

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

Wednesday, June 24, 2009
3:00 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 5:36 PM.

3
4 **A. ROLL CALL**

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

9
10 **Chairman Manfredi** introduced Julio Ambriz, advising he would be providing Spanish
11 interpretation during the meeting for the Spanish speaking audience.

12
13 **B. PLEDGE OF ALLEGIANCE**

14
15 **C. PUBLIC COMMENTS**

16 **Carrie Abreau** reported she needed to leave the meeting early due to a meeting conflict and
17 asked if she could provide comment on Item H-1, the Revised Urban Design Plan, prior to Public
18 Hearing discussion. (see Correspondence attachment item 7)

19
20 **Chairman Manfredi** rejected the request and recommended submitting something in writing if
21 needed.

22
23 **D. ADOPTION OF MEETING AGENDA**

24 There was motion by **Commissioner Kite**, seconded by **Commissioner Coates** to approve the
25 agenda as submitted. **Motion carried: 4-0-0-1.**

26
27 **E. COMMUNICATIONS/CORRESPONDENCE**

28 Written correspondence received too late to include in the Planning Commission materials prior to
29 the meeting was provided from the following:

- 30 1 George Caloyannidis
31 2 John and Pat Merchant
32 3 Dana Hemberger
33 4 Doug Cook
34 5 Vice-Chairman Clayton Creager
35 6 Donna Mathews

36 Written communications provided during the June 24, 2009 Planning Commission meeting:

- 37 7 Kerri Hammond-Abreu
38 8 Carl Sherrill

- 39 9 Michael Quast
- 40 10 Kristin Casey
- 41 11 Christopher and Adele Layton
- 42 12 Don Scott (m live.com publication)
- 43 13 Vince Tofanelli
- 44 14 Whitney Fisher

45
46 **F. CONSENT CALENDAR**

47
48 **G. TOUR OF INSPECTION**

49
50 **H. PUBLIC HEARING**

51 **1. Revised Draft Urban Design Plan.** Presentation of the Revised Draft Urban Design Plan
52 (UDP) and consideration of public comments received to date. The UDP is required by the
53 General Plan and is intended to articulate community expectations for future public and private
54 improvement and development efforts. The Revised Draft UDP, which responds to Planning
55 Commission direction provided on September 15 and October 13, 2008, clarifies
56 recommendations regarding land use, design, circulation, development objectives and identifies
57 key public improvements to support and implement direction of the Calistoga General Plan. This
58 proposed action is exempt from the California Environmental Quality Act (CEQA) under Section
59 15183, and Section 15262 of the CEQA Guidelines.

60
61 **Director Gallina** stated this draft of the Urban Design Plan was a result of direction of the City
62 Council, Planning Commission, general public and the General Plan. Once adopted the Urban
63 Design Plan (UDP) will be utilized to better articulate the expectations of the community for future
64 development and by doing so as property owners you can also understand the elements for
65 planned development. The UDP has no legal standing, is does not replace the General Plan and
66 does not exceed the General Plan. Instead it presents suggestions for policy and regulatory
67 documents. Director Gallina provided a brief history of the progression of opportunities through
68 numerous meetings to educate and receive public testimony between 2005 and current whereby
69 staff listened and revised the plan incorporating recommendations. This was followed by other
70 specific direction from the Planning Commission directing staff to develop a vision for each
71 development character area. This revised draft UDP showing the tracked changes was released
72 for review on May 20, 2009, along with a clean version provided for ease of readability. The June
73 24, 2009 Staff Report, page 2 through 4 identified the key changes, however she pointed out
74 there are probably more changes needed in terms of typographical errors, street and map
75 corrections and correct property information. Director Gallina further reported meeting with the
76 agricultural property owners to discuss their concerns, regarding Washington to Dunaweal, and
77 Silverado to Washington; and held a public UDP meeting in Spanish on June 17, with the
78 assistance of Placido Garcia and Indira Lopez.

79
80 **Director Gallina** reported the general theme of public outreach comments and concerns focused
81 primarily on three issues:

- 82 • Continued concern with maintaining the long planned proposed extension of Washington
83 Street to Dunaweal Lane.
- 84 • The process for UDP implementation and programs prioritization, as well as the identification
85 of funding sources.

86 • The need for identification of incentives programs and/or requirements to promote
87 sustainability and future compliance with green initiatives.

88 **Director Gallina** recalled the extension is addressed in the General Plan and has been a long
89 standing issue to provide alternative routes, we need to confirm this is an issue that should be
90 further explored, but noted any kind of extension would remain within the city limits and not
91 encroach on agricultural areas.

