

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

**Tuesday, November 10, 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 5:40 PM.
3

4 **A. ROLL CALL**

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

10 **B. PLEDGE OF ALLEGIANCE**

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12 **C. PUBLIC COMMENTS**

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14 **D. ADOPTION OF MEETING AGENDA**

15 **Chairman Manfredi** recommended changing the agenda to hear item 2 – DR 2009-03 prior to
16 item 1 Revised Draft Urban Design Plan.
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18 There was motion by **Commissioner Coates**, seconded by **Chairman Manfredi** to approve the
19 agenda with the change as recommended. **Motion carried: 4-0-1-0.**
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21 **E. COMMUNICATIONS/CORRESPONDENCE**

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23 **F. CONSENT CALENDAR**

24 1. Planning Commission regular meeting Minutes of October 28, 2009.
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26 There was motion by **Commissioner Manfredi**, seconded by **Commissioner Creager** to
27 approve the consent calendar as presented. **Motion carried: 4-0-1-0.**
28

29 **G. PUBLIC HEARING**

30
31 1. **DR 2009-03:** Consideration of a Design Review application to install canopies over the
32 existing fuel pump islands and to change the corporate color scheme of the dispensing pumps
33 and convenience store from yellow and red (Shell) to blue and white (Chevron) at the gas station
34 located at 1108 Lincoln Avenue (APN 011-254-003) within the “DC-DD”, Downtown Commercial-
35 Design District Overlay Zoning District. This proposed action is exempt from the California
36 Environmental Quality Act (CEQA) under Section 15303 of the CEQA Guidelines. (*This item was*
37 *continued from the Planning Commission Meeting of September 23, 2009*)
38

39 **Chairman Manfredi and Commissioner Kite** recused themselves from discussion due to their
40 residence and businesses close proximity to the project. Due to the absence of Commissioner
41 Coates there was not a quorum so their names were placed in a hat and **Chairman Manfredi** was
42 selected to resume his position on the Commission.

43
44 **Planner MacNab** reported the subcommittee (Commissioners Coates and Bush, Christopher
45 Layton, Dieter Deiss, and George Caloyannidis have been working with the applicant on the
46 architecture. The applicant has retained the services of an architect and requests additional time
47 to complete the process to finalize their drawings. Request the item be continued to December 9,
48 2009.

49
50 There was motion by **Vice-Chairman Creager** to continue the Public Hearing to the regularly
51 scheduled Planning Commission meeting of December 9, 2009, noting this project is another
52 example of the community working with the city, seconded by **Commissioner Coates**. **Motion**
53 **Carried: 3-0-1-1.**

54
55 **Commissioner Kite** resumed his seat on the Commission.

56
57 **2. UDP**

58 **Revised Draft Urban Design Plan.** To resume discussion and consider a recommendation to
59 the City Council on the Draft Urban Design Plan (UDP), as revised, pursuant to direction received
60 by the Planning Commission on August 26, 2009. The UDP is required by the General Plan and is
61 intended to articulate community expectations for future public and private improvement and
62 development efforts. This proposed action is exempt from the California Environmental Quality Act
63 (CEQA) under Section 15183, and Section 15262 of the CEQA Guidelines. *(This item was*
64 *continued from the regular Planning Commission Meeting of August 26, 2009)*

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66 **Chairman Manfredi** advised during the review of this item they would hear the staff report
67 first, move forward to Commissioners questions and then he would open the public portion of
68 the hearing for discussion.

69
70 **Director Gallina** provided a summary of the Staff Report advising this item was continued
71 from the August 26, 2009 hearing of the Urban Design Plan (here after called UDP). The draft
72 of May 20 2009 has been provided to confirm Planning Commission direction to date and
73 complete discussion and review of the comments from public testimony. Staff addressed
74 concerns raised in the summer of 2008, and prepared another UDP document released last
75 Friday, November 6, 2009. It was reported the Ad hoc Committee meetings with the Merchant
76 family have concluded and those recommended changes including types of land uses and the
77 complete re-writing of Chapter 2 have also been incorporated in this document. She reported
78 to date the maps will not be formally updated until recommended changes have been
79 confirmed, especially the Gliderport character areas. Director Gallina noted an update of the
80 list of amendments that will need to be processed upon adoption of the UDP was provided in
81 the staff report, but she pointed out all changes made will require additional public hearings
82 and processing through the Planning Commission and the City Council. In conclusion she
83 advised receipt of additional written comments, some submitted after the August 26 meeting,
84 as well as some received earlier this week. Most have been forwarded to the Planning
85 Commission prior to this day. The recommendation was to go through comments tonight and
86 have the Planning Commission provide direction and/or language adjustments as needed.

