

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

**Wednesday, June 11, 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 **Chairman Manfredi** called the meeting to order at 5:33 PM
3

4 **ROLL CALL**

5 **Present:** Chairman Jeff Manfredi, Vice-Chairman Clayton Creager, Commissioner Carol Bush,
6 Commissioner Paul Coates. **Absent:** Commissioner Kite. **Staff:** Charlene Gallina, Planning and
7 Building Director, Erik Lundquist, Associate Planner, and Kathleen Guill, Planning Commission
8 Secretary. **Absent:** Ken MacNab, Senior Planner.
9

10 **B. PUBLIC COMMENTS**

11
12 **C. ADOPTION OF MEETING AGENDA**

13 There was motion by **Vice-Chairman Creager**, seconded by **Commissioner Coates** to approve
14 the agenda as presented. **Motion Carried: 4-0-1-0.**
15

16 **D. CONSENT CALENDAR**

- 17
18 1. Planning Commission Minutes of the regular meeting of April 23, 2008
19 2. Planning Commission Minutes of the regular meeting of May 14, 2008
20 3. Planning Commission Minutes of the regular meeting of May 28, 2008
21

22 There was motion by **Vice-Chairman Creager**, seconded by **Commissioner Coates** to approve
23 the Consent Calendar as presented. **Motion carried: 4-0-1-0.**
24

25 **E. TOUR OF INSPECTION**

26
27 **F. COMMUNICATIONS/CORRESPONDENCE**

28
29 **G. PUBLIC HEARING**

- 30
31 1. **VA 2008-01, U 2008-04 and DR 2008-07.** Consideration of two Variances: 1) to allow a 7'-0"
32 front yard setback, where 20'-0" is required and 2) to allow parking within the 20'-0" front yard
33 setback along Hazel Street. This project also includes the consideration of a Conditional Use
34 Permit and Design Review application to operate a wine tasting and sales business within a 600
35 square foot structure on the property located at 1224 Lincoln Avenue (APN 011-253-002) within
36 the "DC-DD", Downtown Commercial - Design District. The Applicant also requests the ability to
37 conduct interim wine tasting and sales within the existing residence while the existing 600 square

38 foot structure is being renovated. The applicant is Frank and Eugenia Romeo of Romeo
39 Vineyards & Cellars, LLC. This proposed action is exempt from the California Environmental
40 Quality Act (CEQA) under Section 15332 of the CEQA Guidelines.

41

42 **Commissioner Coates** noted a correction reporting the Staff Report documentation identified as
43 agenda item H-1 should have been referenced as agenda Item G-1 in conformance with the
44 Agenda.

45

46 **Planner Lundquist** provided a brief property history and overview of the applicant's proposal
47 highlighting Romeo Vineyards and Cellars existing local winery operation and permits. He noted
48 this property will be utilized as a secondary location and will require limited modification to the
49 interior to include but not be limited to meeting ADA requirements for the proposed wine tasting
50 and sales facility. It was reported an existing non conforming situation triggers that new codes
51 and standards apply, i.e. the current location of the structure is located inside the required setback
52 and would require a variance to allow the existing building to exist within the setback. Planner
53 Lundquist provided a review of the current parking area configuration and increased parking
54 demand from the Staff Report page 4 of 8, and identified that one space will need to be handicap
55 to meet handicap guidelines and an in-lieu fee would be needed for the deficit of two spaces.
56 Staff stated with incorporated conditions of approval the proposal was found to meet current
57 policies. Staff further clarified conditions of approval for temporary wine tasting within the
58 residence limiting the amount of time within the residential use for wine tasting to one year and
59 precluded any residency to weekend use until an additional Growth Management allocation can
60 be obtained.

61

62 **Frank Romeo**, applicant shared their desire to own their own wine tasting facility downtown
63 Calistoga, noting their small vineyard is located just 10 minutes from here. He reported the
64 following:

- 65 • They planned on taking off the back deck and putting the emphasis back on Lincoln Avenue;
66 and
- 67 • Assured they would stay within the baseline water limits until further Commercial Growth
68 Management allocation is obtained;
- 69 • Reported their intention is to sell only their own local wine to establish the business base; and
- 70 • Possibly add other wines for tastings from other local smaller farms and smaller wineries down
71 the line.
- 72 • Reported they had reviewed the recommendations and found the conditions reasonable.
- 73 • He anticipated the house would basically stay the same.

