

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

**Wednesday, August 13, 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. ROLL CALL**

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

7  
8 **B. SALUTE TO THE FLAG**

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10 **C. PUBLIC COMMENTS**

11 An unidentified speaker asked the Commission if she could speak on an agenda item at this time because  
12 she was not able to stay for later discussion.

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14 **Chairman Manfredi** advised he was sorry they would not accept testimony on an item until the item came  
15 forward, but encouraged her to provide a written comment. He further advised for future reference the  
16 Planning Commission preferred written comments be provided to staff prior to the night of a meeting and  
17 included in the Planning Commission packet if persons are unable to attend.

18  
19 **D. ADOPTION OF MEETING AGENDA**

20 There was motion by **Commissioner Creager** seconded by **Commissioner Coates** to adopt the Agenda  
21 as presented. **Motion carried: 5-0-0-0.**

22  
23 **E. CONSENT CALENDAR**

24  
25 **1.** Planning Commission and City Council Special Joint Meeting Minutes of June 25, 2008.

26 There was motion by **Commissioner Kite**, seconded by **Commissioner Coates** to approve the June 25,  
27 2008 Minutes. **Motion carried: 5-0-0-0.**

28  
29 **2.** Planning Commission Minutes of the regular meeting of July 23, 2008.

30 There was motion by **Commissioner Kite**, seconded by **Commissioner Coates** to approve the Planning  
31 Commission Minutes of the regular meeting of July 09, 2008 as provided. **Motion carried: 5-0-0-0.**

32  
33 **F. TOUR OF INSPECTION**

34  
35 **A 2008-01. Site Visit.** Consideration of an Appeal of the Planning and Building Director's determination  
36 that the business, Santa Fe West, is an allowed use not requiring a conditional use permit at **1421 Lincoln**  
37 **Avenue (APN 011-205-008)**. This item was continued from July 23, 2008 PC meeting.

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39 **Chairman Manfredi** advised if there was a last minute submission by the appellant to the Planning  
40 Commission.

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**Vice-Chairman Creager** reported he was not present during the meeting of July 23, 2008 however he had taken steps to insure he could participate by listening to the audio tapes and reading all the relevant background material.

**Director Gallina** provided an overview of how to participate during a site visit; she reported they will be stepping away from the meeting room to the site just down Lincoln Avenue. At that time the Planning Commission can only ask questions of the owner to obtain additional information. She asked that the Commissioner's not conduct any discussion of the item until they have returned back to the Community Center and initiate the formal deliberations.

**Planner Lundquist** reported during the July 23, 2008 Planning Commission meeting the Commission had requested the tour of inspection to look at interior décor and materials to compare with his other stores.

**Chairman Manfredi** apologized advising he had neglected to introduce James Atencio, Legal Counsel for the City of Calistoga.

At 5:40 PM **Chairman Manfredi** called for a brief recess to allow for the site visit.

The Planning Commission returned and the meeting reconvened at 5:58 PM.

**G. COMMUNICATIONS/CORRESPONDENCE**

**H. PUBLIC HEARINGS**

**1. A 2008-01.** Consideration of an Appeal of the Planning and Building Director's determination that the business, Santa Fe West, is an allowed use not requiring a conditional use permit at 1421 Lincoln Avenue (APN 011-205-008) within the "DC," Downtown Commercial, zoning district. The Appellant claims that the business is a formula business as that term is defined in Section 17.04.132 of the Calistoga Municipal Code (CMC) and, therefore, should require a conditional use permit prior to operations per Section 17.22.040(B)(10) CMC. *(This item was continued from the Regular Planning Commission meeting of July 23, 2008.)*

**Commissioner Bush** recused herself from discussion due to the close proximity to the business.

**Chair Manfredi** opened the public hearing at 6:00 PM.

**Vince Pellerin**, 1407 Lincoln Avenue, thanked the Commission for taking the time to review all the evidence and materials; and stated Mr. Jabar has done a good job decorating the store, it appears to offer mostly glass items and he welcomes him to the community.

**Carol Ingalls**, 5140 Sharp Rd, shared her concern with someone coming in with what initially seems to be a conflict with an existing business.

**Chair Manfredi** reminded the issue for discussion is whether this business is a formula business.

**Carol Ingalls**, 5140 Sharp Rd, questioned why a store showing glass and metal art is calling it "Sante Fe West". She was further concerned if they are entirely forthcoming about what they are going to be selling.

**Chris Layton**, 1010 Foothill Blvd, stated the precedence that was created and effort taken to get Copperfield's in Calistoga certainly stands tall. With this similar opportunity we support this business and believe this is a wonderful business for Main Street.

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94 **Adele Layton**, 1010 Foothill Blvd, stated if he is willing to support the local artists the business is good for  
95 giving local struggling artists an opportunity to sell there wares. I support it and believe Calistoga is the  
96 kind of town that supports each other.

97  
98 **Shelly Boudino**, 1414 ½ Cedar St, stated she did not understand why there wasn't any Indian jewelry  
99 displayed during the site visit and she did not understand why they were calling it Sante Fe West. She  
100 stated she believed the owner was withholding something.

