

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

**Wednesday, August 26, 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).

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2 **Chairman Manfredi** called the meeting to order 5:35 PM.

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4 **A. ROLL CALL**

5
6 **Present:** Chairman Jeff Manfredi, Vice-Chairman Clayton Creager, Commissioners Carol Bush,
7 Paul Coates, and Nicholas Kite. **Absent:** None. **Staff Present:** James McCann, City Manager;
8 Charlene Gallina, Planning and Building Director; Ken MacNab, Senior Planner; Planning
9 Commission Secretary Cynthia Carpenter.

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11 **B. PLEDGE OF ALLEGIANCE**

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13 **C. PUBLIC COMMENTS**

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15 **John Davis** of 1801 Foothill Blvd. Stated that he is opposed to the change in the Use Permit for
16 La Prima Pizza. He owns property at 1730 Adele Street. His tenant has complained and even
17 threatened to leave should live music, which is already an occasional event, were to be permitted
18 more often. People from as far away as a 1/2 a mile have noted to him that they can hear the
19 noise. He noted that there is also extra traffic and he is concerned about having even more traffic
20 and parking issues. The corner is already congested. If people are forced to park in residential
21 neighborhoods, it will really begin to disrupt the area. Furthermore, this use, if permitted, will
22 change the feel of the restaurant to more of a cabaret or night club. When La Prima Pizza took
23 over this location, they were aware of the location's proximity to the residential part of town. It was
24 set up as a restaurant. It was not set up as a bar that serves food. It will change the whole
25 dynamic of the entire area.

26
27 **Christine Ciriacka** of 1801 Foothill Blvd. Stated that she lives here part time in Calistoga and
28 owns property at 1730 Adele Street. She is opposed to the loud music and noise. Her tenant is
29 threatening to leave due to the loud music. Her tenant is so upset she can't even appear or write
30 a letter. She is very opposed. She has heard from neighbors that patrons have been urinating in
31 the yards, etc.

32
33 **D. ADOPTION OF MEETING AGENDA**

34 There was motion by **Commissioner Kite**, seconded by **Commissioner Bush** to approve the
35 agenda as submitted. **Motion carried: 5-0-0-0.**

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37 **E. COMMUNICATIONS/CORRESPONDENCE**

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F. CONSENT CALENDAR

G. TOUR OF INSPECTION

H. PUBLIC HEARING

1. Revised Draft Urban Design Plan. To resume discussion on the Revised Draft Urban Design Plan (UDP) and consideration of public comments received to date. *(This item was continued from the Planning Commission Meeting of June 24, 2009)*

Director Gallina provided an overview on the status of the Revised Draft UDP. She reported that the City Council considered the Commission request to create an Ad-Hoc Committee to provide recommendations for the Merchant properties and that their work will be completed within a month. She also stated that the primary purpose of this meeting tonight was to solicit additional public comment and address the list of outstanding issues identified in the staff report. Once Commission direction is provided on these issues and the Ad-Hoc Committee has completed their task, she indicated that revisions would be made to the Revised Draft UDP and brought back to the Commission for final discussion and recommendation to the City Council.

Chairman Manfredi opened the public hearing.

Christopher Layton, 1010 Foothill Blvd., referencing the Foothill Gateway at Lincoln, stated how heartened he is to learn that the Commission has agreed to look into this in more depth. He explained that he is concerned about the routing of through-traffic onto Silverado Trail. He urges Council to say once and for all that getting serious about getting traffic onto Silverado Trail is absolutely critical. In his letter on August 28th, Mr. Layton expressed concern about CalMart, which is central to a parking area proposal; he feels it's vital to protect CalMart at all costs. He wonders if it's a bad idea to use the Ace Hardware parking lot for infill. There isn't much parking as it is. Lastly, Mr. Layton is pleased about the idea of undergrounding of the utilities. He feels it's a terrific idea and hopes it goes through.