74

75 Mr. Romeo concluded reporting the Calistoga people were friendly, the location is has a good
76 setting and they were hopeful they would get a lot of walk in patrons.

77

78 **Mary Sue Fredianni**, 1255 Lincoln Avenue, presented and read aloud a letter from Paul Smith,
79 dated 06/11/08, requesting consideration that the City should consider limiting wine sales to that
80 only produced from Napa Valley grapes and further to clarify truth-in-labeling issues surrounding
81 wines which are merely branded as "Calstoga" while the fruit may actually be sourced anywhere
82 on the planet. (See attachment). She welcomed having a proposal for more business over the
83 bridge side on Lincoln. Referencing the Staff Report page 4, the reported three parking spaces
84 on Hazel were questioned.

85

86 **Planner Lundquist** reported the parcel was a through lot onto Lincoln, which creates two fronts
87 Lincoln Avenue and Hazel Street. Hazel has a front yard setback that places one parking spot in
88 the right-of-way. They currently have two spaces for the residence, they are allowed a 25%
89 allowance for walk away business, and will be required to pay in lieu fees for additional parking
90 three.

91
92 **Ms. Fredianni** referenced the time line for temporary wine tasting in the house, noting Staff had
93 reported a condition limiting the residential tasting use to one year.

94
95 **Mr. Romeo** reminded their intent for possible future sales of other wines would be limited to only
96 small Calistoga wineries, probably from the north section of the Valley. He noted the bigger
97 wineries have their own marketing.

98
99 **Vice-Chairman Creager** shared concern for the wording Napa Valley, cautioning using just Napa
100 Valley, because we have Franz Valley. He suggested we should be very careful about anything
101 like that.

102
103 **Chairman Manfredi** noted this would be a mute point at the moment because they will currently
104 be limited to selling only their own wine.

105
106 **Commissioner Bush** questioned the use of in lieu fee monies.

107
108 **Planner Lundquist** stated the funds are placed into a restricted fund separate from the General
109 Fund to be used only for parking improvements.

110
111 **Paul Knoblich**, 1019 Cedar Street and 1206 Hazel Street, stated he was uncomfortable with the
112 proposal, and wished no hardship to current potential owners. He reported initially being uneasy
113 with the setbacks, noting across the street feels residential, but then again across from the
114 neighboring Tea Room doesn't feel residential. He was concerned big blue handicap parking
115 markings feel commercial. Parking is already impacted with the Nance property having four
116 vehicles which park long term without moving. He was curious with a long term plan for wine
117 tasting in the cottage, perhaps the front unit will be used for guests. Mr. Knoblich questioned why
118 staff recommended a variance.

119
120 **Planner Lundquist** stated there were several factors in play:
121

- Street access is prohibited from Lincoln Avenue; and
- there are substantial trees located on the property, with an ordinance in place that protects
122 trees;
- examination of the envelope for parking;
- a through lot creating special circumstances not necessarily found within the
123 neighborhood.
- it is an existing historic structure; and
- in general special circumstances,

124
125
126
127
128
129
130 **Vice-Chairman Creager** suggested the concern that the parking may appear commercial, could
131 be addressed by conditioning use of materials that are less commercial to downplay a commercial
132 establishment.

133

134 **Planner Lundquist** reported bold blue handicap captions are not required, maybe they can
135 incorporate architectural design, but the area already has colored concrete where the former
136 owner incorporated design issues.

137

138 **Commissioner Coates** commended the applicant for addressing the handicap issue, noting he
139 didn't really see how this would look more commercial because of it. He was impressed the way it
140 is designed and was pleased they were willing to go the long hall to do it right. He concluded
141 noting that maybe the problem of constant parking of five maybe six vehicles from the Nance
142 property should be addressed.

143

144 **Paul Knoblich** asked if the reason staff is recommending approval was just to legalize something
145 existing that is already non conforming.

146

147 **Planner Lundquist** replied "no", the recommendation was based on the findings, and there is
148 restricted access from Lincoln, existing historic structures, protected trees, all resulting in special
149 circumstances. Four findings required.

