

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

**Wednesday, March 25, 2009
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 5:40 PM.
2

3 **A. ROLL CALL**

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

9 **B. PLEDGE OF ALLEGIANCE**

10
11 **C. PUBLIC COMMENTS**

12
13 **D. ADOPTION OF MEETING AGENDA**

14 There was motion by **Commissioner Coates**, seconded by **Commissioner Kite** to approve the
15 agenda as submitted. **Motion carried. 4-0-1-0.**
16

17 **E. COMMUNICATIONS**

18 Correspondence received too late to include as part of the Staff Report
19 re: Item H-2, correspondence received March 25, 2009 from Scott and Jennifer Chafen. (see
20 attached)
21

22 **F. CONSENT CALENDAR**

23
24 **G. TOUR OF INSPECTION**

25
26 **H. PUBLIC HEARINGS**

27
28 1. **GPA 2009-02 and ZO 2009-01.** Consideration of an amendment to the General Plan Overlay
29 Districts Map, Figure LU-6 designating the properties located at 1001 and 1007 Myrtle Street
30 (APN 011-256-005 & 004) within the Visitor Accommodation Overlay designation. The Planning
31 Commission will also consider a Rezone (Zoning Ordinance Map Amendment) of the properties
32 located at 1001, 1007, 1013 Myrtle Street (APN 011-256-005, 004 & 003) including them within
33 the “VA”, Visitor Accommodations combination district. These requests have been filed by the
34 property owners Christopher and Adele Layton. The proposed amendments to the General Plan
35 and Zoning Ordinance are exempt from the California Environmental Quality Act (CEQA)
36 pursuant to Section 15061(b)(3) of the CEQA Guidelines. *(This item was continued from the*
37 *Planning Commission Meeting of February 25, 2009, 2009.)*
38

**PLANNING COMMISSION
REGULAR MEETING MINUTES
March 25, 2009
Page 2 of 5**

39 **Commissioner Kite** and **Chairman Manfredi** recused themselves from discussion due to
40 potential conflict. Due to the absence of Vice-Chairman Creager a name was drawn to select a
41 commissioner to participate and create a quorum. Commissioner Kite was selected and as
42 senior commissioner assumed the seat of Chair in Chairman Manfred's absence.

43
44 **Planner Lundquist** reported meeting with applicants on March 16 and the subsequent receipt of
45 correspondence expressing the applicants desire to withdraw the application to allow the
46 opportunity to amend their proposal.

47
48 There was motion by **Commissioner Coates**, seconded by **Commissioner Bush** to table the
49 public hearing for General Plan Amendment (GPA 2009-02) and Zoning Ordinance Map
50 Amendment (ZO 2009-01). **Motion carried: 3-0-1-1.**

51
52 2. **CUP 2008-08 and VA 2008-03.** Consideration of Conditional Use Permit Amendment and
53 Variance requested by William and Graceann Mangone Miranda (Property Owners), amending
54 Conditional Use Permit (U 2005-21) and allowing tandem parking in conjunction with the
55 approved Bed and Breakfast Facility on the property located at 1437 Fourth Street (APN 011-
56 201-003) within the "R1", Single Family Residential Zoning District. The Property Owners have
57 also requested consideration of a Variance to the Calistoga Municipal Code, Section
58 17.16.040(D)(1) allowing a 10-foot front yard setback where 20 feet is required on the adjoining
59 property 1431 Fourth Street within the "R1", Residential Single Family District. These proposed
60 actions are exempt from the California Environmental Quality Act (CEQA) under Section 15332
61 and 15305 of the CEQA Guidelines. *(The Planning Commission Meeting of March 11, 2009 was
62 canceled and therefore this item was continued to the March 25, 2009 meeting.)*

63
64 **Planner Lundquist** acknowledged receipt of comments from property owners located at 1427
65 Fourth Street. He provided an overview of the Staff Report background of the project reporting
66 initial approval in 2007 for a Conditional Use Permit to allow a two unit Bed and Breakfast, during
67 discussion for consideration of a variance related to on site tandem parking, the request was
68 denied and the Commission approved off site parking spaces on the adjacent parcel. With further
69 investigation of the adjacent property the applicant has concluded encumbering that property is
70 not feasible, and they have returned with a request for a tandem parking variance. Planner
71 Lundquist met with the architect in February and reviewed the new proposal submitted for one
72 tandem parking space and the request for one off site parking, pushing the proposed structure
73 forward on the lot. If it is determined they meet the findings they will need to amend the existing
74 Conditional Use Permit. Staff reported support of the applications.