Kristin Casey, 1132 Denise Drive expressed that she is very thankful for the time given to the public to voice their concerns. Ms. Casey began by reading from her letter submitted to the Planning Commission (see Attached). She noted that between public meetings, specific legislation has been added to the UDP to address green house gas emissions. The City of Calistoga has put in place a Climate Action Plan, has numerous groups who are dedicated to working on mitigating the emissions issues in Calistoga, and the state and local governments, along with the community, will be working on these issues together. Ms. Casey doesn't feel it is fair to use this new legislation to force individual towns into creating and using roundabouts in order to reduce green house emissions. She doesn't feel the UDP is the right place to address this. There are separate and established programs and groups to deal with this on a different track, and she feels it would be better to just delete this from the UDP and let those other groups already in place deal with the emissions issues.

Ms. Casey's second point deals with the issue of the deletion of mention of the driveway into the new subdivision that is located at the gate of the Petrified Forest. This is actually a street into the housing subdivision, and intersects with highway 128 as well as nearly intersecting Petrified

86 Forest Road. She feels it should be placed back in the UDP. A more complete picture of the
87 congestion in this area is vital. Without mention of it, the degree of congestion won't be as clearly
88 conveyed.

89

90 Ms. Casey felt that with regards to the statement regarding connectivity, it should be deleted
91 because the Northern Crossing is opposed by many and is no longer a part of the Urban Design
92 Plan. There is already connectivity from Petrified Forest road. The citizens really do not need to
93 be zipping from place to place on the north end of town in a residential area.

94

95 Ms. Casey turned to the subject of the General Plan. The UDP shouldn't be promoting a
96 commercial development that the City has been opposing for the last twelve years. She feels that
97 the UDP is being used to circumvent the General Plan in order to promote this large commercial
98 development. That's wrong. What's more, it is her opinion that it is outright illegal to use the UDP
99 to supersede the City's General Plan, which flatly prohibits commercial development in the RR-H
100 district, in order to create a loophole that would permit the development. This loophole would be
101 created by the UDP prompting the necessity of revising the General Plan. This is a round-about
102 and devious method to permit development that is currently prohibited. She stated that the
103 Diamond Mountain Estates housing development is permitted, however commercial development
104 has been denied because it is located in the RR-H district. This district strictly forbids commercial
105 development and states it is contrary to the General Plan's support and protection of the RR-H
106 district.

107

108 Ms. Casey noted that the General Plan was subject to a lengthy and in-depth Environmental
109 Impact Review, however for some reason, this UDP isn't subject to an EIR. She feels that the
110 impacts that the UDP could and will have on the urban areas of the city is every bit as potentially
111 negative and harmful as anything out there and really needs to be subject to an EIR in order to
112 fully address the negative impacts she feels are imminent. She proceeded on with comments that
113 State law had declared that a development plan that is in conflict with the General Plan is invalid
114 at the time of adoption. The UDP is in conflict with the General Plan, and therefore it too will be
115 invalid at the time it is adopted. She referenced a legal case where it was stated that a City's
116 General Plan is the guide for all future development within a city. Therefore, the UDP must
117 adhere to the General Plan. If the City changes the General Plan to fit the UDP, it is misusing the
118 authority and is breaking the fundamental purpose of a General Plan in the first place. She further
119 stated that the UDP must be consistent with the General Plan. Also, it is not proper to use the
120 UDP as a means or vehicle in order to revise or change the General Plan.

121

122 Ms. Casey stated that she isn't pleased with the idea of taking away CalMart's front parking lot.
123 Yes, it's not pretty, but it is terribly convenient to the citizens of Calistoga. As for Rainbow Ag
124 equipment, it should be celebrated, not denigrated. It is part of Calistoga's rural nature and
125 eclectic charm.

126

127 Ms. Casey asked when it was the desire of the citizens of Calistoga to remove the City's offices
128 from the downtown area. Government offices in the downtown is a small-town thing. Plus, even
129 in good economic times, it's still best to use the resources wisely and be happy with what you
130 have.

131

132 **Norma Tofanelli**, 1001 Dunaweal Lane, noted that she and others have repeatedly requested a
133 Tour of Inspection for the proposed new streets identified in the UDP. She is very apprehensive

134 about the idea of creating roads in areas the State of California has listed as prime farm land.
135 She wants not only the Commissioners, but the Council to physically walk the area and see for
136 themselves why there is so much public concern about the proposed roadways. The proposed
137 roads will create urbanization. She speaks for Pauline, Vince, and Lauren Tofanelli, along with
138 herself, and asks that they not permit these roads until all decision-making bodies complete a
139 mandatory tour of inspection of the sites.