150

151 **Paul Knoblich** noted it was obvious that staff thinks this is the right thing to do.

152

153 **Chairman Manfredi** Closed the public portion of the hearing.

154

155 **Commissioner Coates** stated he believed this was an enhancement to Lincoln Avenue and
156 would get more foot traffic down on that end of the street, noting anything empty or vacant is a
157 detriment.

158

159 **Planner Lundquist** reported condition 5 encompassed everything, in the future if the Commission
160 finds the "use is detrimental to the health, safety, comfort or welfare of the public" and they are not
161 doing what they are suppose to – it will be brought back.

162

163 **Chairman Manfredi** stated there is already commercial at Hazel Street, noting this will lessen the
164 impact of visible commercial there and there is nothing being added. As far as dealing with Mr.
165 Nance if it is a real nuisance persons can call the police. He noted he believed this to be a real
166 good project. As far as the issue of use the house, long term should be discussed.

167

168 **Planner Lundquist** stated the house is to be used as a residence, also noting a loss of housing is
169 discouraged.

170

171 **Mr. Romeo** reported the long term plan is the upstairs will be used as residential and the
172 downstairs will be commercial, maybe the setting could compliment the business with small
173 dinners or something. However they would never consider a bed and breakfast or anything like
174 that.

175

176 **Chairman Manfredi** questioned if all potential commercial changes would require another
177 hearing.

178

179 **Planner Lundquist** stated all business such as restaurant, food service, café, hotel, motel, and
180 inn would require an additional use permit.

181

182 There was motion by **Commissioner Coates**, seconded by **Vice-Chairman Creager** to Direct
183 Staff to file a Notice of Exemption for the Project pursuant to Section 15332 of the CEQA
184 Guidelines. **Motion carried: 4-0-1-0.**

185
186 There was motion by **Commissioner Bush**, seconded by **Vice-Chairman Creager** to adopt
187 Resolution PC 2008-23 approving a Variance to permit a portion of the existing 600 square foot
188 structure to be located within the front yard setback on the property located at 1224 Lincoln
189 Avenue within the “DC-DD”, Downtown Commercial – Design District, based upon the findings
190 provided in the draft resolution and subject to conditions of approval. **Motion carried: 4-0-1-0.**

191
192 There was motion by **Vice-Chairman Creager**, seconded by **Chairman Manfredi** to adopt
193 Resolution PC 2008-24 approving a Variance to permit parking within the front yard setback on
194 the property located at 1224 Lincoln Avenue within the “DC-DD”, Downtown Commercial – Design
195 District, based upon the findings provided in the draft resolution and subject to conditions of
196 approval. **Motion carried: 4-0-1-0.**

197
198 There was motion by **Chairman Manfredi**, seconded by **Vice-Chairman Creager** to Adopt
199 Resolution PC 2008-25 approving Conditional Use Permit (U 2008-04) and Design Review (DR
200 2008-07) to allow wine sales, including wine tasting on the property located at 1224 Lincoln
201 Avenue (APN 011-253-002) within the “DC-DD”, Downtown Commercial – Design District, based
202 upon the findings presented in the resolution and subject to conditions of approval. **Motion**
203 **carried: 4-0-1-0.**

204

205 H. NEW BUSINESS

206

207 I. MATTERS INITIATED BY COMMISSIONERS

208

209 **Vice-Chairman Creager** for point of clarification asked what started the major change in the Bill
210 Squire property on lower Washington. He reminded Mr. Squire had formerly come before the
211 Commission with an application that resulted in the owner not moving forward with proposed
212 improvements, and now what started with an apparent reroof has changed the potential status of
213 the block in terms of future options.

214

215 **Director Gallina** reported the improvements started out as a building safety issue. Mr. Squire
216 came in to discuss building safety improvements that would allow him time to later followup with a
217 formal redevelopment project application.

218

219 **Vice-Chairman Creager** stated the safety improvements have limited future options for
220 development.

221

222 **Planner Lundquist** stated there are limitations when you redevelop up to sixty percent of the fair
223 market value. We have told him it is capped unless he goes through the discretionary process.

224

225 **Vice-Chairman Creager** stated it is disappointing to see this when the Farris project is beautiful
226 and was processed above board.

227

228 **Vice-Chairman Creager** stated he felt the process had been by-passed.

