

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

**Wednesday, July 08, 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 5:38 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:** 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. PLEDGE OF ALLEGIANCE**

11
12 **C. PUBLIC COMMENTS**

13
14 **D. ADOPTION OF MEETING AGENDA**

15 There was motion by **Commissioner Coates**, seconded by **Commissioner Kite** to approve the
16 agenda as submitted. **Motion carried: 4-0-1-0.**
17

18 **E. COMMUNICATIONS/CORRESPONDENCE**

19
20 **F. CONSENT CALENDAR**

21
22 Planning Commission Regular meeting Minutes of May 27, 2009.

23 There was motion by **Commissioner Bush**, seconded by **Commissioner Kite** to approve the
24 Planning Commission meeting Minutes of May 27, 2009 as presented. **Motion carried: 4-0-1-0.**
25

26 **G. TOUR OF INSPECTION**

27
28 **H. PUBLIC HEARINGS**

29
30 **Planner Lundquist** reported the applicant for item H-1. GPA 2009-03 and ZO 2009-02 had not
31 yet arrived, but had advised he would be present.
32

33 **Chairman Manfredi** motioned to amend the agenda to hear item H-2, PM 2008-03 prior to H-1,
34 GPA 2009-03, **Commissioner Kite** seconded the motion. **Motion carried: 4-0-1-0.**
35

36 **2. Parcel Map (PM 2008-03)** - Property owners Vincent and Marjorie Arroyo are requesting
37 approval of a Tentative Parcel Map to divide an existing 9.70-acre parcel into four separate legal
38 lots of record. The parcels would range in size from 2.18 to 2.54 gross acres. The property owners

39 have also requested an exemption to the wastewater connection requirements to allow individual
40 septic systems. The property is located on Grant Street (APN 011-390-035) within the Rural
41 Residential Zoning District. No development of the residential parcels is proposed at this time
42

43 **Associate Planner Lundquist** provided an overview advising the applicant proposes no on site
44 development at this time however there are to be some drainage improvements on Grant Street,
45 and some anticipated deferred agreements for improvement of drainage facilities. Those
46 improvements i.e. drainage, utilities, and pathway, will be called at the time the first parcel of the
47 subdivision develops. Some concern for the neighboring water pressure was reported due to a
48 proposed dead-ending of an 8" public water main line. This resulted in a recommendation for a
49 condition to require a loop system to create a greater reliability in the system. An emergency
50 vehicle access will be provided as a secondary access. The applicant has submitted a petition for
51 an exception to wastewater requirements. Napa County Environmental Health supports the
52 tentative map subject to a septic easement. Staff prepared an initial study which determined
53 environmental impacts can be reduced with mitigated measures. Based on findings and
54 conditions staff recommended forwarding the project to City Council for adoption.
55

56 **Associate Planner Lundquist** concluded noting receipt of one written comment and advised it
57 was not pertinent as the referenced prior application was withdrawn by the applicant.
58

59 **Commissioner Kite** asked if the prior application was essentially a duplicate.
60

61 **Associate Planner Lundquist** reported there was a lot line adjustment making the parcel
62 smaller.
63

64 **Dirk Fulton**, 2643 Petrified Forest Road. Reported he had worked on this project for several
65 years, as a friend of the family, and to support the applicant. He reported the Arroyo's support the
66 staff recommendations, noting the environmental study was extensive, and the minor subdivision
67 is in full compliance. He suggested the one letter was a red herring, as the applicant had fully
68 withdrawn the original project and created a smaller minor subdivision.
69

70 **Chairman Manfredi** closed the public portion of the hearing.
71

72 **Commissioner Coates** applauded staff for a good staff report, stating that is probably why there
73 was no opposition.
74

75 **Commissioner Bush** asked if the applicant is agreeable to providing the water line loop instead
76 of the capped dead-end.
77

78 **Associate Planner Lundquist** confirmed the applicant had agreed.
79

80 **Chairman Manfredi** inquired when the deferred improvements would begin.
81

82 **Associate Planner Lundquist** reported the applicants alternatives to begin the deferred
83 improvements include working with the Public Works Department to design and prepare
84 improvement plans or prepare improvement plans independently and then go through the public
85 hearing process.

86 There was motion by **Commissioner Kite**, seconded by **Commissioner Bush** to adopt Planning
87 Commission Resolution PC 2009-10 recommending to the City Council adoption of a Mitigated
88 Negative Declaration based on an Initial Study prepared for the Arroyo Tentative Parcel Map
89 incorporating the findings and mitigation measures as provided in the Resolution. **Motion**
90 **carried: 4-0-1-0**

91
92 There was motion by **Commissioner Bush**, seconded by **Commissioner Kite** to adopt Planning
93 Commission Resolution PC 2009-11 recommending to the City Council approval of an exception
94 to the wastewater connection requirements based upon the findings and subject to conditions of
95 approval as provided in the resolution. **Motion carried: 4-0-1-0.**

96
97 **Commissioner Coates** requested clarification of the recommendation for a water line loop, to
98 confirm there was no comment from the applicant.