140
141 Ms. Tofanelli also noted that the City's own attorney stated that discussions regarding the UDP
142 have been in violation of the Brown Act.

143
144 Ms. Tofanelli further noted that citizens have been assured repeatedly that creation of the UDP is
145 not for the sake of having a means with which to revise the General Plan in order to permit
146 development in the RR-H district, but is simply a way to provide specificity of the General Plan.
147 The General Plan can only be revised for purposes of clarity. She has been assured that the UDP
148 is not a back-door means to change the General Plan, however noted that the City Manager
149 stated that the UDP amends the General Plan. If adopted it will give permission to go back and
150 revise the General Plan. The UDP is to be used as a means to change development and zoning
151 uses. The purpose of the General Plan is to protect the small-town feel and agricultural uses of
152 Calistoga. However, this UDP does not address those goals, nor does it support those goals.
153 Instead, it is a means to change all of those goals and create new development standards that run
154 contrary to the General Plan.

155
156 Ms. Tofanelli stated that there is interest in obtaining more information about the projects that the
157 changes may affect. Mr. Coates, she noted, is the one who has been an advocate for maintaining
158 the small town feel. He has been a champion for keeping Calistoga rural. However, it was a real
159 eye-opener to her when she attended the Ad-Hoc Committee meeting with the Merchant family
160 and heard Mr. Coates support the UDP, which previously he stated he was opposed to, and state
161 it is time to push it through and move forward. What happened? What changed his mind?
162 Basically, he reversed himself.

163
164 Ms. Tofanelli wanted to know what projects are putting the pressure on making the UDP. It's very
165 alarming, too, when a citizen asked if the purpose of the UDP was in order to help make the
166 Merchant property more appealing to developers, to be told that yes, basically that is what this will
167 achieve. She does not feel that is what the UDP was created for.

168
169 Ms. Tofanelli explained that regarding the Washington to Dunaweal extension it was stated there
170 was no broad consensus, the Crystal Geyser trucks are leaving town, and Caltrans has showed
171 repeatedly in their studies that most of the traffic in the area is local. Who will use the extension?
172 Why does the city think it needs it so badly? Furthermore, how will this affect local businesses
173 when people no longer have reason to drive by those businesses? Look what could happen to
174 CalMart. Much of their business depends upon the traffic that passes the store. Travelers
175 headed to Lake County often stop at the store for provisions.

176
177 Ms. Tofanelli felt the Washington to Dunaweal extension is an item of high priority for
178 implementation. She noted at the sewer ponds there is nowhere to put a road without moving all
179 of that infrastructure. Where will you relocate the ponds? Where can they go? There's no room
180 except for on the very property in question; the Merchant property. Couldn't you look at other

181 options or places to route that road? Just because it's in the General Plan, and has been forever,
182 doesn't mean it's a viable option.

183

184 Ms. Tofanelli also heard that the City is requiring owners provide 20 ft for the bike path on river
185 side properties, but legal counsel states that it not legal.

186

187 **Chairman Manfredi** closed the public hearing.

188

189 **Commissioner Kite** wished to note that what he said, should a road be required near the sewer
190 ponds and farm, there would certainly be infrastructure costs and changes needed, but he didn't
191 say he was sure the ponds would have to be moved.

192

193 **Commissioner Coates** wished to address Norma's comments. He stated for the record that he is
194 not in general support of the UDP, and he has been very vocal about that. However, he is the
195 minority. His position has not changed at all. However, there isn't much one Commissioner can
196 do if the rest of the Commission is not in support. Therefore, while he is against the idea, he isn't
197 going to fight a fight that can't be won and will instead need to focus his efforts on helping to push
198 the proposal through in the best way possible for the town, and to work for positive changes within
199 the system and codes that will help to mitigate his concerns with the UDP.

200

201 **Commissioner Coates** does feel it is important to look at the Merchant land and investigate how
202 it can be used without the taking of agricultural land. However, he doesn't know that outcome and
203 he will find out when it is looked at during public hearings. He has to deal with the hand that has
204 been dealt to him. He can't stop the UDP so he can only work towards providing support.