229

230 J. DIRECTOR’S COMMENTS/PROJECT STATUS

231

232 1. Project Status Update and Work Program

233

234 **Director Gallina** provided a copy of the work program for the Planning Department reporting the
235 City Council has identified the following as a priority for 2008/2009:

- 236 • Amendments to the Zoning to assure consistency and policy direction of the General
237 Plan;
- 238 • Completion of the Urban Design Plan and implementation of any policies related;
- 239 • Manage and advance key private development;
- 240 • Prepare a comprehensive affordable housing strategy;
- 241 • Update development impact fee's hiring a consultant to assist in the modifications
242 (noting our fees are really low).

243

244 **Director Gallina** also reported the City Council wants to schedule a joint session to talk about
245 issues, priorities, and development in general. She asked the Commissioners for their availability,
246 suggesting this meeting could be scheduled immediately following the June 25, 2008 Planning
247 Commission meeting. The tentative June 25 agenda is light and the joint meeting could start at
248 6:30. The alternate date would be on Monday, July 7, at 6:00 pm and asked the Commissioners
249 preference.

250

251 **Chairman Manfredi** stated if there is only one item on June 25th a joint meeting following the
252 regular meeting would be his preference.

253

254 **Commissioner Bush** reported that would also work for her because she would not be available
255 for the July date.

256

257 **Commissioner Coates** stated either date will work for him.

258

259 **Director Gallina** further asked if there were other topics the Commission desired to be discussed.

260

261 **Commissioner Coates** stated he feels that staff is not getting Council support for a lot of issues
262 and would like this to be discussed.

263

264 It was further suggested there should be discussion related to the Growth Management program
265 (GMA), and having potential projects wait a whole year, while some approved projects fail or sit on
266 the board, suggesting possible streamlining the system.

267

268 **Director Gallina** reported this year will be the fifth cycle for GMA, and maybe we should allow for
269 administrative approvals for medial increases to accommodate existing business to expand, for
270 example the wine tasting room. Maybe talk about changes to process twice a year, or change the
271 length of time to secure the GMA. Is one year an acceptable time frame. Staff needs to bring
272 recommendations on general objectives to Council in July and conversation with City Council will
273 help give direction on objectives to be brought forward. As a result of former sphere of influence
274 discussions, maybe discuss options for better communication with the community. We currently
275 have a quarterly news letter, should we hold quarterly town hall meetings to understand what the
276 community thinks is going on and what the issues are.

277

278 **Vice-Chairman Creager** suggested discussion on the sphere of influence and its relationship to
279 town and outlying areas, noting they are integral to one another. Understanding people who work

280 close to town, reflects on our character, suggesting that character is not tied to growth, but
281 retaining families and providing housing is. Coming up with a comprehensive strategy will be his
282 focus with Council.

283

284 **Commissioner Coates** noted the Community Pool project is lagging and he questioned the
285 Veterans Memorial timing.

286

287 **Director Gallina** stated October is now the real date for the pool.

288

289 **Commissioner Coates** asked when they will commence phase 1 at Logvy Park.

290

291 **Director Gallina** reported Phase 1 at Logvy was scheduled for March of 2009 and included the
292 Teen Center adjacent. A Master plan and Environmental Master Plan should be forwarded to the
293 Planning Commission by the end of summer.

294

295 **Vice-Chairman Creager** asked if the redesign is due to the shared parking not working out.

296

297 **Director Gallina** reported there is no interest by the Fairgrounds to allow for shared parking.

298

299 **Chairman Manfredi** stated they did not say it never would happen, but during the last meeting
300 about six weeks ago they stated they were not interested.

301

302 **Director Gallina** reported the Fairgrounds would be a Community Pool status report at the next
303 City Council meeting on Tuesday.

304

305 **L. ADJOURNMENT**

306

307 There was motion by **Vice-Chairman Creager**, seconded by **Chairman Manfredi** to adjourn the
308 meeting. **Motion carried: 4-0-1-0.** The meeting adjourned at 6:35 PM.

309

310 The next regular meeting of the Planning Commission is scheduled for Wednesday, June 25,
311 2008 at 5:30 PM

312

313

314

315

316 _____
Kathleen Guill,
317 Secretary to the Planning Commission

318

319 Attachment