75
76 **Chairman Manfredi** opened the Public portion of the hearing.

77
78 **Bev More**, 3047 Foothill, Architect for 1431 Fourth Street project reported she has worked on
79 addressing the parking issues as described and the applicants intend to go forward with
80 application to build the single family home immediately, depending on the outcome of this
81 meeting.

82
83 **Antonia Allegra**, 1428 Lake Street, reported living directly behind the property in question. He
84 shared concern for light control, as the layout described will direct the beams of parking car lights
85 directly into their home. He reported mitigation of this could be accomplished with a six foot

**PLANNING COMMISSION
REGULAR MEETING MINUTES
March 25, 2009
Page 3 of 5**

86 fence. Secondly he requested area parking lot lighting be shielded to shine down and not into the
87 neighborhood and light the sky.

88
89 With no further discussion the public discussion was closed at 5:51 PM.

90
91 **Commissioner Kite** asked what the parking requirements for 1437 Fourth Street were with the
92 current house.

93
94 **Planner Lundquist** reported there are two spaces for the single family home and the two for the
95 approved Bed and Breakfast were to be placed on the adjacent lot, along with two required
96 spaces for the proposed single family home.

97
98 **Commissioner Kite** asked what was driving the house forward because there appears to be nine
99 feet between the parking and the house.

100
101 **Bev More** reported if the house was placed further back they would not be able to maneuver
102 around the steps coming out of sliding door in the rear.

103
104 **Carol Bush** referenced the Staff Report and asked if staff was saying there are other houses in
105 the neighborhood that have less than a 20 foot setback.

106
107 **Planner Lundquist** reported there are two properties with reduced setbacks.

108
109 **Commissioner Coates** reported there is an existing apple tree and he would request it to remain
110 as it provides a nice break. He stated mature tree's are in keeping with the neighborhood and
111 should be retained. Commissioner Coates also endorsed the request for establishing a six foot
112 fence and would like to see the lighting be addressed through conditions of approval.

113
114 **Director Gallina** reported the lighting was something that would be looked at with the building
115 permit.

116
117 **Chairman Manfredi** noted it should be a solid fence.

118
119 **Bev More** stated she was not sure the apple tree would be out of way of the structure footprint as
120 shown on the drawing.

121
122 **Director Gallina** asked if they are proposing a fence on the rear portion.

123
124 **Bev More** replied "yes".

125
126 **Chairman Manfredi** stated the light issues need to be taken care of and lighting should be low to
127 the ground and shielded. It should also be made clear to the applicant the Bed and Breakfast
128 operates only when the parking is operable, and operation should not be based what may be
129 coming soon. If the applicant sells the adjacent parcel the Use Permit for the Bed and Breakfast
130 will be void.

131

**PLANNING COMMISSION
REGULAR MEETING MINUTES**

March 25, 2009

Page 4 of 5

132 **Director Gallina** clarified the amendment to the resolution should state the easement on the
133 adjoining property must be filed prior to Bed and Breakfast operation, and is for one parking
134 space rather than two.
135

136 **Bev More** requested clarification asking if the Bed and Breakfast cannot operate until parking is
137 operational on the property. She noted it is an empty lot so there is plenty of space to park there
138 right now, so can they begin to use the Bed and Breakfast prior to construction.
139

140 **Planner Lundquist** stated they will need to establish the easement prior to operation, define the
141 space and show the title by improving the area with material that will not create dust
142

143 **Commissioner Kite** suggested if you have two guests and run into a parking conflict, as long as
144 there is a way the main owner's car is on the next door lot, he could support that.
145

146 **Planner Lundquist** stated during the construction phase of the project, alternative parking can
147 be available within reason.
148

149 **Chairman Manfredi** stated that satisfies his concern.
150

151 **Antonia Allegra** thanked the Commission for their consideration on the fence, but requested the
152 fence should be done soon if they are going to start parking right away.
153

