

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

Wednesday, July 22, 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).

**A. ROLL CALL**

**B. PLEDGE OF ALLEGIANCE**

**C. PUBLIC COMMENTS**

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

**D. ADOPTION OF MEETING AGENDA**

**E. COMMUNICATIONS/CORRESPONDENCE**

**F. CONSENT CALENDAR**

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

**1. Planning Commission Regular meeting Minutes of June 24, 2009**

**Recommended Action:** Approve the Consent Calendar as presented.

**G. TOUR OF INSPECTION**

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

## H. PUBLIC HEARINGS

1. **Variance (VA 2009-02):** Consideration of a variance requested by the property owner, Margaret Law to allow parking within the front yard setback on the property located at 1143 Mitzi Drive (APN 011-433-004) within the “R1”, Single Family Residential Zoning District. The proposed amendments to the General Plan and Zoning Ordinance are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 of the CEQA Guidelines.

### **Recommended Actions:**

#### Categorical Exemption

- a. Direct Staff to file a Notice of Exemption for the Project pursuant to Section 15332 of the CEQA Guidelines.

#### Variance

- b. Adopt Resolution PC 2009-17 denying of Variance (VA 2009-01) to allow parking within the front yard on the existing driveway on the property located at 1143 Mitzi Drive (APN 011-433-004) within the “R1”, Single Family Residential zoning district.

2. **Conditional Use Permit (U 2009-02):** Consideration of a conditional use permit requested by the property owner, William Shaw to allow offices, storage and warehousing of goods associated with his business, Cal Mart, a resident serving business located on an adjacent parcel. The proposed offices, storage and warehousing use(s) will occur within the existing structures located at 1311 Fair Way (APN 011-204-009) within the “CC-DD”, Community Commercial – Design District. The proposed amendments to the General Plan and Zoning Ordinance are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 of the CEQA Guidelines.

### **Recommended Actions:**

#### Categorical Exemption

- a. Direct Staff to file a Notice of Exemption for the Project pursuant to Section 15332 of the CEQA

#### Conditional Use Permit

- b. Adopt Resolution PC 2009-18 approving Conditional Use Permit (U 2009-01) to allow offices, storage and warehousing of goods associated with his business, Cal Mart, a resident serving business located on an adjacent parcel. The proposed offices, storage and warehousing use(s) will occur within the existing structures located at 1311 Fair Way (APN 011-204-009) within the “CC-DD”, Community Commercial – Design District, based upon the Findings presented in the staff report and subject to conditions of approval.

**I. NEW BUSINESS**

1. Presentation of the Preliminary Draft Napa Countywide Climate Action Plan, including Commission consideration of local Greenhouse Gas Emission (GHG) reduction targets and local GHG reduction actions.

**Recommended Action:** Receive presentation and continue Planning Commission discussion and action to a Special Public Meeting to be held between the Planning Commission and Community Resources Commission on August 5, 2009.

**J. MATTERS INITIATED BY COMMISSIONERS**

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

**L. ADJOURNMENT**

Adjourned to the next Special Joint Meeting of the Planning Commission and the Community Resources Commission scheduled for Wednesday, August 5, 2009, 5:30 PM, at the Calistoga Community Center. The next Regular meeting of the Planning Commission is scheduled for Wednesday, August 12, 2009, at 5:30 PM.

**POSTING:** *I declare that a copy of this Planning Commission agenda was posted at City Hall, 1232 Washington Street, among other locations within the Calistoga City Limits, on Friday, July 17, 2009 no later than 4:30 p.m.*

---

Kathleen Guill,  
Secretary to the Planning Commission

*All Planning Commission reports for items on this Agenda are available online at <http://www.ci.calistoga.ca.us>. For additional information, please call the Planning and Building Department at 707-942-2827.*

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

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

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

**SPECIAL ASSISTANCE:** Pursuant to Title II of the Americans with Disabilities Act: In compliance with the American Disabilities Act, if you need special assistance to participate in this meeting please contact the Planning and Building Department at (707-942-2827. Notification forty-eight (48) hours prior to the meeting will enable the City to make reasonable arrangement to ensure accessibility to this meeting. (28 DFR 35.102-35-104 ADA Title II).

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

*Any writings or documents provided to a majority of the legislative body regarding any item on this agenda will be made available for public inspection at the Public Counter located on the first floor at 1232 Washington Street during normal business hours.*