92
93 **Director Gallina** reported after adoption of the UDP staff proposes to come back with a plan of
94 next steps and a proposed work program for City Council and Planning Commission review as
95 well as public comment, on which programs to entertain first. Director Gallina stated it is
96 important to go forward now and take the policies and directions to amend the General Plan or
97 Zoning ordinances so staff can go forward with development proposals as they come in.
98 Referencing the third item of incentive compliance with stability and green initiatives it was noted
99 that many policies touch on this issue within the design circulation issues, in addition to further
100 guidance within each character area. Green initiatives is one program the city is moving forward
101 with and everyone will have the opportunity this summer to provide comments on the Action Plan,
102 during the months of July /August. With respect to environmental review of the UDP, Director
103 Gallina maintained environmental review is still not necessary due to regulatory codes it is
104 exempted from CEQA, however staff will conduct further CEQA documentation during the
105 implementation strategy.

106
107 **Commissioner Coates** requested clarification of terms "contemporary" and "historic" asking what
108 staff envisioned with the "contemporary design concept", stating it seemed contradictory, as he
109 knows it contemporary is modern.

110
111 **City Manager McCann** responded advising there are distinct areas identified. Some lend
112 themselves to traditional architecture, with materials massing, consistent with historic downtown.
113 Other areas may be more restrictive to the pallet of materials, etc. It is not so much essential but
114 gives emphasis in the downtown, and as you move to lower Washington a different type of
115 material might be acceptable..

116
117 **Commissioner Coates** noted care should be given not to restrict people.

118
119 **Carl Sherrill**, 1132 Denise Drive, shared concern with the number of elements that promote
120 growth in the resort area, and in the town as a whole.. He noted people come to Calistoga
121 because it is charming and a real town. Mr. Sherrill further touched on the issues of roundabouts
122 stating they are not the answer and rerouting Highway 29 from downtown. (See Correspondence
123 attachment item 8).

124
125 **Kurt Becker**, 1715 Michael Way, commented on the following:

- 126 • Stated he is a LEEDS accredited professional, and noted the City just completed the pool
127 project and using LEEDS standards the pool project is rated with "0" points.
128 • Referencing the Vitality Committee he questioned if they are eligible to vote on the UDP.
129 • Noted changes from the previous plan are basically non existent, now the UDP is just vague.
130 • Noted the UDP is not mandated by the state. Since it is not required he suggested, the City
131 amend the General Plan to exclude the necessity of an Urban Design Plan.

132 • Lastly the UDP was created in violation of the Brown Act, it was created in secrecy, and since
133 it was created that way it is an illegal document. He requested the Planning Commission
134 recommend abandonment.

135
136 **Chairman Manfredi** noted the Planning Commission is not approving or adopting the UDP, we
137 will only provide our recommendation to City Council.

138
139 **Commissioner Kite** stated it is his position that if the UDP has been prepared illegally, it is a
140 waste of time and should be abandoned.

141
142 **Kurt Becker** suggested the Commissioners reread the General Plan it does a great job of giving
143 direction to the city. His discussions with tourists confirm people come to Calistoga because of
144 the small town character .

145
146 **Michael Quast**, 1300 Washington Street (see Correspondence attachment item 9) stated there is
147 a lot going on and we are trying to look at what is necessary for the future. He provided comment
148 as follows:

- 149 • The UDP identifies projects with real cost and it needs to identify who is responsible for those
150 charges. Property owners should know exactly what their burden will be.
- 151 • Consolidation of parking, is labor intensive and does not work well. The Commission is
152 charged with review of black and white rules of code, and they don't reflect current efficient
153 method of parking and are not forward thinking.
- 154 • A need for a full parking plan, current inventories, flux on street off street, Etc. Use smart and
155 green methods, and Leeds. We need something expandable, the current system is antiquated,
156 causes us to pave more open space and is not the most productive use of land.
- 157 • Gliderport and Resort areas. He reported he would rather see incentives to encourage local
158 businesses to provide improvements to state of the art.
- 159 • Safe route. It doesn't look like a safe pedestrian route, the charm is a tree lined canopy.
160 Gateways should be welcoming and directional.
- 161 • Geothermal or scenic. Odd to see page 3, are we singling out properties, if specific they
162 should be listed.
- 163 • The document should reflect who or why certain aspects remain in the UDP but are not directly
164 supported by the public. If it is staff driven it should be noted and identified with an explanation of
165 why.
- 166 • None of the future City project needs i.e. storage tanks, etc, are identified and property owners
167 should know, this should be listed.
- 168 • The document does not go deeply into energy or conservation. We should encourage this by
169 creating incentives for these types of buildings. There should be incentive benefits not penalties,
170 to tap into the spirit. (See Correspondence attachment item 9)

171
172 **Kristin Casey**, 1132 Denise Drive, a summary of comments provided as follows:

- 173 • During the October 13, 2008 Planning Commission meeting the audience was led to believe
174 the process would be interactive.
- 175 • Shared concern that nearly four years of meetings were held in violation of the Brown Act.
- 176 • Shared concern the UDP may be given more emphasis than our General Plan when
177 development proposals come forward. The General Plan is the primary plan and the document is
178 the town's constitution.