154 **Commissioner Coates** stated the requirement should be to establish a fence for security, and
155 we need to make sure the fence and lighting is brought forward.
156

157 There was motion by **Commissioner Coates**, seconded by **Commissioner Bush** to direct Staff
158 to file a Notice of Exemption for the Project pursuant to Section 15332 of the CEQA Guidelines.
159

159 **Motion carried: 4-0-1-0.**
160

161 Tandem Parking Variance

162 There was motion by **Commissioner Bush**, seconded by **Commissioner Kite** to adopt
163 Resolution PC 2009-01 approving Variance (VA 2008-03) allowing tandem parking on the
164 existing driveway in conjunction with a previously approved bed and breakfast facility on property
165 located at 1437 Fourth Street (APN 011-201-003) within the "R1", Single Family Residential zoning
166 district. **Motion carried: 4-0-1-0**
167

168 Front Yard Setback Variance

169 There was motion by **Chairman Manfredi**, seconded by **Commissioner Bush** to adopt
170 Resolution PC 2009-02 approving a Variance allowing a reduced front yard setback of 10 feet on
171 property located at 1431 Fourth Street (APN 011-201-004) within the "R1", Single Family Residential
172 zoning district. **Motion carried: 4-0-1-0.**
173

174 Conditional Use Permit Amendment Variance

175 There was motion by **Commissioner Kite**, seconded by **Chairman Manfredi** to adopt Resolution
176 PC 2009-07 amending Conditional Use Permit U 2005-21 (U 2008-08) to amend a requirement
177 for an off site parking easement to satisfy parking requirements for a bed and breakfast facility on
178 property located at 1437 Fourth Street (APN 011-201-003) within the "R1", Single Family
179 Residential Zoning District with two off site easements, reducing it to one off site easement,

**PLANNING COMMISSION
REGULAR MEETING MINUTES
March 25, 2009
Page 5 of 5**

180 based on findings as amended, a solid wood board fencing 6' in height will be required and lights
181 shall be hooded and shielded. **Motion carried: 4-0-1-0.**

182
183

184 **I. NEW BUSINESS**

185
186

J. MATTERS INITIATED BY COMMISSIONERS

187 **Chairman Manfredi** requested staff schedule a June or July meeting for a Planning Commission
188 and Planning Department discussion related to each others expectations.

189
190

Commissioner Kite suggested we expand that discussion to include the needs of the
191 community.

192
193

Commissioner Bush recommended an off-site retreat like Council does and agreed we should
194 hear what the public needs.

195
196

K. DIRECTOR'S COMMENT/PROJECT STATUS

197 **Director Gallina** reported the receipt of invitations for the Commissioners to attend the Palisades
198 Apartments Grand Opening on Tuesday, April 7, and an invitation from the Napa County
199 Vintners. Please advise if you want Staff to RSVP.

200
201

Director Gallina announced the City will be conducting the first Housing Element Update
202 meeting this Friday, at 10:30 at the Community Center and it is open to public. Planner MacNab
203 is working on creating a Planning Department website section for the Housing Element.

204
205

Director Gallina reported scheduling discussion on the recommended changes to Growth
206 Management Ordinance program for the next regular meeting.

207
208

Commissioner Kite asked when the Urban Design Plan and the Bed and Breakfast regulations
209 were going to be brought forward.

210
211

Director Gallina reported they were very close to a release of the UDP to the committee
212 probably after April 1st, and we would likely schedule a public meeting to present changes as
213 proposed in June. A meeting with the group to go through the process for amendment of the
214 Bed and Breakfast regulations would be scheduled soon.

215
216

L. ADJOURNMENT

217 There was motion by **Commissioner Bush**, seconded by **Commissioner Kite** to adjourn to the
218 Planning Commission regular meeting of April 08, 2009. **Motion carried: 4-0-1-0.**

219
220

The meeting adjourned at 6:15 PM.

221
222

The next regular meeting of the Planning Commission is scheduled for Wednesday, April 8, 2009
223 at 5:30 PM.

224
225

226 _____
227 Kathleen Guill,
Secretary to the Planning Commission