

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

Wednesday, August 12, 2009
3:15 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. 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.

(See H-1., NEW BUSINESS, PA 2009-01, CDR 2009-01, Enchanted Resort Project)

ADJOURN TO REGULAR MEETING 5:30 PM

5:30 PM CALL TO ORDER

Reconvene to regular meeting.

- D. 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.
- E. ADOPTION OF MEETING AGENDA**
- F. COMMUNICATIONS/CORRESPONDENCE**
- G. 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.

Recommended Action: No items for approval.

H. NEW BUSINESS

- * 1. **PA 2009-01, CDR 2009-01:** Pre-Application Conference/Conceptual Design Review for the Enchanted Resort Project within an 88 acre hillside property. The proposal seeks to amend a portion of the previously approved 35-lot subdivision to accommodate a resort project. As presented, the project proposes to accommodate 13 home sites, a resort hotel with 36 cottages featuring 110 hotel units, a restaurant, a ballroom, spa facilities, a fitness center, and an adult pool, and a residence club featuring 20 homes which offers buyers an undivided fee-simple interest in a specific property, as well as, access to a residence club. The project site is located at 515 Foothill Boulevard (APNs 011-310-031 through 011-310-041 and 011-310-044; 011-320-007; 011-320-039 through 011-312-069) within the Rural Residential Hillside General Plan Land Use Designation and Zoning District.

Recommended Action: Please note that this item is scheduled for discussion purposes only. The Planning Commission will not take action on this item.

I. PUBLIC HEARINGS

1. **U 2000-06(A):** Consideration of a Conditional Use Permit application requesting an amendment to Use Permit U 2000-06 to allow amplified music / live entertainment indoors or outdoors any time during business hours at property located at 1923 Lake Street (APN 011-535-010) within the "CC-DD", Community Commercial-Design District Overlay Zoning District. This proposed action is exempt from the California Environmental Quality Act (CEQA) under Section 15301 of the CEQA Guidelines

Recommended Actions:

Categorical Exemption

File a Notice of Exemption for the Design Review pursuant to Section 15303 of the CEQA Guidelines.

Conditional Use Permit

Approve Conditional Use Permit U 2000-06(A) amending Use Permit U 2000-06 to allow amplified music and live entertainment indoors within La Prima Pizza Restaurant located at 1923 Lake Street (APN 011-535-010) within the "CC-DD",

Community Commercial-Design District Overlay Zoning District, subject to conditions of approval.

2. **DR 2009-03:** Consideration of a Design Review application to install two 24' x 34' fueling canopies (each approximately 16 feet in height) over the existing fuel dispensing pumps and to change the corporate color scheme of the dispensing pumps and convenience store from yellow and red (Shell) to blue and white (Chevron) at the gas station located at 1108 Lincoln Avenue (APN 011-254-003) within the "DC-DD", Downtown Commercial-Design District Overlay Zoning District. No changes to use or operations are being proposed as part of this application. This proposed action is exempt from the California Environmental Quality Act (CEQA) under Section 15303 of the CEQA Guidelines.

Recommended Actions:

Categorical Exemption

File a Notice of Exemption for the Design Review pursuant to Section 15303 of the CEQA Guidelines.

Design Review

Approve Design Review (DR 2009-03) to allow installation of two fueling canopies over the existing fuel dispensing pumps and to change the corporate color scheme of the dispensing pumps and convenience store from yellow and red (Shell) to blue and white (Chevron) at the gas station located at 1108 Lincoln Avenue (APN 011-254-003) within the "DC-DD", Downtown Commercial-Design District Overlay Zoning District, subject to conditions of approval.

J. NEW BUSINESS (Continued)

1. **GMA 2010.** Provide a recommendation to the City Council regarding the General Development Objectives for the 2010 Growth Management System Allocation process.

Recommended Action: Adopt Resolution PC 2009-21 recommending to the City Council adoption of the General Development Objectives as presented by staff for the 2010 Growth Management Allocation process.

K. MATTERS INITIATED BY COMMISSIONERS

L. DIRECTOR'S COMMENTS/PROJECT STATUS

M. ADJOURNMENT

Adjourned to the next the next Regular meeting of the Planning Commission scheduled for Wednesday, August 26, 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, August 7, 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.