

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

**Wednesday, October 28, 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 at 5:35 PM.
3

4 **A. ROLL CALL**

5 **Present:** Chairman Jeff Manfredi, Commissioners Carol Bush and Nicholas Kite. **Absent:** Vice-
6 Chairman Clayton Creager and Commissioner Paul Coates.. **Staff Present:** Charlene Gallina,
7 Planning and Building Director, Ken MacNab, Senior Planner, Erik Lundquist, Associate Planner,
8 and Kathleen Guill, Planning Commission Secretary.
9

10 **B. PLEDGE OF ALLEGIANCE**

11
12 **C. PUBLIC COMMENTS**

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

15 There was motion by **Commissioner Bush**, seconded by **Commissioner Kite** to approve the
16 agenda as submitted. **Motion carried: 3-0-2-0.**
17

18 **E. COMMUNICATIONS/CORRESPONDENCE**

19
20 **F. CONSENT CALENDAR**

- 21 1. Planning Commission regular meeting Minutes of September 23, 2009.
22 2. Planning Commission regular meeting Minutes of October 14, 2009.
23 3. Request adjustment of the November 2009 Planning Commission Meeting Schedule as
24 follows: Tuesday, November 10th, 2009 and Monday, November 16, 2009, both at 5:30 PM.
25

26 There was motion by **Commissioner Kite**, seconded by **Chairman Manfredi** to approve the
27 consent calendar as presented. **Motion carried: 3-0-2-0.**
28

29 **G. PUBLIC HEARING**

30
31 **H. NEW BUSINESS**

- 32 1. Planning Commission - Staff “Expectations” Workshop.
33 Review and discussion on Planning Commission – Staff expectations with regards to the Planning
34 and Building Department’s Work Program, Project Processing, and City Council Goals,
35 Objectives, and Key Priority Projects.
36

37 **Director Gallina** reported the Planning Commission had requested staff agendize a workshop to
38 talk about commission and staff expectations and/or potential changes, and considering the

87 **Commissioner Kite** suggested some kind of flow chart be posted during meetings to try to
88 educate the public.

89
90 **Director Gallina** advised we do have a flow chart and we provide it.

91
92 **Commissioner Kite** stated what the public see's is a big new project. What is not understood is
93 at this stage we are not granting an entitlement. There must be a way we can communicate this
94 process.

95
96 **Director Gallina** noted the Staff Reports state the reason we are here is to solicit comments and
97 feed back and we restate it during staff presentations.

98
99 **Commissioner Kite** noted the developers come in with very professional presentations; small
100 projects don't generally get that much attention.

101
102 **Chairman Manfredi** suggested providing a separate report cover in bold print atop/outside the
103 normal cover and staff report on those items to clearly state this is a conceptual review and
104 explains what a conceptual review is.

105
106 **Commissioner Bush** agreed conceptual reviews are always misunderstood, and explanations
107 don't seem to penetrate.

108
109 **Director Gallina** reported the misunderstanding also happens with the Growth Management
110 process, everyone seems to comment on where's the environmental documentation.

111
112 **Director Gallina** asked the Commission if they were fine with scheduling of items, tours, public
113 notices, any attendance issues, and preparation of the minutes.

114
115 **Chairman Manfredi** referenced the new procedure of posting notices on properties and stated
116 someone should also be prepared to pick them up the next day.

117
118 **Chairman Manfredi** reminded if a commissioner knows they are going to miss a meeting to
119 please notify Kathy Guill in advance of a meeting. However, everyone should make every effort to
120 try and attend the meetings.

121
122 **Commissioner Kite** referenced the meeting minutes stating they generally retain a good balance,
123 and confirmed with staff there is a verbatim record available by tape.

124
125 **Director Gallina** suggested there are times we could do just action minutes, with the exception of
126 conceptual reviews requiring more detail, and then we could get them out quicker.

127
128 **Chairman Manfredi** noted he liked the minutes just the way they are.

129
130 • *Staff report format, project analysis, environmental assessments, proposed recommendations,*
131 *findings, conditions of approval, mitigation measures, resolutions and packet delivery times*
132 *(Fridays).*

181 Commission and then City Council. Our Building Official, Brad Cannon is working on the Green
182 Building Ordinance.

183

184 **Director Gallina** reported a fee evaluation and cost recovery program will be starting shortly to
185 look at the fees for building permits, planning project applications, and development impact fees,
186 and will be brought forward for review.