- 179 • Urged everyone to read the entire General Plan.
- 180 • It seems the UDP has morphed from a document meant to strengthen the General Plan, to
- 181 serve as a report summarizing recommendations for change and amendment to the General Plan
- 182 and regulatory codes, referencing Goals 1 and 2.
- 183 • She would like the Planning Commission to bring the focus back to the original intent. It will be
- 184 a helpful document to enhance and clarify rather than a major directive to amend the General
- 185 Plan.
- 186 • Thank you for removing inconsistencies about roundabouts, the more general wording should
- 187 be used for all intersections.
- 188 • Thank you for removing the higher density along Foothill corridor, language page 17 and 18,
- 189 • Thank you for removing the through street north of Mitzi Drive.
- 190 • There is an extensive addition regarding legislation on green house gases, and the conclusion
- 191 is mis-leading.
- 192 • Referenced Silverado Trail page 9, and asked why not keep objectives for safe traffic
- 193 circulation.
- 194 • Reference Page 11, lines 452 – 454 recommended the language should be left in. It should
- 195 be put back in because the reference gives a more complete picture of the area.
- 196 • Be wary to institute more than mandated.
- 197 • Development plans seem to excuse developers from having to comply and are not suggested
- 198 by the General Plan.
- 199 • Reference connectivity, lines 535 to 537, should be deleted, Calistoga is a small town and
- 200 essentially rural so it does not cry out for faster movement. Pedestrian and bike accommodations
- 201 are already in place.
- 202 • The Urban Design Plan should not promote a commercial development. Diamond Mountain is
- 203 inappropriate for commercial development.
- 204 • Celebrate Calistoga, delete call to relocate City offices; please do not move them.
- 205 • The UDP public hearing should be continued to address more issues.
- 206 • Reported the Washington Street bike path has tremendous wildlife.
- 207 (See Correspondence attachment item 10)
- 208

209 **John Merchant**, Indian Springs, referenced letter submitted (See Correspondence attachment
210 item 2), and provided a brief historic reference of Indian Springs and Nances Hotel properties
211 creating many jobs and Transient Occupancy Tax, with 60,000 visitors per year. A summary of
212 comments is provided below:

- 213 • His comments are the same as last year.
- 214 • They are the only people being affected for millions and millions of dollars due to UDP (City)
- 215 demands.
- 216 • No meeting ever took place. The Fifth Amendment says the government “shall not take
- 217 private property without just compensation” and it is there to stop this kind of thing.
- 218 • Calistoga is the most expensive town in northern California to do business, obtain permits, and
- 219 get water. Adding on more conditions will assure nothing will happen here.
- 220 • Mr. Merchant urged the Planning Commission not to accept this document.
- 221 • Referencing the bike path he reported multiple burglaries at Indian Springs this year, with none
- 222 solved. Bike paths encourage more burglaries.
- 223 • In closing he stated the UDP will kill any kind of new job creation on his property.
- 224

225 **Christopher Layton**, 1010 Foothill Blvd., referencing the Foothill Gateway at Lincoln, he reported
226 repeated requests to mitigate shortcut traffic down Pine Street, with a cross walk on Foothill
227 crossing to Pine Street, the high speed auto traffic is endangering children. He reported none of
228 this has been included in the UDP. (See Correspondence attachment item 11)
229

230 **George Caloyannidis** stated the UDP is looking at the future with anticipated growth estimated
231 from 8 – 10,000 people by the year 2020. Please see a summary of his comments below:

232 • The City needs to make provisions to reduce GHG Emissions. To do this will take efforts from
233 both the public and private sector.

234 • The UDP takes into account future population.

235 • Referencing comment that the resort area is too big he noted it is smaller than the General
236 Plan allows. There is a misconception, as it does not invite more development, and it invites less
237 than the General Plan.

238 • Mr. Caloyannidis stated he is an advocate for reconsideration of the northern crossing, noting
239 we need to account for housing units that will be there. There could be another 40 units on the
240 south side where we have Yellow Rose.

241 • The UDP is not asking anyone to build the bridge or road, it is asking developers to provide an
242 easement to keep options open.

243 • Calistoga's per capita highway use is estimated at 63% more than Saint Helena. Why we use
244 the highway more per person is because the circulation system doesn't work and we have to
245 facilitate the traffic. It will greatly enhance in town circulation and reduce traffic we need the
246 northern crossing. (See Correspondence attachment item 1)
247

248 **Doug Cook**, 109 Wappo Ave., stated he has been involved since the beginning of the process.
249 He went back to his initial letter written in 2006 and found the bad news is ten comments are still
250 applicable to the current version. He noted he was in general support of the UDP and we are
251 making progress but we need to work harder. The UDP as now written provides emphasis on
252 bike paths and river crossings, plus potential takings which are a big issue. Mr. Cook requested
253 the Commission identify what those requirements are and what they mean to our community. He
254 recommended we need more communication and public involvement. He was sorry to hear of the
255 Merchants lack of involvement and would like to see more involvement from impacted parties, to
256 create a proposal to reflect their thoughts. (See Correspondence attachment item 4)
257

258 **Chairman Manfredi** called for a brief recess at 7:05 PM.