205

206 **Ms. Tofanelli** noted that it was helpful to hear what Mr. Coates had to say. However, she noted
207 that the families and the community that live in Calistoga are virtually entirely against this idea. It
208 is driven by the City and not what the community wants. She asked Commissioner Coates to
209 elaborate on his comment that there are projects waiting for the UDP to be pushed through. What
210 projects was he referring to?

211

212 **Commissioner Coates** stated that all projects, big, little, must use the General Plan for guidance,
213 however the UDP may supersede the General Plan and now you can't know how your project
214 should and will proceed. This UDP is too far reaching and will change the rules and therefore all
215 the plans for the projects that are in the queue. He expressed that he is against the UDP. He is
216 not happy with it. But he simply does not have the Commission support to fight it. Therefore, his
217 effort must now be directed towards finding a way to work, to preserve land, to make this work as
218 well as it can for the community.

219

220 **Chairman Manfredi** addressed the concerns voiced previously by **Doug Cook** in his letter dated
221 June 24, 2009.

222

223 1. Mr. Cook recommended that the City needed more communication and public involvement. He
224 wants the City to allot more time to obtain further citizen involvement and comment.

225

226 **Commissioner Manfredi** expressed that this meeting is addressing that concern and is taking
227 time to discuss Mr. Cook's concerns.

228

229 2. Mr. Cook noted that support of the City for business ought to be more far-reaching and involve
230 all kinds of local businesses, and not just the resort aspect of Calistoga's businesses. He wants to
231 see more opportunity for the citizens.
232

233 **Commissioner Kite** didn't feel that the GP or the UDP discourages a broad range of businesses
234 and diverse activities. The plans can't discourage a business.
235

236 **Commissioner Creager** felt that it is in proper balance within keeping of the City's diversity and
237 roots, which do include a strong resort community.
238

239 **Chairman Manfredi** noted that the plan does try very hard to address the live/work aspect of
240 land. He explained that having more than one land use permitted for property is an attempt to
241 created more opportunities for small business ventures within Calistoga.
242

243 **Chair Manfredi** requested that Commission discussion focus on **Carl Sherril's** submitted a letter
244 that suggests that Dunaweal Lane is not a good option for a bypass. He feels you should route
245 the traffic from Highway 29 across Deer Park Road and up Silverado Trail.
246

247 **Commissioner Kite** doesn't feel the plan states where the rerouting ought to be. The plan simply
248 states that it is a goal in place to create less traffic issues around Lincoln Avenue and to change
249 the designation from highway in order to make planning of events easier.
250

251 **Director Gallina** also noted that there will be more discussion about this sort of thing. The
252 General Plan/UDP only points out options, but it doesn't state where it should go.
253

254 **Chairman Manfredi** felt that there are options to discuss. He isn't a proponent of using Dunaweal
255 Lane for a bypass. He would like to explore others.
256

257 **Chair Manfredi** requested that Commission discussion focus on **Michael Quast** submitted a
258 request that the UDP ought to discuss and create a parking plan for commercial and public
259 parking.
260

261 **Director Gallina** pointed out once more that this kind of detail will come out later on with more
262 detail and more specificity after the UDP has been adopted. The parking issue is a large one and
263 she feels that it will most likely be put up high on the list of priorities.
264

265 **Director Gallina** also noted that public infrastructure is the broad topic, but more specific details
266 and refinement will come to be after the UDP is adopted. There aren't any details yet. Once there
267 are then there will be public discussion.
268

269 **Commissioner Creager** concurred.
270

271 **Chairman Manfredi** next addressed Kristin Casey's letter.
272

273 **Chairman Manfredi** stated that the point about green house gasses being taken care of in other
274 ways is a point well taken. **Commissioner Creager** wanted to see the recommendations on the
275 report implemented into all of the various aspects of the UDP. **Commissioner Bush** concurred

276 and feels it should stay. **Commissioner Coates** stated that he is uncomfortable with the grey
277 area that can be problematic. AB32 and AB25 will do what they need to do on their own.

278
279 **Chairman Manfredi** suggested that the legislation be deleted instead of included in the UDP.

280
281 Regarding the Petrified Forest Gateway, **Chairman Manfredi** feels that the inclusion of the road is
282 pertinent and ought to be included. As far as connectivity to that area, he would like to see that
283 remain because it will be helpful in the future creation of bridges and bike paths, walking lanes,
284 etc. **Commissioner Creager** agreed, and felt it's not just vehicle traffic but more geared towards
285 bike paths and so forth.