187

188 • *Established protocol for processing of City-initiated amendments to the General Plan and*
189 *Zoning Ordinance/Municipal Code and/or specific programs and projects.*

190 **Director Gallina** reported Code Compliance activity is based on citizen complaints, or city
191 initiated abatement such as short term rentals, illegal conversions, Mobile Home Park Rent
192 Stabilization. Staff is looking at the Housing Element update and the potential for a landlord
193 inspection program.

194

195 A transfer of authority for the annual Growth Management program will be considered by the City
196 Council next week to allow persons to come in to obtain their entitlements at the same time they
197 present their planning application or building permit application for the reservation of an allocation
198 at anytime during the year. Staff will track allocations and report to the Planning Commission and
199 the City Council every six months advising how we are doing.

200

201 **Chairman Manfredi** inquired on the status of the Francis House project reporting it has not been
202 winterized or anything yet.

203

204 **Planner MacNab** reported he has been in contact with Mr. Schafer and advised security and
205 weatherization needs to be completed by October 31. It was observed he was out doing some
206 minor waddles for storm water. Other than security and weatherization the project may be in a
207 dormant mode for a year or more.

208

209 **Director Gallina** provided a general overview as follows:

210 • Bounsall Development proposal, staff will be taking a Memorandum of Understanding for
211 Council consideration in December/January.

212 • Enchanted Resorts, the proposal will be taken to Council within the next two scheduled
213 meetings.

214 • Terrano, we have received several inquiries of interest, but there has been no movement.

215 • Vineyard Oaks has stalled a bit with the economy.

216 • Cottage Glen, has submitted a new 2010 Growth Management application because their
217 current allocation is about to expire.

218 • Gumina, the Growth Management allocation is also about to expire however we have not
219 heard anything at all.

220 • Wilkinson, no new activity.

221 • Public projects, staff is providing technical support as needed.

222 • County wide Technical Advisory Committee, staff is monitoring Housing Element updates,
223 comments from the state, flood control and FEMA.

224 • The City Manager is scheduling a regular meeting with Upper Valley Cities, look at sharing of
225 resources and staff.

226 • Staff is working with the City of St. Helena to schedule a meeting with Cal Trans regarding
227 outdoor dining in November.

276 **Commissioner Kite** noted a developer initially investigates risk and probability, so the economics
277 for staff verses applicant are very different. An applicant makes an assessment of risk/reward and
278 cost benefit. Staff looks at long or obscure risks and the cost to staff is zero. When initiating a
279 technical assessment staff needs to put themselves in the applicant's shoes. Explain how it might
280 be in the best interest of a project to prepare certain documentation.

281
282 **Chairman Manfredi** confirmed it is just maddening when there is just one more thing they need to
283 provide. Staff needs to look beyond and clearly identify what will be needed.

284
285 **Director Gallina** stated staff has tried to design information sheets to capture every single study
286 that is required to do an assessment and are constantly looking at application forms. Staff will
287 meet with other departments and work with them to make sure everything is identified correctly.

288
289 **Chairman Manfredi** suggested when this discussion takes place staff needs to address that
290 some requested information may not be needed at that level of review. With the understanding
291 that the information will come during conditional permit review or Building Department permit
292 review.

293
294 **Chairman Manfredi** also noted applicants don't realize their application is divided and sent out to
295 departments. Maybe projects could move along if it is known the final details won't impact the
296 Planning Commission decision. No one needs to know where the refrigerator will go in a room,
297 etc. Parking always comes up and we need to look for a better way to handle this so it doesn't kill
298 a project.

299
300 **Commissioner Kite** suggested staff should think back to the last two to three projects and think
301 am I trying to be helpful, what advice can I give, noting there are ways of phrasing such as "when
302 I've seen projects like this these issues have come up."

303
304 **Director Gallina** stated staff tries to come up with ways on how to help the applicant.

305
306 **Director Gallina** thanked the Planning Commission for their time spent preparing and expressed
307 staffs appreciation. Further, she reminded Commissioners to contact staff whenever they have
308 questions.

309
310 **Commissioner Kite** noted there seems to be a conspiracy theory philosophy in our community, it
311 should be known people may make a mistake, but there is no conspiracy here.

312
313 **Director Gallina** also noted that even though some city employees may not live in the city of
314 Calistoga, staff does really care what is going on in Calistoga.

315
316 **I. MATTERS INITIATED BY COMMISSIONERS**

317
318 **Commissioner Kite** reported a code enforcement issue with a truck that has been parked on
319 Foothill next to the Busk property.

320
321 **Chairman Manfredi** inquired what was happening with the Shell Station project.

322