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Director Gallina gave an overview of communications received as follows:

- **Diane Barrett**, regarding inconsistency – referencing the clean version, page 23, Downtown Historic District changes, requested Staff make sure the correct streets are referenced based on the map.
- **Michael Quast**, comments revolved around parking, in the Circulation Systems Chapter, recommending re-looking at the Parking Ordinance to update the parking requirement numbers to provide clarification language to address shared parking and parking standards to all new development.
- **Kristin Casey**, Director Gallina advised staff was basically in agreement with the comments however each item will be reviewed during discussion.

Commissioner Kite asked if everything was back on the table for discussion during this hearing because he recalled there were many issues the Commission had already reached consensus on during previous hearings.

Chairman Manfredi confirmed there are certain items that were generally accepted by the Commission.

Commissioner Kite asked if the items of consensus were listed or were identified somewhere.

Director Gallina directed attention to a summary of all key changes provided in the Staff Report, reference page 3 – 6.

Commissioner Kite stated he thought the Gateways were done and asked if we will listen to other points.

Director Gallina reviewed the summary of changes from the Staff Report, starting with page 3, line 79 through page 6, line 238.

Chairman Manfredi opened the public portion of the hearing at 6:08 PM.

Kristin Casey, 1132 Denise Drive, advised she had received a call from Director Gallina regarding her letter of comments stating it appears staff agrees with the concerns and comments, further noting the Staff Report was very helpful. Therefore instead of reading the three page letter she will wait to hear the Commissioners discussion. (See attachment 1.)

Michael Quast, 1300 Washington Street, stated basically everyone is looking forward to a new standard of shared parking; the Parking Guidelines do need updating.

Diane Barrett, 1567 Centennial, thanked Director Gallina for the great summary. Referencing the UDP Clean Copy, page 34, addressing lower Washington area, line 1473, Connectivity, she advised Franklin, Earl, and Anna were named but it does not mention an extension of Gerrard Street, in the downtown area. She asked if it was an oversight or does it have to do with the location. Ms. Barrett urged they all be considered in the extension.

135 **Erik Fair**, Indian Springs, thanked the Commission for their continuing efforts, noting they
136 appreciate the change referencing the UDP Clean Copy, page 30, eliminating the bike path.
137 He further noted clarification was needed regarding language around parking, page 31, line
138 1344, asking if redevelopment would require additional parking for downtown patronage, or is
139 it just suggesting we mitigate parking for the expansion.

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141 **Director Gallina** relates to whatever your parking requirements are.

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143 **Commissioner Kite** stated when a property is developed there is a negotiation process to
144 determine what shall be done. This language is notification that this is one of the things that
145 will be discussed.

146
147 **Erik Fair** asked if it could be adjusted to read similar to language from the Ad hoc committee,
148 i.e. some shared parking.

149
150 **Vice-Chairman Creager** we are looking for revised parking standards with more flexibility, and
151 possible shared parking for developments. We are not expecting you to provide public
152 parking, some consideration including potentially shared parking could be considered should
153 those standards come forward.

154
155 **Director Gallina** referenced page 28, line 227, stating the language is the same.

156
157 **Manager McCann** stated it would be good to add language from line 1208, from the Land use
158 portion of the Gliderport Area, in a similar spot in the Resort Area.

159
160 **Kurt Larrecou**, Michael Way referenced the UDP Clean Copy, stating the mapping was
161 substandard, it doesn't show parcels, addresses, or land use. In the language for existing
162 conditions it is very vague, allowing you to make some historical significance with modern
163 construction.

164
165 Referencing integration of the adopted UDP policies into the General Plan should not be
166 considered as something that should go to the City Council because the draft is substandard,
167 fractured and inaccurate. He stated the City Council requested the UDP to be manipulated
168 until it is finite. The recent Bed and Breakfast item being returned to the Planning Commission
169 for more editing reflects this needs to be done. Mr. Larrecou also stated a problem with staff's
170 determination there is no need for environmental review, the State Planning and Research
171 should review the UDP prior to a vote by the Planning Commission, and the City should have a
172 letter from them stating it will not impugn CEQA or rezone something that is not exempt.

