

**CITY OF CALISTOGA
PLANNING COMMISSION**

REGULAR MEETING AGENDA

**Wednesday, December 12, 2007
5:30 p.m.**

**Community Center
1307 Washington Street**

**Chairman Jeff Manfredi, Vice-Chairman Clayton Creager
Commissioners Donna Dill, Paul Coates, and 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).

A. ROLL CALL

B. PUBLIC COMMENTS

Public Comments is time reserved on each regular meeting agenda to provide an opportunity for the public to directly address the Planning Commission on items of interest to the public, which do not appear on the agenda. Comments should be limited to three minutes. The Commission will not be able to take action on items raised during Public Comments.

C. ADOPTION OF MEETING AGENDA

D. CONSENT CALENDAR

The following items listed on the Consent Calendar are considered routine and action taken by the Planning Commission is by a single motion. Any member of the Planning Commission, staff or the public may request that an item listed on the Consent Calendar be moved and action taken separately. In the event that an item is removed from the consent calendar, it shall be consider after the last scheduled item under New Business.

1. Planning Commission Minutes of the regular meeting of November 28, 2007.

Recommended Action: Approve as submitted.

E. TOUR OF INSPECTION

Items on this agenda containing an asterisk (*) are designated for the Tour of Inspection. Shortly after 5:30 p.m., the Planning Commission will leave the Community Center to inspect these sites and will return as soon thereafter as possible. The purpose of this inspection is to view the physical characteristics of the site only—no action is taken by the Planning Commission on the site. The Planning Commission may eliminate one or more sites on the

tour identified with an asterisk (*). The public is welcome to join the Planning Commission on its tour of inspection.

F. COMMUNICATIONS/CORRESPONDENCE

G. PUBLIC HEARINGS

1. Draft Initial Study-MND/ ZI 2007-01/ ZO 2007-04/ pd 2007-01/ U 2007-07/ DR 2007-07/ TTM 2007-01, and DA 2007-01 Consideration of a Draft Initial Study/Mitigated Negative Declaration, Zoning Determination (ZI 2007-01), Zoning Text Amendment (ZO 2007-04), Planned Development (PD 2007-01), Conditional Use Permit (U 2007-07), Design Review (DR 2007-07), Vesting Tentative Condominium Subdivision Map (TTM 2007-01) and Development Agreement (DA 2007-01) to expand, upgrade and diversify the existing 20 unit visitor accommodations, spa, winery and restaurant (currently known as The Silver Rose Inn and Winery) while maintaining the site in active, agricultural use. The subject property is addressed as 351 Rosedale Road and located within the Planned Development (PD 1997-1) Zoning District. (APN #s: 011-050-035; 011-050-036; 011-050-037; 011-050-039; 011-050-040) *(This item was continued from the Planning Commission regular meeting of November 28, 2007.)*

Recommended Actions:

- a. Adopt Planning Commission Resolution PC 2007-42 recommending to the City Council adoption of a Mitigated Negative Declaration based on an Initial Study prepared for the Terrano Napa Valley Resort Project incorporating the findings and mitigation measures as provided in the resolution.
- b. Adopt Planning Commission Resolution PC 2007-43 recommending to the City Council approval of a Zoning Determination (ZI 2007-01) incorporating the findings as provided in the resolution.
- c. Adopt Planning Commission Resolution PC 2007-44 recommending to the City Council approval of a Zoning Text Amendment (ZO 2007-04) incorporating the findings as provided in the resolution.
- d. Adopt Planning Commission Resolution PC 2007-45 recommending to the City Council approval of a Conditional Use Permit (U 2007-07), Design Review (DR 2007-07), and a Preliminary/Final Planned Development Plan (PD 2007-01), for the project incorporating the findings and subject to conditions of approval as provided in the resolution.
- e. Adopt Planning Commission Resolution PC 2007-46 recommending to the City Council approval of a Vesting Tentative Condominium Subdivision Map (TTM 2007-01) incorporating the findings and subject to conditions of approval as provided in the resolution.
- f. Adopt Planning Commission Resolution PC 2007-47 recommending to the City Council approval of Development Agreement (DA 2007-01) incorporating the findings as provided in the resolution.

2. 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 Commercial Zoning Districts, and adding appropriate definitions and specific regulations to the Zoning Ordinance. 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 November 14, 2007.)*

Recommended Action: Continue Zoning Ordinance Amendment (ZO 2007-05) to the regular Planning Commission meeting of January 23, 2007.

H. NEW BUSINESS

1. Proposed amendment to the affordable housing obligation for Centre Court Subdivision.

Recommended Action: Review and provide direction to Staff and the City Council.

I. MATTERS INITIATED BY COMMISSIONERS

J. DIRECTOR'S COMMENTS/PROJECT STATUS

K. ADJOURNMENT

The next regular meeting of the Planning Commission is scheduled for Wednesday, January 09, 2008 at 5:30 PM.

I declare that a copy of this Planning Commission agenda was posted at City Hall, 1232 Washington Street, among other locations within the Calistoga City Limits, at least three days prior to the hearing date.

Kathleen Guill,
Secretary to the Planning Commission

DECISION: The Planning Commission process is an important step in the permit review process required by the City of Calistoga Zoning Ordinance. For projects that require review by the City Council, the Commission's action shall be a recommendation to the Council. In cases where no other action is required, the action of the Commission is final unless appealed within ten days of the decision.

APPEALS: Anyone that does not agree with the Planning commission's decision or the conditions that may have been imposed by the Commission in approving an agenda item may appeal the commission's action to the City Council. Appeals must be filed within ten (10) calendar days from the date of the Commission's action. Appeals may be limited to those issues raised at the public meeting. For additional information concerning the requirements for filing an appeal, please contact the Planning & Building Department, 1232 Washington Street in Calistoga or call (707) 942-2827.

NOTICE: If you challenge a City's zoning, planning, or other decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing. Judicial review of any City administrative decision may occur only if a petition is filed with the court not later than the 90th day following the date upon which the decision becomes final. Judicial review of environmental court determinations may be subject to a shorter time period for litigation, in certain cases 30 days following the date of final decision.

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SPECIAL ASSISTANCE: Pursuant to Title II of the Americans with Disabilities Act (codified at 42 United States Code Section 12101 and 29 Code of Federal Regulations Part 35), the City of Calistoga does not discriminate in the provision of any services, programs, or activities. If you are in need of special assistance to participate in this meeting, please contact the City Clerk's office at 942-2807. Such notification 48 hours prior to the meeting will help the City make arrangements to enable your participation in the meeting.

PUBLIC COMMENTS: All speakers are asked to provide their name, address, and subject of discussion. Presentations to the Commission are generally limited to five minutes. Additional time may be granted by the Commission Chair as appropriate to the scope of the project.