286
287 **Chairman Manfredi** felt that the removal of the Diamond Mountain development from the UDP
288 would be fine. **Commissioner Creager** did note that the Design Review is consistent, and the
289 Commission gave a positive review to move forward with the project. He didn't find it to be
290 inconsistent in any way. However, he is okay with removal of that item, too. However
291 **Commissioner Kite** felt that leaving it in does keep it open to legal challenge but it is a moot point
292 as it's been decided to remove it.

293
294 **Commissioner Creager** wished to make sure that people understand that the UDP is for
295 clarification only, and it doesn't trump the General Plan. It is in keeping with the General Plan and
296 is simply providing more specific information.

297
298 **Commissioner Kite** feels that the acid test of the UDP is to find out if the UDP is providing further
299 clarification on an item, or if it is seen to be some kind of deviation from the UDP and therefore the
300 general plan. Regarding the CalMart issue, he stated that everything is based on that parcel
301 being redeveloped. The parking is simply a suggestion should redevelopment be considered,
302 parking be considered in the rear and not the front of the street.

303
304 **Commissioner Creager** felt that it ought to say something to that effect, then, rather than
305 "encourage future development" of that parcel. This is a suggestion. However, keeping the
306 flexibility for the owner of the parcel and CalMart is important.

307
308 **City Manager McCann** noted that with regards to the last two points in Ms. Casey's letter that it is
309 only suggesting changes be made should future development occur. The statement wasn't to
310 denigrate Rainbow Ag.

311
312 **Chairman Manfredi** informed that Mr. Deiss had something to say about the CalMart situation
313 about the traffic issue created by the parking lot traffic in and out of the area. **Commissioner**
314 **Creager** concurred that it is true that there is a real problem in that portion of the street with traffic,
315 and Bill Shaw is open to finding measures to mitigate that issue.

316
317 **Commissioner Kite** explained that the extension of lower Washington is mentioned in the
318 General Plan. If such a road ever be needed, it ought to look at the option of moving north
319 towards Silverado. He doesn't feel that the General Plan is requiring building that road. It's a
320 suggestion. However, as **Commissioner Coates** noted, it's in there, and it would necessitate the
321 taking of agricultural land to accomplish.

322

323 **Commissioner Creager** felt that still, there needs to be a balance between what the City may
324 need in order to keep their options open in the future, and not focus just on the interests of
325 agricultural land owners. Retaining options for improving circulation patterns is a good idea.
326 Taking it out, it would remove any flexibility for the City to create better circulation.

327
328 **Commissioner Kite** wanted to know what the General Plan actually says about connectivity with
329 regards to Dunaweal Lane. If the GP already addresses the circulation issue, it does discuss the
330 extension of Washington to Dunaweal Lane. It's the same location as what's being proposed in
331 the UDP. The UDP is proposing the connection to Silverado Trail to be located at the edge of the
332 city limits as opposed to adjacent to the mobile home park.

333
334 **City Manager McCann** noted that no new road is proposed. The issue is that there is a plan line,
335 or suggestion in place, but nothing more. It's only a suggestion to help mitigate traffic in the
336 future.

337
338 **Commissioner Kite** noted that perhaps the language ought to say "should it ever be required"
339 then other ideas, including the one made by the General Plan, ought to be considered, if that point
340 is ever reached. That way, more than this one plan line can be considered. The UDP can say
341 that the line in the General Plan is not the definitive line, just a suggestion of where a road, if
342 needed someday in the future, may be considered.

343
344 **Chairman Manfredi** next addressed **Joe Brigg's** noted issues with the proposed winery
345 language. **Director Gallina** explained that the point of the language is to open the way for small
346 wineries to be established within Calistoga. He wished to make sure that the winery ordinance
347 was looked at as discussion is continued.

348
349 **Chairman Manfredi** next addressed **Carolynne Wilkinson Clair's** submitted a letter with
350 concerns about access from Fair Way and the use of her parking lot for public parking. Her resort
351 customers would also be parking there, and she is concerned about the mixing of her paying
352 customers at the resort and the general public.