259
260 **Chairman Manfredi** reconvened the meeting at 7:15 PM, and reopened the public portion of the
261 hearing.
262

263 **Don Scott**, 4281 Scott Way, stated this isn't the year 1990 or 2000, there is an economic
264 downturn similar to the great depression. He suggested the thought of new roads and
265 infrastructures is not optimistic, it is overly ambitious and fool hardy. There currently is the
266 possibility of lay offs for County of Napa, with a lot of economic problems occurring. Building new
267 roads is not a good idea, save money. (See Correspondence attachment item 12)
268

269 **Diane Barrett** was pleased with the change requiring two uses per parcel in the Washington area.
270 She referenced the area of Calistoga Springs in downtown and noted one change was
271 overlooked, page 20, at line 850, noting it includes the West side of Gerrard; and on page 36, it

272 includes lower Washington. Ms. Barrett stated she was still confused by the statement, and
273 hopeful the parking lot reconfiguration would be deleted referencing the UDP clean copy, page 23,
274 lines 1009 – 1013. She stated it is unclear if appropriate reconfiguration is with redevelopment or
275 with the Fire Station and reconfiguration.

276
277 **Dieter Deiss**, 3000 Palisades Road, recollected when the City decided to have an Economic
278 Vitality Committee 4-5 years ago, there had been a downturn but not as significant as now. He
279 stated if we do nothing else, we need an Urban Design Plan because the General Plan left issues
280 requiring clarification. Preparation of the UDP was approved unanimously by City Council and he
281 is very amazed after using an outside consultant and umpteen meetings and staff hours, to date
282 we have people asking why we need it. He asked if we are committed because we need to find
283 consensus, we have got to do something about the issue.

284
285 **Vince Tofanelli** directed attention to the truck route to Dunaweal noting the UDP states that it is a
286 high priority. He reported the rationale behind the recommendation is to remove truck traffic from
287 Lincoln Avenue and provide additional access to Calistoga in case of emergencies. The truck
288 traffic in question is primarily Crystal Geyser. He questioned if anyone has anyone contacted
289 them to discuss their long range plan. He said the City should look at downside to a road project,
290 i.e. going over the creek, sewer lift stations, etc., and with the road the bike path will no longer
291 exist. The beginning of the existing path is none to pretty, but half way down imagine Valley Oaks
292 trees gone, in no way could the area accommodate a bike path, trees and a roadway. He stated
293 building a road for a bottling company does not make sense. He suggested asking the hard
294 questions, what is the road for, to help us understand why this is needed. (See Correspondence
295 attachment item 13).

296
297 **Kurt Larecou**, Michael Way, thanked the Commission for time spent, but stated he is
298 disappointed in the whole UDP. He provided the following insight:

- 299 • He reported the foundation comes from a committee that was incorporated and the money
300 spent could have been used in better ways.
- 301 • Stated that Urban Design Plans are usually for large cities.
- 302 • Suggested the UDP should be focused on the downtown only and based on the 2003 General
303 Plan, and that is as far as it should go.
- 304 • Mr. Larecou stated the UDP cannot sustain all that is included.
- 305 • He challenged the exempt determination, and stated the document is malicious and not
306 exempt at all.
- 307 • Advised the agricultural land will be imperiled with a road, we can't put a street through
308 agricultural land.
- 309 • Reported the lack of notification as a property owner, stating they weren't notified either, and
310 that Mr. Merchant should not be told what he should do.
- 311 • The recommendation is start over.

312
313 **Chris Canning**, 865 Silverado Trail, advised that they are a party that has been engaged in small
314 groups as well as individually throughout this process and they appreciate that. However he
315 shared concern with rezoning the vacant 5.1 acres parcel to the south side of their property. The
316 zoning was originally Industrial, and since then rezoned to Community Commercial. The UDP is
317 now looking if adopted to create a zone change to high density housing. This change will clearly
318 require sale of the property and further limit the use of the property. Mr. Canning stated he was

319 absolutely not in favor of this change and it would be a burden they should not have to bare. He
320 was in agreement with the correspondence submitted by Mr. Hemberger (see Correspondence
321 attachment item 3), with regard to changing zoning from Community Commercial because it would
322 be limiting and unjust.