101  
102 **Sam Jabar**, owner of Sante Fe West stated he was asked to show the interior décor tonight, and for the  
103 last several weeks the Manager has devoted all her time to accomplish this. He would like to give that  
104 same energy to the inventory, and not just throw the jewelry in the cases. Mr. Jabar also responded to the  
105 questions relating to the name of the store stating the name is basically related to happy memories of his  
106 own.

107  
108 **Missy Haswell**, 1120 Tubbs Lane, stated during the last meeting it was believed the store would be an  
109 American Indian jewelry store that would also include glassware. Now there is no jewelry in the store; now  
110 she is concerned.

111  
112 **Chair Manfredi** reminded the audience that the Planning Commission agreed to see the interior only and  
113 not to focus on merchandise.

114  
115 **Commissioner Kite** asked in the event the shop was to change and become very similar to his other  
116 stores, is there re-course.

117  
118 **Planner Lundquist** reported in the event they changed all their cabinetry, changed their name the same  
119 as his other business, and in form and function became formula business "like" under the definition; we  
120 would review that under code enforcement and perhaps bring it back to the Planning Commission.

121  
122 **Vice-Chairman Creager** stated he did not see the Commission's role as specifying inventory for a store;  
123 they are there to sell what the public is interested in buying. He stated his decision is not based on their  
124 inventory and he wanted to clarify that it is not inconsistent with the Formula Business Ordinance.

125  
126 **James Atencio**, City Attorney stated that was correct there is no mention of merchandize or inventory in  
127 the formula business ordinance.

128  
129 **Commissioner Kite** stated the only cross over would be the display of merchandise and that can have an  
130 impact due to the characteristics of the display.

131  
132 **James Atencio**, City Attorney stated the key with this example is the display appearance aspect is unique  
133 and it is not the merchandise itself. We are focusing more on the display.

134  
135 **Commissioner Coates** stated it was never the intent to review the property with regard to the  
136 merchandise sold, as that would be restraint of trade. The intent is to honor the formula business  
137 requirement.

138  
139 There was motion by **Vice-Chairman Creager**, seconded by **Commissioner Kite** to adopt Resolution  
140 2008-27 finding that Santa Fe West is an allowed use not requiring a Conditional Use Permit and denying  
141 the appeal. **Motion carried: 4-0-0-1.**

142  
143 **2. Variance (VA 2006-08), Conditional Use Permit (U 2005-02) and Design Review (DR 2005-02).**  
144 Consideration of a request by the applicant, Jaime Cortez for a Variance to allow a reduced streets and  
145 highway setback along Foothill Boulevard. The Applicant has also requested a Conditional Use Permit and  
146 Design Review to allow the existing residential structure to be relocated toward the northeastern most  
147 property corner, five feet of the front and side property lines and converted to office use all on the property

148 located at 1003 Foothill Boulevard (APN 011-310-013) within the "DC-DD", Downtown Commercial District.  
149 AND

150  
151 **Variance (VA 2006-09), Conditional Use Permit (U 2006-09) and Design Review (DR 2005-03).**  
152 Consideration of a request by the applicant, Jaime Cortez for a Variance to allow a reduced streets and  
153 highway setback along Foothill Boulevard. The Applicant has also requested a Conditional Use Permit and  
154 Design Review to allow the renovation and expansion of the Vallarta Market. The establishment is currently  
155 within an existing 3,344 square foot two-story structure. The ground floor will be expanded from 1,980  
156 square feet to 3,757 square feet to provide additional space for shelved goods, a dry storage room,  
157 expanded kitchen, two restrooms and expanded coolers. The second floor would be expanded from 1,394  
158 square feet to 1,704 square feet to accommodate the conversion of the existing office/storage space to two  
159 new residential units, a one bedroom and a two-bedroom unit. The two-bedroom unit is replacement for  
160 the residential unit being displaced on the adjoining property at 1003 Foothill Boulevard. The property is  
161 located at 1009 Foothill Boulevard (APN 011-310-012) within the "DC-DD", Downtown Commercial District.

162  
163 **Chairman Manfredi** and **Commissioner Kite** recused themselves because of close proximity to the  
164 project.

165  
166 **Vice-Chairman Creager** assumed the Chair and requested a report from Staff.

167  
168 **Planner Lundquist** opened discussion reporting this is a cohesive development but is found on two  
169 separate individual properties. The project is titled the Vallarta Plaza, including (1) Puerto Vallarta Market  
170 at 1009 Foothill Blvd.; and (2) the single family structure located at 1003 Foothill Boulevard. Both  
171 properties are located in the Downtown-Commercial land use designation and the entry corridor Overlay  
172 District; they also have a reciprocating Zoning District. Planner Lundquist provided a visual presentation,  
173 pointing out several views of the property and neighboring properties. He reported the applicant proposes  
174 a mixed use project, expanding the Market to include replacement apartment units, parking, and an  
175 expanded trash enclosure. He reported historic parking and traffic congestion, but staff found the  
176 proposed truck turn-around and the increased parking area on the project will meet the needs provided we  
177 incorporate conditions of approval. Planner Lundquist reviewed some of the conditions of approval  
178 regarding traffic, handicap parking spaces. He reported the issues were looked at not only to determine  
179 what areas could be solved, but to review to see what could be enhanced. He presented the proposed  
180 parking changes and advised some mitigation could be improved with signage and some  
181 enforcement/education by the property owner. In addition Staff also found the necessity to install street  
182 tree's to enhance the site.

