

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

**Wednesday, September 23, 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. Recommendation to adjust the November and December 2009 Planning Commission Regular Meeting Schedule.
2. Planning Commission Regular meeting Minutes of July 08, 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 HEARING

1. **ZO 2009-03.** Consideration of a Zoning Ordinance Text Amendment, initiated by the City of Calistoga, to amend the bed and breakfast regulations and other requirements pertaining to such use. This proposed action is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines.

Recommended Action: Approve PC Resolution 2009-26 recommending approval to the City Council of a Zoning Ordinance Text Amendment amending the bed and breakfast regulations and other requirements pertaining to such use.

2. **Conditional Use Permit (U 2009-05):** Consideration of an extension of time for previously approved Variances, Conditional Use Permits and Design Reviews, which authorized the renovation and reuse of the existing structure as office on the property located at 1003 Foothill Boulevard (APN 011-310-013) and the expansion of the existing market and establishment of two apartments on the property located at 1009 Foothill Boulevard (APN 011-310-012) within the "DC-DD", Downtown Commercial – Design District. The Planning Commission will reconsider the previously adopted Mitigated Negative Declaration finding that the proposed project, as amended by mitigation measures agreed to by the applicant, would not have a significant adverse impact on the environment pursuant to the CEQA Guidelines.

Recommended Action: Adopt Resolution PC 2009-25 approving a one-year time extension for the Vallarta Plaza Project, including a Variances, Conditional Use Permits and Design Reviews all on the properties located at 1003 and 1009 Foothill Boulevard (APN 011-310-013 & -012) within "DC-DC", Downtown Commercial - Design District, based upon the Findings presented in the staff report and subject to conditions of approval

3. **U 2000-06A:** Consideration of a Conditional Use Permit application requesting an amendment to Use Permit U 2000-06 to allow amplified music and 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. *(This item was continued from the Planning Commission Meeting of August 12, 2009.)*

Recommended Action: Continue the Public Hearing to the regularly scheduled Planning Commission meeting of October 14, 2009.

4. **DR 2009-03:** Consideration of a Design Review Application to install canopies over the existing fuel pump islands 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. *(This item was continued from the Planning Commission Meeting of August 12, 2009.)*

Recommended Action: Continue the Public Hearing to the regularly scheduled Planning Commission meeting of November 12, 2009.

I. NEW BUSINESS

J. MATTERS INITIATED BY COMMISSIONERS

K. DIRECTOR'S COMMENTS/PROJECT STATUS

L. ADJOURNMENT

The next regular meeting of the Planning Commission is scheduled for Wednesday, October 14, 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, September 18, 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.