323
324 **Anne Scott**, 4281 Scott Way, stated it was disappointing to come to meetings with the same
325 people and the same comments not reflected. She stated there is inconsistencies in the plan
326 between what Calistogan's want, maintaining rural character or more roads, trail head amenities,
327 landscape verses natural, walk pathways. Etc. Ms. Scott continued providing the following
328 comments:

- 329 • Ann Scott shared concern that the commercial hub may hurt downtown business.
- 330 • Referenced gateway improvements to enhance circulation, noting it won't happen with a
331 Washington Street extension, and it won't improve bike or pedestrian safety. She stated the focus
332 is on roads and cars with no discussion on alternatives.
- 333 • Noted the mention of a Climate Action plan, looked like a cut and paste and it deserves much
334 more attention. Building roads and cutting down trees creates more toxic truck fumes, and
335 questioned why we would want to deflect traffic in a tourist town.
- 336 • Maybe the UDP could provide a look at sustainability, sustainable tourism, and sustainable
337 commerce.
- 338 • She suggested the city look at a different reality economically, and ask what increased
339 commercial growth do we expect. Do we need sidewalk dining when restaurants aren't currently
340 full. We should look at creating jobs and a living wage.
- 341 • In closing she stated this is such a nice little town, and asked why not leave it alone.
342 Maintaining the rural character is the most important.

343
344 **Whitney Fisher**, 12501 Cedar St., stated she felt the revisions are not reflecting concerns, and
345 reported during the last meeting Chairman Manfredi had asked for a feasibility report for the
346 Washington extension, and nothing has come of that. Additional concerns were provided in a
347 letter (see Correspondence attachment item 14)

348
349 **Sonny Thielbar** reported following the previous Planning Commission meeting he had left
350 thinking discussion items would be addressed, and thought the Dunawael extension discussion
351 was done. He noted the cost benefit does not make sense and the proposal has been dis-in-
352 genuine. Mr. Thielbar stated the core concept is flawed, we need to preserve the character of our
353 town. Anticipated growth is a legitimate concern, but a big part is about the Merchant property,
354 they are frustrated, and he didn't understand how the city could make a plan without this guy
355 being involved. He requested the city please find a way to deal with them respectfully.

356
357 **Daniel Peralta**, 809 Coombs Street, stated he was in attendance to rehash comments of down
358 zoning the Community Commercial on Lincoln. Mr. Peralta represented the O'Connell with an
359 opinion during the zoning designation in 2003, and now the UDP continues to recommend down
360 zoning with no apparent reasons, further noting this could be considered a taking. Potential uses
361 as a hotel will be eliminated. This is a mistake, the General Plan imposes conditions on
362 development for hotels, there are plenty of safeguards and they could have something beautiful.
363 In addition it provides an opportunity for new jobs and generation of taxes. Another issue is the
364 UDP implements policies of the General Plan, and the General Plan directs implementation of the
365 UDP. Mr. Peralta stated the UDP is unlawful, the General Plan is the constitution for land use.

366 The staff report states the UDP is not binding and provides suggestions, but the executive
367 summary contradicts this statement on page 3. If the UDP is not binding then you can not make
368 the statement "investment with certainty and alacrity".
369

370 **Norma Tofanelli**, 1001 Dunaweal Lane, suggested as printed on every agenda, is a Tour of
371 Inspection. Instead of continuous discussion we could save money and walk out there and look
372 around to see where a road could go. Ms. Tofanelli requested the Commission convene on site to
373 accomplish this. She continued with the following summary of comments:

- 374 • The UDP is in violation of Brown Act.
- 375 • She reported it appears as an adjacent property owner they had been omitted from the list of
376 stake holders, however they were finally invited as a stake holder and at that point were told the
377 Dunaweal extension lines were basically planner's dreams. She shared her concern with the
378 UDP reference page 50, lines 22, 39 and 40, where it now states the Washington to Dunaweal
379 extension as an item of high priority for implementation and asked why.
- 380 • Ms. Tofanelli referenced the 2009 NCTPA report which had just been released, noting the
381 entire Bay Area has the worst roads, with six jurisdictions at risk. The Calistoga roads were the
382 worst in the Valley. Her recommendation was to fix potholes and storm drains.
- 383 • Stated the city has assured there have been no traffic studies for this project, however the
384 former Mayor Alexander had stated there is no cost benefit to reroute.
- 385 • The Crystal Geysers trucks are now a result of tanking water in, trucking out bottled water
386 because the city contaminated the water in that area. However the new reason for the
387 Washington extension is for emergency exits.
- 388 • She reported vandalism was the direct result of the city not fencing off the bike path.
- 389 • She asked for a cost benefit analysis considering the bridge and sewer infrastructure that you
390 will have to move. Besides it will not be an inviting entrance next to the sewer ponds.
- 391 • Ms. Tofanelli supported Mr. Merchant's comments, although concerned about the large
392 property, she is very concerned about bike paths, a community center, etc. It is a very high price
393 to pay for development. The city forgets it is private property.
- 394 • The city is requiring owners provide 20 ft for the bike path on river side properties, but legal
395 council states that is not legal because it requires a legal nexus. If a winery goes to the city for a
396 use permit and it is determined there is a traffic impact, the city or county can require
397 improvements.
- 398 • She directed attention to the community concern about openness of the process. Chairman
399 Manfredi had appointed Commissioners Creager and Kite, and Dieter Deiss to work with staff to
400 provide a web based Wikipedia format of the UDP, and that is what the public expected. She
401 questioned who compiled the data, who combed through all the comments.
- 402 • Regarding the Washington to Dunaweal extension it was stated there was no broad
403 consensus, referencing the UDP page 19, line 827, and stating the language did not come from a
404 public meeting.
- 405 • In conclusion Ms. Tofanelli reported there is a cloud on the title of the Bounsall property, but it
406 appears the city has sided with the Bounsall family. It is comprised of 31 parcels and has a law
407 suit pending.