183  
184 **Vice-Chairman** requested staff identify in general where the street trees would be located.

185  
186 **Planner Lundquist** reported in general they would be offset appropriately between six to eight feet, similar  
187 to those we have along the Masonic Building in a box style, to include the frontage as well. He reported an  
188 estimated 75% plus of the frontage is being re-developed, therefore we see an opportunity to have the  
189 utilities placed underground as a condition of approval, however we are not requesting the high voltage  
190 lines be underground, simply the phone and cable.

191  
192 **Planner Lundquist** provided additional comments as follows:

- 193 • The site has experienced runoff due to the nature of the topography; therefore due to development the  
194 engineer has prepared an engineering study that provides mitigation.
- 195 • A Mitigated Negative Declaration has been prepared and circulated to the State and we have received  
196 comments from the Heritage Commission. We have addressed those comments through necessary  
197 archeological studies.
- 198 • Noise mitigation has been incorporated stipulating construction should be limited to 7:00 AM to 7:00  
199 PM per our ordinance, however he suggested considering the adjoining visitor accommodations perhaps  
200 there should be some discussion to determine if a more restrictive time schedule of 8:00 AM to 5:00 PM,  
201 Monday through Friday should be considered.

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- 202 • Staff reported receipt of correspondence related to the neighborhood and this entry corridor and those  
203 items have also been addressed through the conditions of approval and mitigation measures.  
204 • He stated some issues may be better related to policies that we can look at in the future as the Urban  
205 Design Plan develops and future General Plan policies.  
206 • Staff stated support for this project as well as recommending approval of a variance to the street and  
207 highways setback on both of the properties. Staff considers the existing 66 ft. cross section would be  
208 adequate to serve as a transition into the downtown.  
209 • Staff further supports the conditional use permit and design review for the Vallarta Market and  
210 apartments, as well as the Vallarta Market professional offices.

211  
212 **Vice-Chairman Creager** requested additional information related to the variance.

213  
214 **Planner Lundquist** reported the Zoning Ordinance has a section dedicated specific to highways and  
215 streets that is meant to provide additional setbacks to accommodate future roadway widening. However  
216 our General Plan actually encourages the opposite trying to create a more rural transition with narrow  
217 streets to promote a more pedestrian friendly atmosphere, rather than huge boulevards that create more  
218 traffic and high speeds.

219  
220 **Donna Oldford**, Planning Consultant representing the applicant, complimented staff on doing a thorough  
221 job, and stated she has reviewed the environmental documents and the conditions. Ms. Oldford stated a  
222 lot of the improvements to the project were not driven by intensification of the use, but due to  
223 Environmental Management conditions translating into increased improvements for storage areas, and  
224 other amenities for kitchens. She asked about the requirement to underground the power pole(s)  
225 reminding it is very costly to underground utilities, and requested the Planning Commission reconsider the  
226 feasibility of Condition 12. In conclusion she requested an opportunity for rebuttal at the conclusion of  
227 hearing neighbors concerns.

228  
229 **George Cortez**, the applicant's brother, stated that this is a local serving market and they are trying to  
230 provide produce from Mexico, providing products that are not provided in standard markets or chain stores  
231 and asked for Planning Commission support for this project.

232  
233 **Doug Sterk**, Civil Engineer referenced the undergrounding of the wiring; stating the telephone poles are  
234 300 feet apart so it is not just the frontage of the property.

235  
236 **Donna Oldford**, we would like the opportunity to review the feasibility of the cost of moving the poles.  
237 Since it involves more than the frontage, she would like to see a provision for other businesses coming that  
238 there would be some method of fair-share allocation of costs so the applicant can get some  
239 reimbursement.

240  
241 **Bev More**, Architect provided review of the design. Sharing their sincere attempt to mitigate issues with  
242 truck deliveries which has been a concern for neighbors for years.

243  
244 **Vice-Chairman Creager** asked about the construction of the retaining wall, wanting to know if it is  
245 adequately designed to hold the load.

246  
247 **Doug Sterk** stated his license does not allow structural work, he does grading and drainage. A Structural  
248 Engineer, Val Pizzini did the structural design of the wall.

249  
250 **Bev More** stated her structural engineer designed the wall, and it is designed for retention up to nine feet.

251  
252 **Vice-Chairman Creager** asked Director Takasugi to provide background information regarding the power  
253 pole and address the request for a determination of feasibility.

254

255 **Director Takasugi** vouched they were working with PG&E which is very laborious and time intensive, and  
256 costs would be significantly escalated over cable and phone, for power especially high voltage.

257  
258 **Vice-Chairman Creager** asked how important pole placement was.

259  
260 **Director Takasugi** stated the pole currently exists too close to the driveway, and should be realigned 10-  
261 15 feet from the driveway. It was Staffs recommendation to place it underground.

262  
263 **Vice-Chairman Creager** stated it would be his understanding the cost would be significantly less if the  
264 pole were moved verses underground and asked if a fair share allocation would be appropriate.

265  
266 **Director Takasugi** reported of course Staff recommendation is to underground. Further noting a payback  
267 agreement is a common model, however the Calistoga Municipal Code (CMC) only addresses water and  
268 sewer payback, so to go to something with electric power there would be a need to take a look at the  
269 issues.