173
174 **Norma Tofanelli**, 1001 Dunaweal Lane, thanked the Commission and Staff for the time
175 devoted to the UDP. She referenced the letters from the Farm Bureau and Kristin Casey
176 stating she was in total support. Ms. Tofanelli further noted the language in the UDP has been
177 softened, but only one Commissioner continued to listen. She stated it was sad to say the
178 Planning Commission declined comments from property owners and refused to walk the
179 property with us. It was noted they have not had a tour of inspection, and it has been stated it
180 doesn't need a feasibility study for a determination to tell us where the road is going to go.

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182 **Chairman Manfredi** directed attention to letters and their specific questions.

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Michael Quast, letter dated November 10, 2009. (see Attachment 2)

Chairman Manfredi asked if there was agreement to direct staff to incorporate language regarding shared parking as a better means to accommodate parking. Consensus – Yes.

Kristin Casey, letter dated November 10 2009. (see Attachment 1)

Chairman Manfredi read the letter aloud.

Director Gallina referenced the UDP Revised Version:
Page 8, advised she had no problem with making the correction.

Page 8, inquired if the Commission wanted to include a general statement that all Gateways to town must honor the first Goal of the General Plan's Noise Element as suggested.

Chairman Manfredi stated he had no real problem some Gateways in particularly.

Vice-Chairman Creager advised the largest noise element for a recent applicant is the noise from traffic. He asked Kristin Casey to comment about what exactly was being suggested.

Kristin Casey stated she was thinking in terms in a general sense. She is not looking to inject a high level of noise from development in our Gateways. Mrs. Casey is looking at keeping them rural as much as possible and maintain a low level of noise.

Vice-Chairman Creager asked if by low level she meant by decibel, retaining levels of 65 to 70 decibels.

Chairman Manfredi noted during possible development in these areas one element would be to investigate noise.

Commissioner Kite stated the intent is to preserve or improve.

Chairman Manfredi referenced Kristin Casey's comment regarding the UDP page 9, suggesting proposals such as the expansion of La Prima should not be on the table at all. There was consensus the paragraph could be deleted.

Commissioner Kite stated that development in and around the area would be encouraged.

Director Gallina referenced comment regarding UDP page 11, suggested deleting the language about creating a secondary commercial hub.

Commissioner Kite – agreed.

Chairman Manfredi noted there will be some development at the Petrified Forest corner, whether or not we call it a "commercial hub". We can delete the language, but it does not deny development at Petrified Forest.

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Chairman Manfredi referenced the UDP page 11, regarding commercial uses at this Gateway, requesting verbiage to be included from the General Plan and a recommendation to be more cautious about using Planned Development everywhere.

Director Gallina stated a PD allows for more flexibility, where zoning requirements do not.

Chairman Manfredi stated he has no problem with the language about Planned Development staying in because it is a very useful tool, and in some cases makes sense.

Commissioner Kite suggested maybe softening the language to indicate it is a choice.

Reference the UDP page 12, Developable land. **Chairman Manfredi** noted that would just clarify what is already there.

Reference UDP page 17, **Chairman Manfredi** regarding limiting the right to have a home based office.

Vice-Chairman Creager stated this doesn't preclude home base offices.

Director Gallina suggested taking out "limiting", and inserting "encourages home business" with provisions on how they operate.

Commissioner Kite noted there is a difference in terms such as office and home office, talking about some commercial interaction at the home. Language home based office suggests limited quasi commercial professional use.

City Manager McCann defined a Home Occupation as a business operating out of a home. Consensus was to drop out encourage Home Occupations.

Reference UDP, Page 17, regarding the Bounsall Gateway property. **Chairman Manfredi** reported Kristin Casey requested the reference be deleted.

Chairman Manfredi stated he had no problem deleting the reference.

Reference UDP page 18, regarding general verbiage for the Bounsall property, **Chairman Manfredi** reported it was suggested we add language stating that Entry Corridors require preservation of existing orchards and there is also a requirement of small-scale, low-rise design.

Commissioner Kite stated it would be unfair to dictate small scale in relation to a particular property. Small scale is related to a building, he could see something more related to parcel coverage, with less parcel coverage could allow taller buildings.

Vice-Chairman Creager agreed that calling out a specific property was inappropriate, actual design should be considered during the application process, it does not have a place in the UDP document.

279 **Chairman Manfredi** agreed it was unnecessary at this point.

280

281 **Kristin Casey** noted Chairman Manfredi seemed to have skipped comments reference
282 UDP page 11, lines 462 through 467, recommending inclusion of specific verbiage.

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284 **Chairman Manfredi** read aloud verbiage and the consensus was they had no problem with
285 the Gateway.

286

287 **City Manager McCann** advised the majority of the property is Rural Residential the
288 language was included to address the property that has the ability to have residential and
289 to clarify what is already allowed.

