foliage and greenery and retain your  
122 logo.

123

124

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125 **Chairman Manfredi** recommended approving interior lighting with limits on the hours of  
126 illumination, with staff working with the applicant on design.

127  
128 **Planner Lundquist** referenced the last page of the Staff report recommending mound planting for  
129 softened landscaping.

130  
131 **Bob Kaufman** was agreeable to some brick work, it was not the intent to just put out a sign.

132  
133 **Vice-Chairman Creager** drew attention to the interior illuminated sign, stating up lighting would be  
134 his preference, but if it was to be interior lighting and the hours were limited it would be ok.

135  
136 **Director Gallina** reported a condition would be added restricting illumination between 6:00 PM  
137 and 7:00 AM.

138  
139 There was motion by **Chairman Manfredi**, seconded by **Vice-Chairman Creager** to direct Staff to  
140 file a Notice of Exemption for the Project pursuant to Section 15332 of the CEQA Guidelines.

141 **Motion carried: 5-0-0-0.**

142  
143 There was motion by **Vice-Chairman Creager**, seconded by **Commissioner Coates** to adopt PC  
144 Resolution 2008-29 approving Design Review (DR 2008-09) to allow an interior illuminated  
145 monument sign located at 1856 and Lincoln Avenue (APN 011-050-010) within the "CC-DD",  
146 Community Commercial - Design District, subject to the findings and amendments presented in the  
147 Staff Report and conditions of approval as amended . **Motion carried: 5-0-0-0**

148  
149 **2. U 2007-13 and DR 2007-17:** Consideration of Conditional Use Permit and Design Review  
150 applications to establish a commercial massage therapy business (Body Works) in a 720 square  
151 foot structure being added to an existing residence on property located at 813 Washington Street  
152 (APN 011-234-007) within the "CC-DD", Community Commercial-Design District Overlay Zoning  
153 District. The proposed project is exempt from the California Environmental Quality Act (CEQA)  
154 under Section 15303 (Class 3 – New Construction of Small Structures) of the CEQA Guidelines.

155  
156 **Planner MacNab** reported the reason a use permit is requested is the structure is to be added to  
157 an existing residential structure to be used for commercial use. The addition is to contain a  
158 treatment room for operation by appointment only and shall be located to the rear of the residence  
159 not to be seen from the Washington Street frontage, customers will park to the side or on the  
160 street. To address the parking issue the applicant is requesting consideration to pay an in lieu fee  
161 for three spaces, of which two spaces are required for commercial operation. He reported the  
162 framing of the business structure is existing on the site, and the applicant is asking for approval to  
163 locate their required parking in the front setback area. If in lieu and parking in setback were  
164 granted and when the new use was completed the three structures currently located in the bank  
165 setback area would be torn down and the applicant has agreed to a condition requiring a 30 foot  
166 easement for future development of that area, however no improvement would be required at this  
167 time. Staff reported the scale and nature was compatible and there were no communications  
168 received on this item. The recommendation is to approve the requested use permit.

169

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170 **Vice-Chairman Creager** thanked the applicant for the agreement for the bicycle path easement,  
171 stating this is what we are trying to encourage and this is our opportunity to support this.  
172

173 There were no further comments.  
174

175 There was motion by **Commissioner Coates**, seconded by **Commissioner Bush** to direct Staff to  
176 file a Notice of Exemption for the Project pursuant to Section 15303 of the CEQA Guidelines as a  
177 Class 3 Exemption. **Motion carried: 5-0-0-0.**  
178

179 There was motion by **Commissioner Kite**, seconded by **Commissioner Bush** to adopt  
180 Resolution PC 2008-42 approving Conditional Use Permit (U 2007-13) to allow operation of a  
181 commercial massage therapy business in a 720 square foot addition to an existing residence on  
182 property located at 813 Washington Street (APN 011-234-007) within the "CC-DD", Community  
183 Commercial-Design District Overlay Zoning District, based upon the Findings presented in the staff  
184 report and subject to conditions of approval. **Motion carried: 5-0-0-0.**  
185

186 **3. U 2008-07.** Consideration of a Conditional Use Permit Amendment requested by Walter  
187 Marchant, on behalf of the Garnett Creek Inn, to amend Conditional Use Permit (U 2001-01)  
188 allowing an increase in housing rental rates as required pursuant to Condition 4, which stipulates  
189 that four of the existing apartments be retained at current rent levels or at a rental rate of \$525.00  
190 per month. The subject property is located at 1139 Lincoln Avenue (APN 011-252-001) within the  
191 "DC-DD", Downtown Commercial – Design District. This proposed action is exempt from the  
192 California Environmental Quality Act (CEQA) under Section 15332 of the CEQA Guidelines.  
193

194 **Commissioner Coates** reported he would recuse himself from discussion because he originated  
195 the document for this property and may have possible conflict.  
196