270  
271 **Director Gallina** referenced the draft Urban Design Plan (not adopted at this time), does recommend that  
272 we will be taking a look at undergrounding utilities in the Commercial District. However every time we have  
273 a project and the recommendation is to underground the cost seems to be the issue, so we would need to  
274 look at what kind of program we need to implement. The applicant does have the right to come back and  
275 ask for consideration of an amendment to any condition.

276  
277 **Vice-Chairman Creager** asked if the City is going to have a provision for fair share.

278  
279 **Director Gallina** reported the draft Urban Design Plan states we will want undergrounding of utilities;  
280 however a program for implementation will be needed including potential for review of fair share.

281  
282 **Vice-Chairman Creager** asked if it could it be applied retroactively.

283  
284 **Director Gallina** recommended the condition be modified, adding a provision to look at a mechanism for  
285 proportional fair share.

286  
287 **Commissioner Coates** asked for clarification from Director Takasugi, noted undergrounding of utilities is  
288 almost cost prohibitive, but for health and safety asking a utility pole to be relocated above ground is  
289 doable. He asked if we can estimate a fair share contribution so we don't bankrupt an applicant. So that he  
290 can contribute to the City if they are forced to go underground, and the funds could be set aside for future  
291 improvements.

292  
293 **Director Takasugi** responded stating it would be in the realm of feasibility; however any payback  
294 agreement does take a lot of administrative time to prepare and the applicant would be subject to those  
295 costs and sometimes the cost is enormous and the probability of collecting on a payback agreement is not  
296 100%. The City would have to define the assessment district, and sometimes that can go into Prop 218  
297 provisions, thus becoming a bigger administrative issue.

298  
299 **Vice-Chairman Creager** reviewed potential options: 1) Future relocation with a payback agreement 2)  
300 undergrounding now with a payback agreement; 3) bury pole with no pay back; (4) relocation of a pole with  
301 no alternative site.

302  
303 **Commissioner Coates** stated this could be within the agreement giving the applicant the ability to see  
304 what is most feasible and then come back a request for amendment of the conditions.

305  
306 **Chris Layton**, 1010 Foothill Blvd. stated there is tremendous improvement with design solutions; and the  
307 suggested petition of support is commendable; however it does not take weight with businesses directly  
308 impacted w/this project. The initial study did not address some of the concerns. The issue of the lot

309 ownership and the lot split works with this property; the heavy use of this with cross usage of parking  
310 spaces with two separate land owners may be a problem. Regarding aesthetics he stated the issue of the  
311 set back is important for the visual and the scale. Mr. Layton further commented on landscaping  
312 recommending a sidewalk that includes a strip for more landscaping opportunities to occur instead of  
313 twelve feet of sidewalk.

314

315 **Sally Manfredi**, 1001 Foothill Blvd. reported she is the neighbor to the south of Puerto Vallarta, she  
316 provided clarification that the letters in the packet of information were documentation of two of the three  
317 meetings with the consensus opinion of the Foothill Boulevard merchants. She reported a total of three  
318 meetings that occurred included the following attendees, Lavender Hill, Wine Garage, Wine Way,  
319 Christopher's Inn, Puerto Vallarta and Calistoga Pottery. The Shell Station and Peters Video were unable  
320 to attend.

321

322 **Sally Manfredi** provided a new letter providing her own individual comments and requested clarification on  
323 several points as follows. 1) Drainage, she noted the only storm drain on this Foothill section is in front of  
324 her house and very inadequate, she suggested this is an appropriate time to create a second drain. 2)  
325 Sewer line, the 1003 Foothill lot is tied into the sewer line of her lot at 1001 Foothill, and she has been  
326 advised now is the time to ask for a correction; 3) She reported the proposed four offices verses a one  
327 man office creates a significant difference in parking needs that needs to be addressed; 4) Ms. Manfredi  
328 reported she read the Police Chief opinion that states the proposed loading zone in the rear is inadequate  
329 and asked couldn't there be a second loading zone clearly marked out front; 5) Mr. Cortez has formerly  
330 agreed to refrain from adding an outdoor grill and she requests he renew that agreement; 6) Now the  
331 market has an expanded kitchen and restroom it could increase the "to go" business, she asked how a  
332 balance can be attained with the limited parking with the natural tendency to eat on site. 7) Please  
333 consider painting "keep clear" on the corner at Foothill Blvd. and Pine Streets, this would reduce the back  
334 up at rush hour. Sally Manfredi continued stating she was pleased to see 1) Truck parking rules and signs  
335 and she hoped the signs would be posted all the way to Calistoga Pottery; 2) She liked Mr. Layton's tree  
336 idea and would work with Mr. Cortez in planning and maintaining an appealing frontage; 3) The entire block  
337 is a mix of commercial and residential and she hoped the hours of operation will remain the same. She  
338 requested Puerto Vallarta consider conforming to the other businesses in the vicinity and use a wooden  
339 sign. Sally Manfredi asked the City consider reducing the posted speed of 35 miles per hour to 25 miles  
340 per hour, especially with the added businesses and residential in the area.

341

342 **Vice-Chairman Creager** asked for more clarification on the merchant consensus.

343

344 **Commissioner Coates** asked about the relocation of the house.