99
100 **Associate Planner Lundquist** confirmed.

101
102 There was motion by **Commissioner Coates**, seconded by **Commissioner Bush** to adopt
103 Planning Commission Resolution PC 2009-12 recommending to the City Council approval of a
104 Tentative Parcel Map (PM 2008-03) incorporating the findings and subject to conditions of
105 approval as amended in the Resolution. **Motion carried: 4-0-1-0.**

106
107 **1. General Plan Amendment (GPA 2009-03) and Zoning Ordinance Amendment (ZO 2009-**
108 **02):** Consideration of an amendment to the General Plan Land Designations Map, Figure LU-4
109 designating the property located at 965 Silverado Trail (APN 011-050-043) within the Light
110 Industrial land use designation. The Planning Commission will also consider a Rezone (Zoning
111 Ordinance Map and Text Amendment) of the property including it within the "I", Light Industrial
112 zoning district and modifying the "I" District text to accommodate bicycle rentals and tours as a
113 use allowed with a use permit. These requests have been filed by Paul James Dohring, on behalf
114 of the property owners Joseph and Jill Cabral. The proposed amendments to the General Plan
115 and Zoning Ordinance are exempt from the California Environmental Quality Act (CEQA) pursuant
116 to Section 15061(b)(3) of the CEQA Guidelines.

117
118 **Commissioner Kite** reported for the record that his Bed and Breakfast has a relationship with
119 Lava Vines; however a conflict of interest was non-existent.

120
121 **Associate Planner Lundquist** provided a summary of recent project history including rezoning of
122 the property from the once Community Commercial to R3. The property owner has since
123 changed and they obtained a Planning Commission determination to allow wine sales and retail.
124 The applicant further obtained approval by the City Council for a Public Convenience and
125 Necessity application for a wine tasting establishment; and a Conditional Use Permit to include
126 wine related business, offices, fulfillment and wine tasting.

127
128 **Associate Planner Lundquist** further reported the only remaining item left would be wine making
129 but that does require a zoning change. Staff found the applicants request for a change to Light
130 Industrial which already includes wine tasting facilities was not an appropriate land use
131 designation, since its land use implications are much more intensive than what is desired for this
132 neighborhood. However an acceptable alternative to provide protection as well as flexibility could
133 be achieved with a Community Commercial designation and an amendment to the Entry Corridor

134 Overlay designation to include language for religious institutions, wineries and tourist
135 entertainment businesses, including bicycle rentals and tours and this would meet the applicant's
136 goals. Staff recommendation was to deny the applicants request, but the applicant accepts the
137 recommended change as described.

138
139 **Commissioner Kite** asked if the property were re-designated to Community Commercial as is, a
140 winery would not be allowed unless we change language to add the words applicable to a winery.

141
142 **Commissioner Coates** asked if the letter of concern from Cal Min would be addressed under a
143 Conditional Use Permit.

144
145 **Associate Planner Lundquist** advised that was correct on both counts.

146
147 **Bob Fiddaman**, 1700 Mora Avenue, mentioned this is one of the many properties looked at for
148 years but was never considered feasible for affordable housing. The house has been utilized for
149 commercial use for years and wine retail sales is a great tourist attraction, logical and beneficial.
150 To make this a winery will be a further upgrade and attraction to tourists. He applauded the
151 application.

152
153 **Chairman Manfredi** closed the public portion of the hearing.

154
155 **Commissioner Kite** stated this will be a great addition to the Conditional Use Permit with no
156 apparent downside or unforeseen consequences.

157
158 **Commissioner Bush** noted the bike rentals and bike tours were a great idea and were exactly
159 what the Commission is trying to encourage.

160
161 General Plan Amendment (Land Use Designation)

162 There was motion by **Chairman Manfredi**, seconded by **Commissioner Bush** to approve PC
163 Resolution 2009-13 recommending approval to the City Council of an amendment to the General
164 Plan Land Use Designations Map, Figure LU-4 designating the property located at 963/965
165 Silverado Trail (APN 011-050-043) within the Community Commercial land use designation based
166 upon the findings as provided in the resolution. **Motion carried: 4-0-1-0.**

167
168 General Plan Amendment (Entry Corridor Overlay District)