197 **Planner Lundquist** summarized the Staff report reporting Mr. Marchant acquired the property a  
198 few years ago. He stated that was noteworthy because it was his intent to convert residential units  
199 to visitor accommodations. He discovered however in 2000-2001 the idea was considered and  
200 amended under Conditional Use Permit 2000-01 and if residential units are converted to visitor  
201 accommodations there are provisions requiring replacement of the lost residential units, and they  
202 were to be preserved at the current rental rate until occupancy on replacement housing could be  
203 obtained, with no stipulation for inflation. Planner Lundquist reported looking at median income  
204 level of 51% established rent at \$525 and preserving the same range accommodated for in the  
205 future at 47% of median income equated to about \$750. He reported the previous property owner  
206 had previously raised the rents illegally and this change would allow the rent that is currently  
207 imposed. He stated it will be a win/win for the existing residents and any subsequent tenant would  
208 have to meet the qualification standards to qualify by filing an application with the Department of  
209 Housing in Napa. No one will be asked to leave if they don't currently meet those requirements.  
210 Planner Lundquist thanked Mr. Marchant for bringing this forward, stating he supported a  
211 recommendation for approval,  
212

213 **Chairman Manfredi** asked the applicant if he understood the conditions.

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214 **Mr. Marchant** stated he was in agreement. He noted he has expended over \$60,000 since he  
215 took over the Inn and they have redone everything up to the attics; the tenants don't make much  
216 money and the units are really neat. However, he does want to move forward to build additional  
217 housing and make the back units part of the Inn.

218  
219 **Chairman Manfredi** requested clarification the rents will go from \$525 to \$750.

220  
221 **Planner Lundquist** stated it will be confirmed next cycle rate at 47%, estimated at \$747.

222  
223 **Commissioner Kite** asked if they are already at that level because a previous owner raised them.

224  
225 **Mr. Marchant** reported when he bought the property affordable housing factor was hidden.

226  
227 **Commissioner Bush** questioned the reported square footage of a studio/one bedroom.

228  
229 **Planner Lundquist** reported one bedroom, a doorway, windows and closet, noting these units  
230 have a pass through, not entirely defined as a studio.

231  
232 **Commissioner Bush** stated to her they are all studios.

233  
234 **Commissioner Kite** requested confirmation they are not changing the Conditional Use Permit that  
235 requires replacement housing.

236  
237 **Planner Lundquist** reported amending only Condition 4.A.

238  
239 **Commissioner Kite** thanked the owner for bringing the property into compliance and asked if  
240 there was anything we can do to the previous owner

241  
242 **Planner Lundquist** reported following a purchase of a property the new owner absorbs existing  
243 issues.

244  
245 **Vice-Chairman Creager** thanked the applicant for keeping the property up and his concern for his  
246 tenants, noting it is a key property. Retaining affordable housing is difficult, but appreciated.

247  
248 There was motion by **Vice-Chairman Creager**, seconded by **Commissioner Bush** to file a Notice  
249 of Exemption for the Project pursuant to Section 15332 of the CEQA. **Motion carried: 4-0-0-1.**

250  
251 There was motion by **Commissioner Bush**, seconded by **Vice-Chairman Creager** to adopt  
252 Resolution PC 2008-28 approving Conditional Use Permit Amendment (U 2008-07) amending  
253 Condition No. 4 of Conditional Use Permit (U 2001-01) allowing an annual increase in rental rates  
254 for Units 1, 3, 4 & 5 on the property located at 1139 Lincoln Avenue (APN 011-252-001) within the  
255 "DC", Downtown Commercial Zoning District, subject to conditions of approval. **Motion carried:  
256 4-0-0-1.**

257  
258 **Commissioner Coates** resumed his seat on the commission at 6:20 PM.

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**4. ZO 2004-02.** Consideration of a Zoning Ordinance Text and Municipal Code amendment establishing provisions to authorize sidewalk-dining establishments within the public right-of-way in the Commercial Land Use Districts in the City of Calistoga. This proposed action is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines. *(This item was continued from the Planning Commission regular meeting of August 27, 2008.)*

**Director Gallina** reported sidewalk-dining was brought forward in 2004, but put on hold as a result of CalTrans disallowing use in the right-of-way. The Calistoga Resources Commission has resurrected the issue again and once again request consideration for an Ordinance allowing sidewalk-dining along Lincoln and other streets including Myrtle, Washington and Fairway, as potential locations for businesses to provide sidewalk dining. The old draft ordinance has been modified and presented to the Community Resources Commission and reflects the commissions and staff changes. The ordinance establishes definitions, eligible restaurant and retail, noting currently CalTrans still does not want sidewalk dining in the right-of-way, and we are still working to identify a process for some form of agreement. The process will require a Conditional Use Permit application processed through the Planning Commission, where an applicant submits details of their proposal, looking at beyond the frontage of 20 feet, not to interfere with other property; a 300' notice and includes minimum standards and findings of approval for an annual lease for use of right-of-way. The Commission thought we should streamline and suggested the process could go through code enforcement and a potential process for a revocation provision rather than annual review. Director Gallina noted we will need to Amend Title 12, Encroachment for public right-of-ways, which is now non routine encroachment. Staff is working with Public Works to address their issues, provide changes, and bring it back for adoption.