345

346 **Sally Manfredi** stated she is in favor of saving the house and she was very grateful for saving the  
347 structure. However she is concerned with the to-go business at the market, reporting a noise problem and  
348 problem with debris that has to be picked up at all neighboring businesses.

349

350 **Adele Layton**, 1001 Foothill Blvd, stated she is concerned with noise pollution due to the proposed  
351 doubling size of the business; and proposed "no stopping at any time" signage because the market allows  
352 people to eat outside while sitting on the wall or in back of their trucks with loud radio's playing; and it  
353 reduces the visual for the oncoming traffic coming out of the market. Ms. Layton further suggested  
354 reducing the scale of the development.

355

356 **Nick Kite** (speaking as a resident) stated he supported the expanded market with a small office; however it  
357 has a potential to be a truck stop and busy professional office; therefore he would like to see a condition  
358 that encourages the local serving market and discourages professional offices. He provided the following  
359 suggestions:

360

- restricting the type of professional office to a low traffic generating business; and
- recommended the restrooms should not be public; and
- reminded this is an opportunity for beautification of an entry corridor;

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362

- 363 • general trash pick up and noise is a nuisance and suggested changing the time of trash pick up;  
364 • noted a wooden sign would be preferred.

365

366 **Jeff Manfredi** (speaking as a resident), 1001 Foothill Blvd, reminded the public that this stretch of property  
367 is Downtown Commercial. The biggest problem is the trucks that stop to get the food to go. He followed  
368 with the following recommendations:

- 369 • Recommended that the frontage be truck loading and unloading and painted 8 am – 12 (noon) Monday  
370 – Friday.  
371 • The signs need to prohibit parking of certain trucks.  
372 • Clarification should be given to the types of businesses allowed.  
373 • The sidewalk is a good idea and he wants to continue the sidewalk.  
374 • The signage is out of character and a wooden sign would be more fitting.  
375 • Recommended an additional drain.

376

377 **Planner Lundquist** reported the preliminary drainage plan has been submitted by Doug Sterk.

378

379 **Placido Garcia**, 1127 Mitzi Drive, stated he is in favor of the project and if the City adds more conditions it  
380 will delay the project. He stated this project complies with the proposed Urban Design Plan. This is a local  
381 serving business and we should not make it more difficult. As the City grows and develops the noise level  
382 will increase and we need to learn to live with the noise levels.

383

384 **Donna Oldford**, stated there is no plan to sell the building and they have clarified the business is not a  
385 restaurant but is a deli and market. Ms. Oldford responded to comments and questions:

- 386 • Space improvements are allocated to storage and to address safety.  
387 • The City will do haz mat for environment review to check for old gas tanks.  
388 • She suggested requesting a date change for garbage pick up.  
389 • A loading zone might be over-kill, to designate front parking for loading only for that length of time was  
390 not maximizing space, there times there are no trucks and other vehicles would not be able to park  
391 there.  
392 • Suggested reporting back in six months for review of the parking management instead.  
393 • There are no plans for an outdoor grill.  
394 • The applicants are agreeable to add a wooden sign instead of the one proposed.

395

396 **Commissioner Coates** suggested a “keep clear” sign at Pine Street.

397

398 **Planner Lundquist** provided review of the concerns with mitigation measures and conditions of approval  
399 as follows:

- 400 • He suggested adding to Condition 6 under building permit application review to include a statement  
401 about hazardous materials.  
402 • Referencing Condition 18 of Resolution 2008-036 he reported the intent of staff was to state that no  
403 signage has been approved;  
404 • Outdoor dining included as Conditions 27 and 28, to use all civil law authority to prohibit loitering (does  
405 not permit outdoor tables).  
406 • Resolution PC 2008-036 contains a majority of the conditions.  
407 • Hours are restricted to 7 am to 9 pm;  
408 • need to restrict hours of delivery 9 am – 2 pm.

409

410 **Vice-Chairman Creager** shared his concern for the retaining wall and landscape.

411

412 **Planner Lundquist** suggested adding a condition for landscaping to require planting at the base of the  
413 wall.

414

415 **Vice-Chairman Creager** asked what our authority is to restrict types of office use.



416

417

**Planner Lundquist** reported 1003 Foothill includes use of entry corridor for professional offices (subsection A lists would require an administrative use permit – reference PC Resolution 2008-34 Condition 1).

419

420

421

**Vice-Chairman Creager** shared concern with existing drainage which would create more runoff.

422

423

**Planner Lundquist** reported it has been included as mitigation measure.

424

425

**Vice-Chairman Creager** requested clarification on the number of business offices.

426

427

**Planner Lundquist** advised they have four different space use areas.

428

429

**Vice-Chairman Creager** shared concern they could split the rent and share the office.

430

431

**Planner Lundquist** advised it can be addressed as a condition of approval.

432

433

**Vice-Chairman Creager** suggested no public restroom be included to discourage people from staying longer.

434

435

**Planner Lundquist** stated public restrooms are not required but are generally encouraged.

436

437

**Director Gallina** noted the restroom may be a building code issue; but signage could be for patrons only, not open to the general public.

439

440

**Vice-Chairman Creager** stated it appears the parking would eliminate the line of sight problem.

441

442

**Director Takasugi** reported W Trans addressed that there would be a line of sight concern and suggested a limitation on large truck parking on the frontage.

