

MINUTES
CALISTOGA PLANNING COMMISSION
February 9, 2022 at 5:30 p.m. via Zoom

1 **Vice Chair Wilkes** called the meeting to order at 5:30 p.m. He read a special message
2 concerning the conduct of the virtual meeting in accordance with provisions related to
3 COVID-19.

4 **A. ROLL CALL**

5 Commissioners present: Vice Chair Tim Wilkes, Commissioners Doug Allan, Rick
6 Kaiser, and Michael Vaughn. Commissioners absent: Chair Scott Cooper. Staff
7 present: Planning and Building Director Jeff Mitchem, Associate Planner Samantha
8 Thomas and Planning Secretary Claudia Aceves.

9 **B. PLEDGE OF ALLEGIANCE**

10 **C. PUBLIC COMMENTS**

11 None.

12 **D. ADOPTION OF MEETING AGENDA**

13 The meeting agenda was adopted as presented.

14 **E. COMMUNICATIONS/CORRESPONDENCE**

15 Associate Planner Thomas reports that one comment was received on item G2.

16 **F. CONSENT CALENDAR**

17 **1. Approval of Draft Minutes from the January 26, 2022 meeting.**

18 The consent calendar was adopted unanimously.

19 **G. PUBLIC HEARINGS**

20 **1. Street Vacation of a portion of Gold Street at APN 011-192-003 – SV 2021-1:**
21 Consideration to vacate a portion of the Gold Street (APN 011-192-003) as requested
22 by the owner. This item would also clean up city records regarding the intended
23 purpose of the subject property. The proposed action is not subject to the California
24 Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA
25 Guidelines.

26 **Associate Planner Thomas** presents the staff report to vacate a portion of Gold
27 Street and cleanup city records regarding the intended purpose. She reports that city
28 code establishes procedures for vacating and abandoning a street, including pursuing
29 a summary vacation or general vacation procedure. She notes that this instance calls
30 for a general vacation procedure because there is a drainage facility that would need
31 to remain in the former right-of-way. She provides an overview of the requirements for
32 a general vacation procedure, including Planning Commission's review for
33 consistencies with the 2003 General Plan update. She provides the approval history

34 from previous years, including oppositions and denials for the vacation. She reviews
35 the GP goals that would need to be met to assist in making a determination. She notes
36 that the segment of street in question has historically been considered a “paper street”
37 and not necessary to maintain Calistoga’s street network. She provides the
38 recommendations, including a dedicated easement over existing drainage facilities as
39 a condition of approval, noting that the applicant has expressed a desire to relocate
40 those facilities. She notes that staff finds the vacation is consistent with the 2003 GP
41 goals previously identified and recommends that Planning Commission adopt a
42 resolution recommending to City Council the approval of a street vacation for a portion
43 of Gold Street with conditions.

44 **Commissioner Allan** asks how difficult it would be to move the drainage and the
45 implications for development and **Associate Planner Thomas** responds that after
46 conversations with city engineer Hamid Heidary, moving the drainage is feasible
47 although no development can go on top of it, noting that costs would need to be
48 considered by the developer.

49 **Commissioner Vaughn** asks if setbacks would be an issue as the lot is narrow.

50 Applicant, **Ralph Strauss**, comments that he agrees with the conditions of approval
51 as presented. He notes that after his conversations with Mr. Heidary, he would need
52 to demonstrate that the drainage can be properly designed and moved to one side of
53 site resulting in the other portion of site available for development at 60 feet wide with
54 15-foot easement allowing 45 feet for a home construction.

55 **Commissioner Allan** asks if there is any intention to split the lot and Mr. Strauss
56 confirms the intention is to split noting that the lot is double sized and once divided
57 would match the neighboring lots.

58 **Commissioner Allan** asks for clarification that this application does not include a lot
59 split and **Associate Planner Thomas** confirms a lot split would come at a later time.

60 **Vice Chair Wilkes** clarifies that the Commission is only being asked whether this
61 complies with the General Plan and recommend the action to City Council.

62 During public comment, **Lisa Moore** shares her opposition to the vacation, citing an
63 environmental impact to the natural wildlife and plant life in this corridor and requests
64 an environmental report.

65 **Commissioner Kaiser** comments that the points brought up pertain to what is being
66 discussed, rather the second phase and **Vice Chair Wilkes** confirms, as it is not a
67 proposal for a specific development and those issues would be addressed during that
68 application.

69 **Commissioner Allan** comments that the environmental concern raises valid points,
70 however with the question at hand has no further comments and commissioners
71 agree.

72 **Vice Chair Wilkes** comments that the city has ordinances dealing with some of these
73 issues noting there would be a CEQA analysis when it's time.

74 A motion by **Commissioner Kaiser** that the Planning Commission adopt a resolution
75 recommending to the City Council the approval of a Street Vacation for a portion of
76 Gold Street between Foothill Boulevard and Myrtle Street is seconded by
77 **Commissioner Vaughn** and approved unanimously (4-0).

78 **2. Aurora Park Cottages – Use Permit UP 2022-1 and Design Review DR 2022-**
79 **2:** Consideration of use permit and design review application renewal (originally UP
80 2018-12 and DR 2018-9) to allow a three (3) guest unit expansion at an existing seven-
81 unit bed and breakfast located at 1807 Foothill Boulevard (APN 011-290-046). This
82 proposed action is exempt from the requirements of the California Environmental
83 Quality Act (CEQA) under Section 15303 of the CEQA Guidelines.