290

291 **Vice-Chairman Creager** stated he did not want to call out a specific property, suggesting
292 the language should be general for the entry corridors.

293

294 **Chairman Manfredi** referenced the UDP line 801, stated he disagreed with the comment,
295 it should simply state the allowable.

296

297 **Vice-Chairman Creager** agreed.

298

299 **Chairman Manfredi** referenced comments regarding the UDP page 43, stating reference
300 to Tubbs Lane was not deleted.

301

302 **Director Gallina** stated staff would recommend a change to focus this paragraph to
303 Highway 29 and take out reference to Tubbs Lane.

304

305 The Commission agreed.

306

307 **Chairman Manfredi** referenced the UDP, page 43, lines 1897 – 1898, and stated we have
308 all discussed this before and believe all options should be considered. Director Gallina was
309 directed to make changes.

310

311 **Chairman Manfredi** referenced the UDP, page 46, where Kristin Casey suggests the
312 reference calling for a street from Washington Street to Silverado Trail should be more
313 general, and simply call for a feasibility study regarding the issue.

314

315 **Commissioner Coates** referenced the UDP Clean Version, page 34, line 1477, stating it
316 also addresses what Kristin Casey is talking about, and also states Washington Street
317 should be tree lined. Chairman Coates disagreed with the term shall be a secondary entry
318 to town and noted it should not encroach on County agricultural property. There is a high
319 probability we will be encroaching on the Agricultural land and we should back up and ask
320 for a study.

321

322 **Chairman Manfredi** stated it has previously been discussed as a possible outlet for
323 Washington Street, but maybe the word “will” should be changed to “may be”. He further
324 noted it is definitely not through County agricultural land. He believed Kristin Casey’s point
325 is it still calls for a road through agricultural land.

326

327 **Commissioner Kite** suggested it should say what this is. It just maintains the plan line for
328 a road, and it should be clear there is nothing in the Urban Design Plan stating it is
329 necessary. No one is anticipating it is necessary, but the plan line is kept on a map in case
330 it is needed.

331
332 **City Manager McCann** reported this is the anticipated circulatory system. It identifies
333 facilities, roads, etc, that are anticipated in future. We generally don't know when or where
334 the precise area for the road will be. This language provides notice to the public it is
335 anticipated in the future.

336
337 **Commissioner Kite** asked if there was anything causing us to advocate the elevation of
338 the plan lines as a priority.

339
340 **City Manager McCann** reminded the Commission determined the plan line for the
341 Northern Crossing should be deleted and the extension of Washington or Fairway should
342 remain. From the General Plan stand point it doesn't matter if it is clarified that a road is
343 further to the north or to the south.

344
345 **Commissioner Kite** suggested the language should articulate plan lines or suggested plan
346 lines, but there should be no advocacy from the Urban Design Plan to prioritize.

347
348 **City Manager McCann** reported the earlier versions did. However during process it was
349 determined to drop that out.

350
351 **Vice-Chairman Creager** referenced the UDP page 45, lines 2001 - 2003 with tracked
352 changes quoting something about no taking of any agricultural land. Adding the same
353 language at page 34, line 1477 would help define this proposed alignment.

354
355 **City Manager McCann** stated it would also be good language to add to the Circulation
356 Section for Washington Street to Silverado Trail.

357
358 **Chairman Manfredi** requested a summary of recommendations.

359
360 **City Manager McCann** and **Director Gallina** provided summary:

- 361
- 362 • Emphasize any future roadways
 - 363 • clarification of a proposed alignment must be appropriate;
 - 364 • include language that alignment shall not infringe or threaten agricultural lands in the
County; and
 - 365 • add the same language relating to Washington to Silverado Trail .
- 366

367 **Chairman Manfredi** referenced the UDP Revisions version, page 5, lines 207 – 208, at the
368 least we should call for a study of all the issue.

369
370 **Director Gallina** stated the introduction section clarifies the intent in the other chapter.

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372 **Vice-Chairman Creager** referenced the UDP Revisions version, page 5, lines 209 and 210
373 advising the bullets should be taken out.

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Chairman Manfredi referenced the UDP Revisions version, page 40 lines, 1746 – 1748 – tree lined corridor, stating we should not include future extensions.

Director Gallina reported staff will separate the bullets and modify the extension language per discussion.

Vice-Chairman Creager referenced the UDP Revisions version, page 45, stating the extension of Fairway should be #1, but he didn't want to loose the language for the other, Re-development of lower Washington would be fine as #2.