353
354 **Commissioner Creager** noted that it seemed a bit confusing when you look at the language
355 about access to her property and her proposed parking facility. Her fear is that it would preclude
356 access off of Lincoln Avenue, which is the main entry. The language ought to reflect that access
357 to the parking structure would be off of Fair Way, but Lincoln Avenue would be the main means to
358 get into her resort. It is better to not preclude access from Lincoln Avenue.

359
360 **Chairman Manfredi** next addressed **Norma Tofanelli's** requested a tour of inspection of the area
361 where roads are proposed for the Washington extension to Dunaweal Lane. Chairman Manfredi
362 suggested that it ought to be walked by individual Commissioners. If they were to arrange that on
363 their own time, then a notice would not be needed. He feels it is important.

364
365 **Chairman Manfredi** requested Director Gallina to address Jag Patel's issue and staffs request to
366 revisit the prior recommendation of the Commission on the Resort Character Area.

367
368 **Director Gallina** noted that Jag Patel wanted to ask that whenever it is decided what the zoning
369 will be on the parcels along Lincoln Avenue located currently in Community Commercial Zoning
370 District, he would like to have his property in that area also zoned similarly. She explained that

371 there has been some talk about making that area developable with only certain kinds of things
372 such as resorts, guest accommodations, restaurants and retail, and residential; all things that
373 would be incorporated around a resort in that area should one be developed. The goal, of course,
374 is avoiding development that isn't compatible with the resort feel; a bank, or a car dealership, for
375 example. She stated that Mr. Patel asks that he also be included in whatever is decided, whether
376 it be a different zoning or overlay, or if it simply stays as CC, he'd like that designation too so that
377 he has more options for development. His property is currently designated as High Density
378 residential.

379
380 **Commissioner Kite** noted that his property was designated High Density residential, but it
381 doesn't fit in with that area as the CC zoning, because a CC zoning designation could still have
382 residential build out, but would also allow other uses and provide Mr. Patel with more
383 development options. The Commission concurred, stating that however it is zoned, Mr. Patel's
384 land would be zoned the same.

385
386 **Commissioner Coates** feels that considering projects on a case by case basis is more beneficial
387 and provides community input as well. If the community doesn't agree with the proposal of a
388 project, they can discuss it and weigh it to see if it is compatible to the resort feel of that area of
389 town.

390
391 The **Commission** in general felt that a list of various uses that could fit in nicely in the Resort
392 Character Area would be very helpful. There should be a list of uses that wouldn't fit in, too, such
393 as a large dealership or shopping center, a bank, a monolithic stretch out to Silverado Trail.
394 However, it ought to be further discussed and the public input should be considered, as well, as
395 the feelings of the stakeholders of the land. Then a land use list of permitted uses can be
396 provided, and the rest can be considered on a case-by-case basis.

397
398 **Commissioner Kite** wished to interject some public comments he'd like to address.
399 Undergrounding of utilities ought to be discussed and encouraged in the UDP. **Director Gallina**
400 noted that it is already encouraged and addressed in the UDP to some degree.

401
402 **Commissioner Kite** also wanted to know about the Brown Act that is referenced. **City Manager**
403 **McCann** noted that the City Attorney stated that the City's meetings must be noticed for public
404 comment, documents must be vetted in public, actions must occur through public meetings and
405 deliberation.

406
407 Lastly, **Commissioner Kite** asked about the bike paths along the river. **Chairman Manfredi**
408 asked if this was with regards to the concern voiced that the City was going to require that people
409 give up portions of their land for a bike path.

410
411 **City Manager McCann** noted that currently, when the Planning Commission grants a property an
412 entitlement like a Use Permit or Parcel Map, one element to consider is that it is consistent to the
413 General Plan. Sometimes there are properties located in specific areas, or they may have a
414 larger impact than others, etc., and so a dedication of an easement may be in order to provide a
415 portion of the bike path. The UDP also talks about the potential for a river trail. The General Plan
416 notes that there is a river, so make it accessible. However, a great deal of research must be
417 done in order to find out if a property or development ought to require or buy or take for such
418 things like a bike trail or walking path.