169 There was motion by **Commissioner Bush**, seconded by **Chairman Manfredi** to approve PC
170 Resolution 2009-14 recommending approval to the City Council of an amendment to the General
171 Plan Entry Corridor Overlay designation, *Entry Corridor 2: Downvalley Silverado Trail (EC2)*
172 language, on Page LU-34 of the General Plan, to include religious institutions, wineries and tourist
173 entertainment businesses, including bicycle rentals and tours based upon the findings as provided
174 in the resolution. **Motion carried: 4-0-1-0.**

175
176 Zoning Ordinance Map Amendment

177 There was motion by **Commissioner Coates**, seconded by **Commissioner Kite** to approve PC
178 Resolution 2009-15 recommending approval to the City Council of a Rezone (Zoning Ordinance
179 Map Amendment) of the property located at 963/965 Silverado Trail (APN 011-050-043) including
180 them within the "CC", Community Commercial Zoning District based upon the findings as provided
181 in the resolution. **Motion carried: 4-0-1-0.**

182 Zoning Ordinance Text Amendment

183 There was motion by **Commissioner Kite**, seconded by **Chairman Manfredi** to approve PC
184 Resolution 2009-16 recommending approval to the City Council of a Zoning Ordinance Text
185 Amendment amending the "CC", Community Commercial Zoning District allowing wineries,
186 bicycle, sales, rentals and tours with a use permit based upon the findings as provided in the
187 resolution. **Motion carried: 4-0-1-0.**

188 **NEW BUSINESS**

189 Presentation by the Bicycle Advisory Committee (BAC) of the Calistoga's Bike Map, First Edition.

190

191 **Associate Planner Lundquist** provided a brief background advising direction for preparation of a
192 bicycle map was included on the 2008/2009 City Council project priority list. This evening's
193 presentation was the end result that was prepared with large assistance from Curtis Winslow.
194 Associate Planner Lundquist introduced Mr. Curtis Winslow to provide the presentation of map
195 functions as a hard copy and on line tool.

196

197 **Curtis Winslow** reported four to five months of preparation receiving great input from Councilman
198 Michael Dunsford and Dieter Deiss. He proceeded by providing key features and some specific
199 content details that are on the map, i.e. loops, listings, trails and bike paths that are good for
200 hiking and driving. The brochure includes a nice map of downtown showing eateries, historical
201 sites, public restrooms, parks, and listings for bus routes pretty much including the area from
202 Palisades Trail, to Safari West, Santa Rosa, and Bennett Lane to the Old Bail Grist Mill. There
203 are main map insets with short "URL's" so people can utilize their cell phones to link with a "QRV"
204 code reader sign plaque at key locations, this way the paper map has life beyond the piece of
205 paper. The electronic version of the map Includes links to a list of wineries and restaurants, etc
206 around Calistoga and another portion makes the map interactive with the paths and lanes as well.

207

208 The Commissioners thanked Mr. Winslow and staff for the presentation stating the brochure/map
209 was definitely impressive.

210

211 **MATTERS INITIATED BY COMMISSIONERS**

212

213 **DIRECTOR'S COMMENTS/PROJECT STATUS**

214 **Director Gallina** reported during the City Council meeting the previous night the Mayor's
215 appointment of Councilmember's Dunsford and Kraus to serve with Commissioners Coates and
216 Kite establishing an AdHoc Committee to meet with the Merchant family and staff to talk about
217 issues related to the gliderport property and the draft Urban Design Plan. Staff will be in touch to
218 set up a meeting.

219

220 **Director Gallina** announced the application forms for the Down Payment Assistance program
221 were drafted and Staff has scheduled a meeting with the real estate committee to review
222 applications and provide an overview of the program. Assistance will be available up to \$15,000
223 to take advantage of current tax benefits.

224

225 **Director Gallina** reported initiating a new practice to post public notices requiring Planning
226 Commission action directly on site at specific subject project properties. This will be
227 accomplished with a metal sign 20" x 30", aluminum in ground, staked sign, like a real estate sign

228 providing copies of the notice in a pocket. Commercial businesses will post the attached notices
229 in their windows.

230

231 **Director Gallina** concluded noting the city is processing a Local Climate Action Plan as part of
232 the Green Initiatives Program, to meet State mandates to reduce green house gases by 2020. A
233 special joint meeting with the Community Resources Committee will be scheduled to discuss
234 proposed actions on August 5, at 5:30 PM. The committee is charged to provide a
235 recommendation to City Council, on August 19, to allow the plan to go forward with a cost benefit
236 analysis and come back in the fall with full blown plan.

237

238 **ADJOURNMENT**

239 There was motion by **Commissioner Bush**, seconded by **Commissioner Kite** to adjourn the
240 meeting to the next regular meeting of the Planning Commission scheduled for Wednesday, July
241 22, 2009, at 5:30 PM. **Motion carried: 4-0-1-0.**

242

243 The meeting adjourned at 6:28 PM.

244

245

246

247

Kathleen Guill

248

Secretary to the Planning Commission