408
409 **Chairman Manfredi** closed the public portion of the hearing at 8:10 PM.
410

411 **Chairman Manfredi** raised the question to the Commissioners, noting there were two speakers
412 that suggested the UDP be tossed out; he asked for a consensus if that is the desire of the
413 Planning Commission.

414
415 **Commissioner Kite** stated he would like to hear from staff first. The only reason he would
416 consider tossing the UDP out is if it was illegal.

417
418 **City Manager McCann** stated he was not sure his opinion would be sufficient on whether the plan
419 is legal or not. He could report that the result of the legal opinion related to discussions that were
420 raised about the need for the Oversight Committee to follow provisions of the Brown Act was as
421 we move forward all meetings would need to be noticed. To date there have been no new
422 meetings of the Oversight Committee. As we go forward collecting input at the Planning
423 Commission and City Council public hearings they have been and are subject to noticing by the
424 Brown Act. Recommendations and input deliberations are open to the public and scrutiny. The
425 Urban Design Plan can move forward as long as it is public like this. We can get further legal
426 opinion as desired.

427
428 **Commissioner Kite** asked if there were meetings that were held in non conformance with the
429 Brown Act.

430
431 **City Manager McCann** stated input from all public meetings is all presented here, the evaluation
432 has been public and satisfy's the requirements to address the Brown Act issues.

433
434 **Commissioner Kite** repeated the question - should we toss the UDP, answer "no".

435
436 **Commissioner Bush** also replied "no" it should not be tossed, but advised the process has been
437 a little disturbing.

438
439 **Commissioner Coates** stated what is important is to represent the people in this community and
440 that is why we have the public hearings. There are people that do object to this plan, and he
441 represents the people. He stated no one supports the UDP in its entirety, but should we throw it
442 out. The UDP is overbearing and intimidating and he would like to throw it out.

443
444 **Chairman Manfredi** confirmed the consensus was 3-ayes, 1-no, and 1-absent for a majority to
445 continue processing the UDP. He requested the Commissioners address the issues to obtain a
446 consensus on items that have been brought up repeatedly, although he noted it is likely the
447 discussion will need to be continued to another meeting. He noted he would hope that during the
448 next meeting for the UDP, the audience would accept their determinations. He did make it clear
449 that it did not preclude the Commissions ability to change their minds, but he did request the
450 citizens respect the consensus at this level. There will be additional opportunities to further
451 address items to council during further public meetings.

452
453 **City Manager McCann** provided a summary of the common concerns he had captured from the
454 discussion and provided a brief response as follows:

455
456 • *Disappointment was expressed for issues that had not been addressed.*
457 **City Manager McCann** stated what has occurred is a response to the Planning Commission
458 direction with two to three dozen areas identified. The Commission had said change this, small

459 business on Lincoln Avenue, drop out the northern crossing, etc. All the initiated direction came
460 from the public. However, the Planning Commission did not say drop out the Washington Street
461 extension so it remains, it is not that it has not been heard and is not a point of irritation for some.
462 Ultimately the Commission will reach consensus on each issue and it will be forwarded to City
463 Council, and in turn they again will provide language and direction.
464

- 465 • *Concerns the resort area is too large.*

466 **City Manager McCann** reported all of the Community Commercial north of Lincoln includes the
467 opportunity for retail as well as hotel development. The consensus was there was too much
468 resort area so it was substantially reduced.
469

- 470 • *Mr. Merchants concern with a number of points.*

471 **City Manager McCann** stated some points he would agree with, the Urban Design Plan does
472 suggest that development of the front portion of the Gliderport property should carry on with the
473 same development pattern of Downtown Commercial. The rear portion today calls for an Airport
474 and the common agreement is there should be an alternative use considered there.
475 Recommendations for use are suggestions, the UDP says "should be considered", not shall be
476 implemented. Some improvements could be through a partnership sharing of costs, this all is
477 determined during the Development Agreement negotiation process. The intent is to try to
478 express potential desires of the community.
479

- 480 • *Mr. Scott recommended we should not build roads and infrastructure now.*