419

420 He further addressed that Ms. Tofanelli commented that on lower Washington, people were told
421 they must give up 20 feet of their back yard in order to get a permit for an additional bathroom.
422 She further noted that Commissioner Coates stated that the mandatory language with regards to
423 requiring giving up land would be removed from the UDP. Therefore, he believes that the specific
424 language ought to be more suggestive rather than imposing an exaction. There needs to be
425 some kind of nexus.

426

427 **Chairman Manfredi** suggested that perhaps at the next meeting it would be helpful to get
428 information on the development on Washington Avenue that was required to give up 20 feet of
429 their back yard in order to develop.

430

431 **Chairman Manfredi** suggested making a motion to continue this item to the following meeting in
432 order to further discuss these matters.

433

434 **City Manager McCann** stated that it may be more beneficial to continue the meeting to a non-
435 specific date in order for the Ad-Hoc Committee to complete their recommendations for the
436 Merchant properties.

437

438 It was moved by **Chairman Manfredi**, seconded by **Commissioner Creager**, to continue this
439 discussion to a non-specific date in order for the Ad Hoc committee to complete their discussions
440 and research. **Motion carried: 5-0-0-0.**

441

442 H. NEW BUSINESS

443

444 **1. GMA 2010.** Provide a recommendation to the City Council regarding the General
445 Development Objectives for the 2010 Growth Management System Allocation process. *(This*
446 *item was continued from the Planning Commission meeting of August 12, 2009).*

447

448 **Director Gallina** provided a brief review of the recommended Growth Management Objectives.

449

450 **Commissioner Kite** asked how many units must be given out by 2010. **Director Gallina** noted
451 that there are not very many. Units put on the ground out of the 350 are 145. These are either
452 building permits issued or actually built.

453

454 **Commissioner Kite** noted about 40% build out, then. **Director Gallina** concurred. However,
455 **Commissioner Kite** is nervous about the Growth Management Allocation process because it is
456 difficult to decide what projects will be given priority.

457

458 **Commissioner Coates** suggested that perhaps you can update the GMA every six weeks or so
459 rather than it being such a long-lasting document. It would be better if there was a bit more
460 flexibility.

461

462 **Director Gallina** suggested that the Commission also provide a recommendation on this concern
463 to the City Council. She provided a list of projects that are likely good candidates for a growth
464 management application.

465

466 **Commissioner Creager** noted that currently, there are a number of rumors out and about
467 concerning whether or not the City has enough water resources to sustain new development. He
468 would like to see some kind of reporting on a monthly basis or so that would address the water
469 use, the new development uses that have been approved, etc., in order to keep everybody
470 updated on the status of water and waste water conditions.

471
472 **Planning Director Gallina** suggested that perhaps the Commission recommend to City Council
473 suspension of the system for 2 years, with the stipulation, as noted by Chairman Manfredi, that
474 the Commission can request to reinstate the program at any time it feels water use is becoming
475 an issue.

476
477 **Chairman Manfredi** expressed concern over the numerous steps and procedural hindrances that
478 people with these kinds of applications face. Funding is another issue; if there is funding, but for a
479 limited time, then the enormous time it takes to get the application process approved may leave
480 an applicant without any funding, and therefore no project. If there was a way to make the system
481 easier to use and navigate, one that would support local businesses and projects proposed by the
482 community, it would make it that much easier for applicants to be approved. If the Commission
483 felt there was some kind of an issue regarding water, they could always reinstate the program to
484 deal with it.

485
486 **Chairman Manfredi** opened the item for public comment.

487
488 **Bob Fiddaman**, Calistoga Affordable Housing, Inc. indicated that the water issue might be worse
489 than is being stated. Mr. Fiddaman noted that the numbers don't seem to line up right, and it
490 comes out that most of the lots haven't been built yet, so he finds about 38 or 40 units that have
491 gone through the growth allocation process, maybe a few more, but not much. He further stated
492 that everybody thought there would be a huge rush to build when this program was inducted.
493 However, that's not happened. He suggested that perhaps allocations could be carried over if
494 they are unused. Perhaps suspension of the program might be best.

495
496 However, Mr. Fiddaman cautioned that if they do choose to suspend the program, they must
497 make sure that the current applicants are not caught off guard and find themselves high and dry,
498 with all kinds of changes made to the rules and regulations of their projects. He asked if the
499 Planning Director can be in charge of handing out the allocations. Perhaps the prices could be
500 expensive enough to make sure only serious applicants apply.