**Vice-Chairman Creager** referenced condition 8 stating the need to come before the Planning Commission for Design Review and asked if this is an obligation best spent, or something that could be shifted as administrative.

**Director Gallina** reported concerns expressed by Community resources included going green, good quality, and making sure no litter is caused by outdoor dining.

There was discussion on wooden furniture, crockery rather than paper, no plastic, etc. and **Vice-Chairman Creager** suggested making a condition no plastic and paper.

**Planner Lundquist** noted that could be too restrictive for some facilities that do not have washing equipment, but meet health standards. There needs to be some give and take in the review.

**Vice-Chairman Creager** asked how we can balance that, is the intent to disqualify those or control everything recyclable.

**Director Gallina** reported the intent was more a quality issue.

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303 **Planner Lundquist** asked because they have to use plastic do we want to prohibit them from this  
304 use.

305  
306 **Vice-Chairman Creager** noted as a point of discussion, if the intent is quality and experience  
307 maybe some facilities are not well suited and cannot satisfy the needs.

308  
309 **Chairman Manfredi** suggested a lot of applications should be handled administratively and if staff  
310 is uncomfortable with the application, then they can bring it forward to the Planning Commission.  
311 He recommended not having so much detail that it makes it not worth the time to try to comply.  
312 Use common sense.

313  
314 **Director Gallina** stated we could require an Administrative Use Permit similar to restaurants.

315  
316 **Vice-Chairman Creager** reported he liked the thought on administrative approval, and we can  
317 include language advising our intent to have materials to be reused, and have mention of litter or  
318 some objection to non re-useable materials. It may mean some tough luck for those without  
319 capabilities.

320  
321 **Director Gallina** suggested she can invite the Chairperson of the Community Resources  
322 Committee to attend when she brings the topic back to the Commission for an opportunity for them  
323 to hear what the Planning Commission is thinking.

324  
325 **Commissioner Bush** referenced the June 15 Minutes attachment, line 31, where it indicates staff  
326 does not want City to take responsibility for the Lincoln Avenue sidewalks. She stated she would  
327 like this re-explored.

328  
329 **Commissioner Kite** noting exploring the cost of controlling the sidewalks puts the expense back  
330 to businesses to levy the costs. We need to find out the cost.

331  
332 **Commissioner Coates** applauded the effort and reported the need for condition #8 to ensure  
333 durability, we do not want plastic furniture on the side inhibiting pass through because of storm or  
334 something. No plastic furniture without weight to it, it can be a liability to the person with the  
335 furniture.

336  
337 **Director Gallina** referenced condition #11, hours of operation, stating the original discussion  
338 allowed until 10:00 PM, and the Committee is trying to give more flexibility on hours of operation.  
339 The purpose is to make downtown lively at night.

340  
341 **Commissioner Kite** agreed the operation should be consistent with business hours.

342  
343 **Chairman Manfredi** agreed that makes sense.

344  
345 **Chairman Manfredi** referenced disallowing umbrellas with logos, but believed logos are colorful in  
346 nature.

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**Director Gallina** reported reduced advertising was one of the reasons for no logo.

**Chairman Manfredi** stated he would like more discussion on that.

**Chairman Manfredi** opened the public portion of discussion at 6:41 PM.

**Rex Albright**, Executive Director of the Chamber of Commerce stated his support for the ordinance but suggested usable verses recyclable should maybe be at the discretion of the owner. He was encouraged the ordinance was moving forward to get a vote this year.

**Jay Kirk**, 1217 Washington, stated he is in favor of sidewalk dining.

**Chairman Manfredi** closed the public discussion at 6:43 PM.

**Commissioner Kite** stated he was inclined to look at aesthetics rather than strict recyclable rules.

**Commissioner Kite** suggested bullets and sub-bullets, noting there are many ways for further clarification and guidance, other than formal findings.

**Director Gallina** asked for concurrence the direction is this will require an Administrative Use Permit with provisions for noticing and the ability to elevate if needed.

**Commissioner Kite** asked if Staff was comfortable with this.

**Director Gallina** she was agreeable as long as there was the provision if there is a concern by Staff or public opposition it can be elevated.

There was motion by **Chairman Manfredi**, seconded by **Vice-Chairman Creager** to continue this item to the Planning Commission Meeting of October 22 2008 to accommodate any changes requested by the Commission. **Motion carried: 5-0-0-0.**

**H. NEW BUSINESS**

**I. MATTERS INITIATED BY COMMISSIONERS**

**J. DIRECTOR'S COMMENT/PROJECT STATUS**

**K. ADJOURNMENT**

There was motion by **Vice-Chairman Creager**, seconded by **Commissioner Kite**, to adjourn to the Planning Commission regular meeting of October 08, 2008 at 5:30 PM. **Motion carried: 5-0-0-0.** The meeting adjourned at 6:49 PM

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392 The next regular meeting of the Planning Commission is scheduled for Wednesday, October 08,  
393 2008 at 5:30 PM.

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Kathleen Guill,  
Secretary to the Planning Commission