443

444

445

**Planner Lundquist** noted we cannot allow parking for Class 6 and above.

446

447

**Vice-Chairman Creager** asked for clarification for truck parking/loading/unloading.

448

449

**Planner Lundquist** reported the area in front would be load/unload during specific hours (8 am – 12 noon).

450

451

452

**Vice-Chairman Creager** suggested maybe we could have a condition for use of parking in front for trucks.

453

454

**Commissioner Coates** reminded we can come back and evaluate the truck/parking issue in six months to determine if another condition is needed.

455

456

457

**Director Gallina** stated we will add a condition about a loading zone; and have parallel striping on Foothill Blvd.

458

459

460

**Vice-Chairman Creager** noted parking on the opposite side of the street is an issue and that needs to be addressed, and asked if we can include this in the condition.

461

462

463

**Planner Lundquist** reported it was a good idea to prohibit parking in front of Christopher's Inn.

464

465

**Director Takasugi** reminded it would require approval of Caltrans, stating he did not believe we can prohibit parking.

466

467

468

469 **Planner Lundquist** noted Condition #17 refers to prohibiting idling of parked/standing vehicles along the  
470 frontage.

471  
472 **Vice-Chairman Creager** requested we add to our request to Caltrans to prohibit trucks idling.

473  
474 **Commissioner Coates** asked about limiting construction on Saturday due to noise.

475  
476 **Director Gallina** reported the Staff Report recommended construction be limited to 8 am – 5 pm with no  
477 construction on Sunday.

478  
479 **Bev More** stated the applicant has agreed to no construction on Saturday.

480  
481 **Commissioner Coates** stated due to the amount of concrete an additional planting would improve the  
482 look.

483  
484 **Commissioner Bush** asked if a 12 foot wide sidewalk was necessary.

485  
486 **Vice-Chairman Creager** suggested some of the 12 foot strip could be allocated to landscaping, it was  
487 recommended a condition be added stating that landscaping be added along the 12 foot sidewalk.

488  
489 **Director Gallina** noted for consistency future projects in this area will need to carry the same theme for a  
490 landscape strip.

491  
492 **Vice-Chairman Creager** reopened the public comment discussion at 8:20 PM.

493  
494 **Christopher Layton** asked for consideration of the following:

- 495 • Could look into “no parking” in front of Christopher’s Inn;
- 496 • please make it clear this should not be a restaurant;
- 497 • requested the addition of language to state “no tailgating”.
- 498 • noted 7 am deliveries are too early and asked for modification;
- 499 • asked to hear more about the angled parking on the street; and
- 500 • requested the Commission consider narrowing the sidewalk.

501  
502 **Director Gallina** stated that the recommendation from the Urban Design Plan committee is for parallel  
503 parking and is for consistency because of a recommendation of future shared parking at the intersection at  
504 the Busk property.

505  
506 **Nick Kite** stated there is more than enough space for angled parking.

507  
508 **Vice-Chairman Creager** reported some truck usage might be needed in the frontage and we are trying to  
509 balance the parking issue.

510  
511 **Nick Kite** suggested identifying an area inside the property for deliveries and allow vehicle parking in  
512 front; he further stated that this is designated Downtown Commercial so why do we allow 73 ft trucks on  
513 this section of the road. He also suggested no restrooms because it will allow more space for more  
514 truckers.

515  
516 **Jeff Manfredi** stated he supported diagonal parking which would discourage and prohibit truck parking.

517  
518 **Bev More** provided clarification that there is no room for landscaping along the wall in the back parking lot;  
519 however they could get a vine growing up the wall.

520

521 **Placido Garcia** stated that this is a State Highway on this part of Foothill Boulevard and we cannot prohibit  
522 truck traffic or parking in front.

523  
524 **Vice-Chairman Creager** noted we have a workable solution to increase the number of parking spaces for  
525 cars.

526  
527 **Planner Lundquist** clarified Planning Commission direction for a condition re: Parking, requiring a six  
528 month review.

529  
530 **Commissioner Coates** complimented Staff's involvement with the applicant and the community and he  
531 likes the business is going to be a local serving business.

532  
533 **Planner Lundquist** confirmed a change to the mitigation measures re: Construction hours, changes to  
534 Resolutions 34 and 36, and no change to variance resolution.

535  
536 **Director Gallina** recommended the motions be subject to conditions of approval as amended.

537  
538 There was motion by **Commissioner Coates**, seconded by **Vice-Chairman Creager** to adopt Planning  
539 Commission Resolution PC 2008-32 adopting a Mitigated Negative Declaration based on an Initial Study  
540 prepared for the Vallarta Plaza (Professional Offices and Market/Apartments) incorporating the findings  
541 and mitigation measures as amended. **Motion carried: 3-0-0-2.**

542  
543 There was motion by **Commissioner Bush**, seconded by **Vice-Chairman Creager** to adopt Planning  
544 Commission Resolution PC 2008-33 approving a Variance (2006-09) allowing a reduced highway and  
545 streets setback along Foothill Boulevard based upon the findings and subject to conditions of approval as  
546 amended. **Motion carried: 3-0-0-2.**

547  
548 There was motion by **Vice-Chairman Creager**, seconded by **Commissioner Coates** to Adopt Planning  
549 Commission Resolution PC 2008-34 approving a Conditional Use Permit (U 2006-09) and Design Review  
550 (DR 2005-03) to allow the existing residential structure to be relocated toward the northeastern most  
551 property and converted to office use based upon the findings and subject to conditions of approval as  
552 amended.