84 **Associate Planner Thomas** presents the staff report for the request of a Use Permit
85 and Design Review renewal for a three-guest unit expansion project at Aurora Park
86 Cottages noting that there were no changes to the project since the approval in 2020.
87 She comments that the project was approved in February 2020, which was good for
88 one year, and then an extension was granted due to financing issues during COVID.
89 She notes that if approved, this would be a new Use Permit and Design Review project
90 entitlement. She provides background on previous approvals and information on the
91 scope of the proposed expansion, including number of guest units and parking
92 spaces. She provides an overview of the zoning requirements and General Plan
93 objectives related to the project and its location and provides a description of the
94 landscaping plan and design background.

95 **Vice Chair Wilkes** clarifies that the public comment letter received from attorney
96 Thomas Adams is a dispute issue between property owners and not an issue for
97 commissioners to address and **Associate Planner Thomas** confirms.

98 **Commissioner Kaiser** wonders if the design could be changed to not create an issue
99 with neighbors but realizes it's an issue between the neighbors.

100 **Vice Chair Wilkes** suggests that it would be something that could come back if there
101 was a resolution later, but the proposed design has been reviewed and found to be
102 appropriate.

103 **Commissioner Allan** referring to the letter by Mr. Adams asks for clarification about
104 whether it is relevant in this case.

105 **Director Mitchem** responds that it is part of the record from previously issued
106 entitlements and agrees that it is a civil matter not to be brought to bear on what is
107 being reviewed.

108 **Associate Planner Thomas** confirms that it was brought up in the 2020 meeting and
109 it was indicated that the city does not get involved in private easement disputes.

110 Applicant, **David Patel**, comments that he appreciates their consideration and looks
111 forward to getting the project underway.

112 **Vice Chair Wilkes** asks whether this request is identical to what was reviewed in 2020
113 and Mr. Patel confirms that nothing has changed.

114 Attorney **Mr. Adams** representing the owners at 1819 Foothill Boulevard comment on
115 his clients' objections to the proposed expansion project, citing conflict with the
116 driveway, emergency vehicle access concerns, improvements not being where they
117 appear on plans, CEQA findings, among concerns.

118 **Vice Chair Wilkes** responds that he does not agree some of the areas of the code
119 cited are correct noting that parking, fire access, fire abatement, WUI etc. were
120 reviewed by various departments and signed off as the recommendation is an
121 approval and **Associate Planner Thomas** confirms it was reviewed twice and
122 approved.

123 **Commissioner Allan** comments that he doesn't believe this parcel is a strictly
124 residential parcel as noted by Mr. Adams, clarifying that a bed and breakfast use is
125 allowed.

126 **Vice Chair Wilkes** adds that the parcel could be used for a single-family home but
127 the existing use and what's being proposed is also permitted.

128 **Commissioner Kaiser** asks if these issues were addressed when use permit was
129 extended before and **Vice Chair Wilkes** confirms, adding that much of the same
130 issues were covered during that hearing.

131 **Mr. Adams** asks if commissioners are taking the position that the proposed project is
132 not located on a residentially zoned property and not required to comply with the bed
133 and breakfast provisions for a residentially zones property.

134 **Vice Chair Wilkes** responds that it is a residential zoned property and the use that is
135 existing and proposed is permissible in that parcel.

136 **Mr. Adams** asks if commissioners are taking the position that the project is not subject
137 to the accessory and secondary use standards in the code.

138 **Vice Chair Wilkes** responds that they have been advised by staff that the proposed
139 project is in compliance.

140 **Commissioner Vaughn** comments that if it was previously approved, he's unsure
141 why they wouldn't re-approve, and **Commissioner Kaiser** agrees as no additional
142 issues have been brought up.

143 **Vice Chair Wilkes** notes for the record that before the 2020 hearing he met on site
144 with the arborist and was satisfied that any issues would be dealt with.

145 A motion by **Vice Chair Wilkes** that the Planning Commission approved Use Permit
146 UP2022-1 and Design Review DR 2022-2 is seconded by **Commissioner Allan** and
147 approved unanimously (4-0).

148 **Vice Chair Wilkes** reminds Mr. Adams that they have 10 days to appeal if they wish
149 to exercise that.

150 **H. DIRECTOR'S REPORT**

151 **Director Mitchem** provides an update on the Housing Element noting that staff is
152 moving forward with the public review draft, which was published and posted on the
153 city's homepage. He provides the timeline for future hearing and HCD reviews leading
154 toward the adoption near the end of 2022. He also provides an update on SB9, noting
155 there is no need for an emergency ordinance at this time.

156 **Commissioner Allan** comments on the news from Woodside regarding SB9 related
157 issues, noting that there is something to be learned that the state is watching and not
158 afraid to support their legislation.

159 **Director Mitchem** comments we're deferring to the state to liberate the housing
160 market, and for a small community like ours to find room within our community would
161 go a long way towards distributing more affordable housing.

162 **I. MATTERS INITIATED BY COMMISSIONERS**

163 **Vice Chair Wilkes** asks if there is an agenda for the February 23th meeting and
164 **Associate Planner Thomas** confirms.

165 **Commissioner Vaughn** asks if anyone has seen St. Helena and Yountville's urgency
166 legislation.

167 **Director Mitchem** responds that staff is trying to stay abreast of all concurrent
168 legislation analogous to our community and county wide.

169 **J. ADJOURNMENT**

170 On a motion from **Chair Cooper** that is adopted unanimously (4-0), the meeting was
171 adjourned at 6:29 p.m.

Claudia Aceves, Secretary