501
502 **Commissioner Creager** felt that those who are already in the process of applying ought to be
503 able to have some kind of a grace period in order to get the application in before the program is
504 reinstated. It isn't fair to do it overnight.

505
506 **Commissioner Creager** noted that the development of the program was based on a five-year
507 growth estimate. If there is a reserve that can be drawn upon that retains the original intent of
508 1.35 per year, there won't be so much potential for somebody getting caught in the middle unable
509 to move forward.

510
511 **Bob Fiddaman** had one more suggestion about lines 7-70, in the staff report; the primary purpose
512 is to have the housing needs for low and very low income categories be considered with higher
513 priority. His concern is that Calistoga's housing need allocation is about a third at this time as it

514 was three years ago, but one idea is to approach the County of Napa to help with land
515 acquisitions. He stated that the County has been very supportive of the idea of helping Calistoga
516 with fund in order to purchase land for housing. It would be to the City's benefit. Even though the
517 City would be expected to give some kind of payment (housing unit credit) in return, it will be
518 worth it. He is afraid the language would box the City in and make it unable to use the possible
519 assistance of the County. Mr. Fiddaman is proposing that if the City were to purchase a parcel for
520 \$2,250,000, they would ask the County to pay \$2,000,000 of it, and the City would pay \$250,000.
521 The County of Napa would expect a substantial amount of the housing allocation credit. In
522 addition, the City would use its water to help the County meet their required Regional Housing
523 Needs Allocations (RHNA). The County helps financially, takes the credit of some of it to apply to
524 their allocations, and the City would also get credit towards theirs, and help with finances.
525 Therefore, Mr. Fiddaman suggested a change in the Residential General Development Objective
526 wording to remove "remaining regional" on line 70.

527
528 **Commissioner Coates** asked if the City would provide the resources and water, and the County
529 would take the credits. He wants to see the City's goals met with their resources prior to meeting
530 County needs.

531
532 **Commissioner Creager** explained that currently Calistoga has an underdeveloped housing base.

533
534 **Commissioner Coates** expressed fear that using the City's resources to meet the County's need
535 would look bad. It's going to be perceived as using the City's resources for others and not the
536 citizens.

537
538 **Director Gallina** recommended that the Commission move forward with a recommendation to
539 approve the general development objectives with any amendments. In addition, she stated that
540 the Commission could recommend that the City Council consider suspending the system, with
541 mechanisms in place so that a person has some protection should the system be reinstated.

542
543 It was moved by **Commissioner Bush**, seconded by **Commissioner Creager**, that the Planning
544 Commission recommend to City Council adoption of General Development Objectives for the
545 2010 Growth Management Allocations.

546
547 It was move by **Chairman Manfredi**, seconded by **Commissioner Creager**, to recommend to
548 City Council to suspend the Growth Management Allocation system for an undetermined amount
549 of time with provisions for protection for applicants who are in the middle of the process should the
550 system be reinstated. **Motion carried: 5-0-0-0.**

551
552 **MATTERS INITIATED BY COMMISSIONERS**

553 **Commissioner Coates** made an announcement about the Down Payment Assistant Program.
554 He stated the there have been about a dozen applicants, local people interested using the City's
555 Down Payment Assistance Program in buy homes in Calistoga. He thought that the program is
556 going well and he's really excited.

557
558 **I. DIRECTOR'S COMMENTS/PROJECT STATUS**

559 **Director Gallina** noted that staff is moving forward with the two committees that were appointed
560 at the last meeting with regards to the Chevron Canopy and the La Prima Pizza issue. She
561 announced that Commission Coates has been asked to participate in the Chevron canopy

562 Subcommittee with Commissioner Bush and other staff to help bring a recommendation back to
563 the Commission.

564

565 **J. ADJOURNMENT**

566

567 It was moved by **Chairman Manfredi**, seconded by **Commissioner Kite** to adjourn the meeting
568 to the next regularly scheduled meeting of the Planning Commission on September 9th, 2009, at
569 5:30 PM. **Motion carried: 5-0-0-0.** The meeting adjourned at 8:42 PM.

570

571

572

573 _____
Charlene Gallina

574 Acting Secretary to the Planning Commission