481 **City Manager McCann** stated neither the General Plan nor the Urban Design Plan say build now.
482 He stated it is important to refine the elements but it doesn't have an implementation schedule. It
483 does say that during the life of the General Plan these things may occur. The question is should
484 we keep or delete the extension of Washington to Dunaweal in the plan, the timing remains
485 undefined. City Manager McCann made it clear the Washington Street extension is in the current
486 General Plan and is a long term project. It is included as an observation that it is anticipated to
487 occur, many not in favor of that case.
488

- 489 • *Urban Design Plan adversely changes the character of the town.*

490 **City Manager McCann** stated the UDP is a development tool, it is provided to protect, enhance,
491 and retain clear guidance for development that may occur. If there is no UDP we would look at
492 the General Plan, but that is not to say it couldn't be added with General Plan amendments.
493

- 494 • *It is suggested the Urban Design Plan supersedes the General Plan.*

495 **City Manager McCann** stated that by itself the UDP does not have any standing. It is built to
496 fortify the General Plan. If adopted a whole series of actions will be required and all will require
497 public hearings. It does not supersede the General Plan.
498

- 499 • *Parking requirements and responsibilities.*

500 **Director Gallina** responded reporting the circulation action will go forward and the city will re-look
501 at other parking requirements for alternative options, it is not set in stone. We recognize through
502 meetings we need to address issues developers have to deal with today.
503

- 504 • *UDP changes and recommended inter active web presence*

505 **Director Gallina** reported staff explored the options to get the UDP on the web and inter active for
506 comments. However given the obstacles and other work load it was determined it was critical to
507 just get the document out and provide a method for tracking the changes within the document to
508 allow people to discern what the changes were. Staff did contact the subcommittee
509 Commissioners Creager and Kite to discuss direction and advised them of the proposed method
510 for publication of the changes and they agreed it was important to get it out.

511
512 **Chairman Manfredi** requested before general discussion he would like to get Commission
513 consensus on the following issues:

- 514 • *Suggestion reinsert the Northern Crossing.*

515 **Commissioner Kite** asked if it would be critical in or out to have the northern crossing, noting as
516 long as it doesn't preclude discussion in the future it should not be taken out.

517
518 **City Manager McCann** stated if it is in the UDP the idea is it will be in the General Plan. If the
519 idea is there should be a new road established, then it becomes part of a circulation element. So
520 it will be a deliberate statement, we plan to see a road there, the plan line is within the next 20
521 years, and it states be aware there will be a connection in the General Plan.

522
523 **Commissioner Kite, Bush and Coates** recommended leave it out

- 524 • *The draft plan suggests a smaller resort area, smaller than what would be allowed in the*
525 *current General Plan. The idea that this plan promotes development is wrong. A reported*
526 *potential that this could be considered a taking from to the O'Connell, Hemberger and Cal Min*
527 *properties was brought to our attention, due to a change in zoning from Community Commercial*
528 *to High Density Residential.*

529
530 **Commissioners Coates, Kite, and Bush** agreed the Commission does not want to see a change
531 in zoning on those three properties.

- 532 • **Chairman Manfredi** referenced gateways and recommended each gateway will be
533 determined individually, noting this plan is not stuck on roundabouts.

534
535 **Commissioner Kite** agreed, but wanted roundabouts to be identified as a possible solution for
536 consideration.

- 537 • **Chairman Manfredi** reported the Washington to Dunawear extension is in General Plan and
538 questioned if there was consensus to retain the option.

539
540 **Commissioner Kite** stated if a compelling case ever came up that we needed a connection that
541 would be the place to put it. As a line on the map he was agreeable, except without data the high
542 priority language should be omitted.

543
544 **Commissioner Bush** and Coates agreed there is very little public support and currently no
545 compelling reason, it can stay in the plan but should not be given a high priority.

551 **Chairman Manfredi** stated he believed some access from lower Washington would benefit the
552 community, and the existing bike path for emergency exit could be used. He agreed we do need
553 something but thinks another access from the south could be the Luvisi/Fredianni area. It just
554 seems more sensible and a preferable alternative of the two possibilities. As far as taking the
555 Washington Street extension out of the General Plan, that is another issue.
556

557 **Commissioner Kite** noted the cost of that route could be more beneficial.
558

559 • *Regarding the Merchant property **Chairman Manfredi** wanted to make it clear the Urban
560 Design Plan provides options/suggestions, but these are not take it or leave it statements, they
561 are negotiable and related mainly to the frontage.*
562

563 **Commissioner Kite** stated the recommendations may be the interpretation of Planning, but final
564 determination would be through negotiations. He stated he didn't see anything in there as a
565 taking. He recommended Mr. Merchant produce in writing what he is comfortable with to initiate
566 an exchange with the city.
567

568 **Commissioner Coates** directed attention to the whole Urban Design Plan, noting the Glider Port
569 affects everything. He recommended formation of simple committee to include two
570 commissioners and two council members to meet and come up with a plan. Find out what the
571 Merchants want to do and what works for the city. Address these issues because there will be an
572 enormous affect on this property, otherwise nothing is going to happen and we all really want the
573 same thing.
574