553  
554 There was motion by **Commissioner Coates**, seconded by **Commissioner Bush** to adopt Planning  
555 Commission Resolution PC 2008-35 approving a Variance (2006-08) allowing a reduced highway and  
556 streets setback along Foothill Boulevard based upon the findings and subject to conditions of approval as  
557 provided in the resolution. **Motion carried: 3-0-0-2.**

558  
559 There was motion by **Commissioner Bush**, seconded by **Vice-Chairman Creager** to adopt Planning  
560 Commission Resolution PC 2008-36 approving a Conditional Use Permit (U 2005-02) and Design Review  
561 (DR 2005-02) allowing the renovation and expansion of the Vallarta Market, including two apartment units  
562 based upon the findings and subject to conditions of approval as amended. **Motion carried: 3-0-0-2.**

563  
564 **Vice-Chairman Creager** called for a five minute recess at 8:39 PM.

565  
566 **Chairman Manfredi** called the meeting back to order at 8:48 PM when he and Commissioner Kite  
567 resumed their seat on the Commission.

568  
569 **H. NEW BUSINESS**

570 **2. DR 2008-08.** Consideration of a request for Design Review approval to: (1) demolish an existing  
571 residential structure ("Yellow House") and detached shed located at 1409 Myrtle Street (APN 011-242-  
572 004); (2) demolish an existing residential structure ("White House") located at 1007 Spring Street (APN  
573 011-242-015); (3) demolish the "hospital additions" to the Francis House located at 1403 Myrtle Street

574 (APN 011-242-015); and (4) perform emergency interior stabilization work on the Francis House, including  
575 interior deconstruction and structural stabilization, removal of destroyed interior materials, and interim  
576 weatherization, at 1403 Myrtle Street (APN 011-242-015). All of the subject properties are located within  
577 the "R-3", Residential/Professional Office Zoning District. This proposed action is exempt from the  
578 California Environmental Quality Act (CEQA) under Sections 15301(l) and 15331 of the CEQA Guidelines.

579

580 **Planner MacNab** reported design review is required for structures over 50 years old to make sure that  
581 when demolitions are approved we are not losing a potential resource.

582

583 **Naomi Miroglio**, Architectural Resources Group presented.

584

585 **Planner MacNab** reported no significant problem with demolition and the dismantling is consistent with  
586 requirements by the Secretary of the Interior.

587

588 **Commissioner Coates** asked if he can assume that hazardous material removal will be addressed.

589

590 **Planner MacNab** reported the owner has submitted a building permit application for demo work and they  
591 will be required to adhere to State requirements.

592

593 **Director Gallina** reported staff is recommending that work hours be limited to 8:00 am – 5:00 pm, Monday  
594 through Saturday.

595

596 **Chairman Manfredi** asked for specific questions of demolition.

597

598 **Doug Cook**, 109 Wappo asked about the historical evaluation of the hospital regarding dates.

599

600 **Naomi Miroglio**, ARG reported limited findings, advising what we know is the first hospital use began  
601 approximately in 1920; no permit records; construction was around 1930-40 for community use, but they  
602 were unable to find in history repositories any information related to the hospital as a use.

603

604 **Planner MacNab** suggested we take action and then discuss if we want to move forward with concept  
605 design review tonight or continue to the next meeting.

606

607 **Basil Tonas** asked how long it will take to demo the project

608

609 **Neil Schaffer** reported the demo of the yellow house will take one to two weeks, and the hospital will take  
610 five to seven weeks. Further stating they will do their best to mitigate the noise.

611

612 **Lou Palmer**, 1401 Cedar St stated trucks should exit on Foothill Blvd. and should not use the smaller  
613 streets.

614

615 **Toppa Epps**, owner of the Pink Mansion stated he is in favor of the project but shared his concern with the  
616 demo taking five to seven weeks, Monday-Saturday. He requested they limit use of heavy equipment to  
617 after 9:00 am.

618

619 **Chairman Manfredi** reminded if there is a noise problem occurring they should call the City and report it.

620

621 **Paul Kelly**, Project Architect remarked about noise issues and work performance and reported it would be  
622 quieter and more subtle work.

623

624 There was motion by **Commissioner Kite**, seconded by **Vice-Chairman Creager** to direct Staff to file a  
625 Notice of Exemption for the Project pursuant to Sections 15301(l) and 15331 of the CEQA Guidelines.