Chairman Manfredi referenced other letters with comments or concerns.

Vice-Chairman Creager noted during consideration of Kristin Casey's letter, the changes in the Farm Bureau letter were addressed. (see Attachment 3)

Whitney Fischer, letter dated August 27, 2009. (see Attachment 4)

Chairman Manfredi referenced the request for a field trip/tour of inspection noting he did not want to apologize, he has been on that trip many times. He had no other comment to make on that.

Norma Tofanelli, email memo dated August 27, 2009. (see Attachment 5)

Director Galina advised any implementation for public access to the Napa Riverfront would occur during review of any new development projects.

Christopher Layton, letter dated August 28, 2009. (see Attachment 6)

Chairman Manfredi reported the Planning Commission has dealt with traffic for Lincoln at Foothill; more astringent traffic management possibly a 25 Speed Limit could possibly be built into the UDP.

Director Gallina reported language for assessment of traffic has been incorporated in the UDP.

Referencing Pine Street, **Chairman Manfredi** stated keep clear striping will have to be replaced. However he did not agree that making Pine Street a one way was a good idea.

Vice-Chairman Creager suggested it would be more appropriately dealt with during a feasibility study with the intersection, looking at all alternatives in that stretch.

Referencing the suggestion the Commercial Corridor should include the spa on Pine Street, **Chairman Manfredi** noted this concept has been dealt with many times.

Referencing Mr. Layton's comment on CalMart suggesting creating a parking car and delivery truck court and Farmers Market court etc., **Chairman Manfredi** stated the items

421 have been discussed in the past and were not forgotten, the property owner could bring a
422 proposal forth at any time.

423
424 **Vice-Chairman Creager** recalled Bill Shaw has previously put something through for
425 Conceptual Review, so when and if he is ready he will surely do something that will be in
426 the best interest of the community and we should not dictate what he should do.

427
428 **Director Gallina** referenced the UDP Revisions version, page 24, line 1068, stating this
429 language was included to give Mr. Shaw flexibility.

430
431 **Chairman Manfredi** applauded Bill Shaw for offering part of that building as the City's
432 temporary Fire Department.

433
434 **Chairman Manfredi** reported he was all in favor of underground utilities and appreciates
435 what the Merchant family did with utilities and how nice it looks.

436
437 ***The Merchant Family***, letter dated November 5, 2009. (see Attachment 7)

438
439 **Chairman Manfredi** advised the Merchants letter had already been addressed.

440
441 **Chairman Manfredi** motioned that the Commission recommend to the City Council adoption of
442 the Revised Draft Urban Design Plan, dated November 2009 to include amendments based upon
443 Commission direction.

444
445 **Commissioner Coates** admitted the process has been long, but he believed when the process
446 was initiated it was not done properly and included many mandates to people. He stated while he
447 has a problem with another layer of government there are some cases it is needed.

448
449 **Commissioner Coates** thought the General Plan did an adequate job, but at the same time he
450 thanked the Commissioners because they have attempted to respond to the community. The
451 Commission has done an admirable job, they have listened and truly looked at things when they
452 were not well received, the Commission and Staff has massaged and adjusted the document
453 creating a much more flexible plan.

454
455 **Commissioner Kite** felt the Commission initially was handed something that was not ready to
456 come to the Planning Commission, further stating the consultants did an appalling job.

457
458 **Commissioner Coates** stated hopefully we have done our part in trying to listen, and he
459 applauds that. He stated he has been doing his best to represent the people in the community.

460
461 The motion was seconded by **Vice-Chairman Creager**. **Roll Call Vote: Ayes – 4, Noes – 1,**
462 **Absent - Commissioner Bush, and Abstain - 0. Motion carried.**

463
464 **I. NEW BUSINESS**

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466 **J. MATTERS INITIATED BY COMMISSIONERS**

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468 **K. DIRECTOR'S COMMENTS/PROJECT STATUS**

469 Director Gallina thanked the Commission and the public for their hard work and dedication in the
470 review of the Urban Design Plan.

471

472 **L. ADJOURNMENT**

473 There was motion by **Commissioner Manfredi**, seconded by **Commissioner Creager** to adjourn
474 to the next regular meeting of the Planning Commission scheduled for **Monday**, November 16,
475 2009, at 5:30 PM. **Motion carried: 4-0-1-0-**

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477 The meeting adjourned at 7:29 PM.

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482 _____
Kathleen Guill

483 Secretary to the Planning Commission

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485 Cc: Attachment 1 – Letter, Kristin Casey

486