575 **Mr. Merchant** reported he was totally in support of that, and would love to sit down with two city
576 council members and planning commissioners. He is just trying to be included in the process.
577

578 **Commissioner Kite** stated he was proposing Mr. Merchant create a list of things to be discussed
579 so Mr. Merchant wouldn't feel compromised, but this sounds like development negotiation not
580 Urban Design Plan.
581

582 **Chairman Manfredi** noted Mr. Merchant had come to the Planning Commission with a design
583 review many years ago on at least one occasion or maybe twice. Overall it was about how to
584 connect Indian Springs to do what you want to do, and there was never real clarity. If you feel
585 helpful meet with the Planning Commissioners and City Council members to discuss the Urban
586 Design Plan, but to discuss a specific project is another thing. Discuss how you would like the
587 Urban Design Plan worded.
588

589 **Mr. Merchant** stated there was a meeting with a new design plan, and it was because it is
590 believed the property should be one property and not two. The Urban Design Plan has been four
591 years sitting in his way. He stated he is ready to talk anytime and have dialogue on the Urban
592 Design Plan.
593

594 **Chairman Manfredi** asked for a couple volunteers to represent the Planning Commission.
595 Commissioner Kite and Commissioner Coates were appointed.
596

597 **City Manager McCann** reported this would be an outstanding thing to do and he agreed a
598 subcommittee makes good sense. A Pre-Application has been suggested which would ultimately
599 lead to negotiations.

600
601 **City Manager McCann** reported he would take the direction to the Council and ask them to
602 create a subcommittee.

603
604 **Chairman Manfredi** stated a meeting would have to happen fairly quick, maybe in July before
605 another draft UDP is released.

606
607 **Chairman Manfredi** agreed with Doug Cook that signage is very important, he recommended it
608 should be more prominent in the UDP and recommended giving signage more emphasis.

609
610 **Commissioner Bush** referenced Christopher Layton's suggestion of a crosswalk and stated if it
611 is doable it should be included.

612
613 **City Manager McCann** asked if they understood the Community Commercial designation could
614 provide a benefit for developers to explore a range of commercial hotel and housing uses.

615
616 **Commissioner Kite** stated he saw them all as part of Community Commercial.

617
618 **City Manager McCann** recapped the consensus asking if the Commission is comfortable with the
619 Community Commercial designation which could allow retail, hotel, and residential development.
620 He further confirmed the Washington Street to Dunawael extension should remain as part of the
621 UDP, but should not emphasize the roadway as a priority at present.

622
623 **Chairman Manfredi** mentioned the Silverado Trail to Washington Street was more preferable.
624 The Urban Design Plan should stress the alternative is better suited for a road.

625
626 **Chairman Manfredi** requested the audience please try to provide their last minute
627 correspondence at least by the Monday prior to the Wednesday meeting to allow Commissioners
628 an opportunity to read them prior to the meeting.

629
630 **Kristin Casey** reported she studied all documents and researched from Sunday through
631 Wednesday, and there was no way she could get comments to the Commission before today.

632
633 **Chairman Manfredi** provided clarification
634 • A meeting should be scheduled between the City and Mr. Merchant by the end of July.
635 • For the Draft UDP items discussed by the Commission that resulted with a majority consensus
636 tonight, the discussion was considered complete. What is left should be just small points and he
637 anticipates should be resolved with one more meeting.

638
639 **Director Gallina** suggested continuing the Urban Design Plan public hearing to either the August
640 12 or August 26, 2009 regular Planning Commission meeting; or consider an alternate date to
641 hear the item during a special meeting.

642
643 **Chairman Manfredi** was in favor of continuing the item to the August 26, 2009 meeting assuming
644 that will provide enough time for Mr. Merchant to meet with the City prior to the meeting.

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There was motion by **Chairman Manfredi**, seconded by **Commissioner Bush** to continue the Urban Design Plan public hearing discussion to the regular meeting of August 26, 2009. **Motion carried: 4-0-1-0.**

Commissioner Kite requested staff prepare a list of those items the Commission has not yet addressed.

H. NEW BUSINESS

I. MATTERS INITIATED BY COMMISSIONERS

J. DIRECTOR'S COMMENTS/PROJECT STATUS

Director Gallina encouraged everyone to attend the bi-monthly "Code Talk" workshop hosted by the Building Official Brad Cannon, to be held tomorrow morning at Miguel's Restaurant from 7:00 to 9:00 AM. Tomorrow's free training will provide a review of the New Energy Code that goes into affect August, 1, 2009.

K. ADJOURNMENT

There was motion by **Commissioner Bush**, seconded by **Commissioner Kite** to adjourn the meeting to the next regularly scheduled meeting of the Planning Commission on July 08, 2009, at 5:30 PM. **Motion carried: 4-0-1-0.** The meeting adjourned at 9:17 PM.



Kathleen Guill
Secretary to the Planning Commission