626

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

628 There was motion by **Commissioner Bush**, seconded by **Commissioner Coates** to Adopt PC Resolution  
629 2008-37 approving Design Review (DR 2008-08) to allow for the (1) demolition of the Yellow House and  
630 detached shed located at 1409 Myrtle Street (APN 011-242-004); (2) demolition of the an White House  
631 located at 1007 Spring Street (APN 011-242-015); (3) demolition of the “hospital additions” to the Francis  
632 House located at 1403 Myrtle Street (APN 011-242-015); and (4) performance of emergency interior  
633 stabilization work on the Francis House, including interior deconstruction and structural stabilization, removal  
634 of destroyed interior materials, and interim weatherization, at 1403 Myrtle Street (APN 011-242-015), within  
635 the “R-3”, Residential/Professional Office Zoning District, subject to the findings presented in the Staff  
636 Report and conditions of approval. **Motion carried: 5-0-0-0.**

637 1. **PA 2008-01, CDR 2008-01.** Conceptual Design Review for development of property locally referred to  
638 as the “former hospital property” into a twenty-five room inn and spa featuring the historic Francis House.  
639 The project site, comprised of four parcels totaling approximately 1.02 acres in size, is located at the corner  
640 of Myrtle and Spring Streets (APNs 011-242-004, -008, -014 and -015) within the “R-3”,  
641 Residential/Professional Office Zoning District.

642  
643 **Neil Schafer** requested consideration to continue with the presentation.

644  
645 **Paul Kelly**, Project Architect presented.

646  
647 **Paul Kelly** referenced Line 94 of Staff Report and reported the existing bungalow is shifted 5 ft towards  
648 Spring Street and the finished floor level will be raised 16 inches. He further referenced Line 115 stating  
649 the average height measured on the pool side is 33 feet and that was incorrect.

650  
651 **Planner MacNab** corrected Mr. Kelly’s comments advising that the 33 feet is measured from the mid point  
652 of the gable and was correct.

653  
654 **Paul Kelly** stated they will be 6-7 feet below Foothill Blvd; and then referenced Line 199 re: tax credit and  
655 clarified they had found them to be problematic, but they were interested in proposing a Mills Act with the  
656 City to free property tax.

657  
658 **Planner MacNab** responded noting there was a misunderstanding as part of the zoning to the Mills Act  
659 and advised the City would have to adopt new regulation.

660  
661 **Paul Kelly** clarified referencing Table 1 in Planned Development advising the maximum unit is 7, not 6 for  
662 the 2<sup>nd</sup> bungalow); and the Spring Street set back is 6 feet.

663  
664 **Lou Palmer** stated the public should be made aware of this project. Calistoga does not need to become  
665 more famous with the addition of the Francis House.

666  
667 **Basil Tonas**, 1205 Spring Street stated this project is in a residential area and it is too large of a project for  
668 this area. He said it is a nice project but he considered it too expansive for a middle class neighborhood,  
669 and if it is fenced in, it will not fit in the neighborhood.

670  
671 **Channing McBride**, 1805 Foothill (co-owner of Chanric Inn) stated the regulation for Bed and Breakfasts  
672 allows only six units and it seems like a “1960’s way” of holding us back when your approving this project  
673 across the street. A few years ago there was not enough water. Please consider amending the  
674 regulations for Bed and Breakfasts.

675  
676 **Toppa Epps**, Pink Mansion stated there has been an annual expectation and he has inquired  
677 since 1994 about adding a couple of rooms. He was told that his zoning was not sufficient for adding  
678 rooms for his Bed and Breakfast and the re-zoning was just for the Francis House.

679

680 **Director Gallina** stated that a committee is set up in the private sector to review the Bed and Breakfast  
681 provisions; and Staff would be happy to work with the committee. It is scheduled on the Planning  
682 Department work program to look at the Bed and Breakfast regulations.

683  
684 **Doug Cook**, 109 Wappo Avenue stated there were inconsistencies (1) architectural consistency with a  
685 historical building. He asked about the architectural theory; (2) parking is significant; there should be  
686 consistency with the parking requirements, noting he had to meet the standards to add just one unit and he  
687 had to increase parking. He did not see a requirement for additional parking for the staff at the Francis  
688 House.

689  
690 **Jody Hinton**, Project Civil Engineering, stated a traffic study will be done and they are currently  
691 negotiating with Public Works to bring a consultant on board.

692 There was motion by **Chairman Manfredi**, seconded by **Commissioner Kite** to continue the Conceptual  
693 Design review to the regular Planning Commission meeting of August 27, 2008. **Motion carried: 5-0-0-0.**

694

695 **J. MATTERS INITIATED BY COMMISSIONERS**

696

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

698 **Director Gallina** announced a Special meeting has been scheduled on September 15, 2008, (Monday  
699 evening); 5:30 pm to start the Public Hearing process related to the Urban Design Plan.

700

701 **Commissioner Bush** encouraged people to please provide their communications related to the Urban  
702 Design Plan prior to the day of the meeting.

703

704 **Director Gallina** asked that the public get their communications to staff as early as possible. She further  
705 advised:

- 706 • there will be another Draft Urban Design Plan Public Workshop held on August 18, 2008; and  
707 • the Growth Management Allocation application period for 2009 opens on Monday, August 18, 2008.

708

709 **Director Gallina** advised she would be on vacation starting August 19 returning Sept 4<sup>th</sup>.

710

711 **L. ADJOURNMENT**

712

713 There was motion by **Commissioner Bush** seconded by **Chairman Manfredi** to adjourn the meeting.  
714 **Motion carried: 5-0-0-0.**

715

716 The meeting adjourned at 9:56 pm

717

718 The next regular meeting of the Planning Commission is scheduled for Wednesday, August 27, 2008 at  
719 5:30 PM

720

721

722

723

724 \_\_\_\_\_  
724 Charlene Gallina, Director of Planning and Building

725 Acting Planning Commission Secretary

726

727