

**CITY OF CALISTOGA  
PLANNING COMMISSION  
MINUTE EXCERPT**

**Wednesday, August 12, 2009  
3:15 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 **Vice Chairman Creager** called the meeting to order 3:15 PM. for conducting a Tour of  
2 Inspection.

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4 **Vice Chairman Creager** reconvened the Regular Planning Commission Meeting at 5:35  
5 P.M.

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7 **A. ROLL CALL**

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9 **Present:** Vice-Chairman Clayton Creager, Commissioners Carol Bush, Paul Coates,  
10 and Nicholas Kite. **Absent:** Chairman Jeff Manfredi. **Staff Present:** Director Gallina,  
11 Planning and Building Director, Ken MacNab, Senior Planner, Erik Lundquist, Associate  
12 Planner, and Cynthia Carpenter, St. Helena Planning Administrative Assistant. **Absent:**  
13 Kathleen Guill, Planning Commission Secretary.

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15 **I. PUBLIC HEARING**

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17 **2. DR 2009-03:** Consideration of a Design Review application to install two 24' x 34'  
18 fueling canopies (each approximately 16 feet in height) over the existing fuel dispensing  
19 pumps and to change the corporate color scheme of the dispensing pumps and  
20 convenience store from yellow and red (Shell) to blue and white (Chevron) at the gas  
21 station located at 1108 Lincoln Avenue (APN 011-254-003) within the “DC-DD”,  
22 Downtown Commercial-Design District Overlay Zoning District. No changes to use or  
23 operations are being proposed as part of this application. This proposed action is  
24 exempt from the California Environmental Quality Act (CEQA) under Section 15303 of  
25 the CEQA Guidelines.

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27 **Commissioner Kite** recused himself from the discussion of the project.

28  
29 **Senior Planner MacNab** provided an overview of the project and explained that there  
30 are only portions of the Design Review that are ready for consideration this evening, so  
31 the Commission is being asked to consider the signage proposed and pump markings.  
32 If after that the Commission wishes to provide feedback regarding the canopies, that  
33 would be fine, and members of the public may have comments as well.

34

35 **Vice Chairman Creager** asked how this particular application was different from  
36 previous applications by other similar entities, other gas stations, and how is it similar?

37

38 **Senior Planner MacNab** explained that due to the previous applications the tone and  
39 specifications were set for future applicants and the regulations that were created prior  
40 now dictate the current applications. The applicant is willing to work with the City to  
41 keep the heights and sizes of the structures lower than what they'd prefer, and they also  
42 agreed to create the canopies in such a way as to structurally support photo-voltaic  
43 panels in the future. However, there are no calls for a complete redo because this  
44 application is simply a modification of what is already permitted or has already been  
45 permitted.

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47 **Vice Chairman Creager** opened the discussion by inviting a statement from the  
48 applicant.

49

50 **Aslam Ali**, representing the applicant, noted that the applicant is working hard with the  
51 Planning Department in order to comply with regulations and still obtain permits for new  
52 signs and the canopies. As of yesterday, Mr. Ali believed that both the canopies and the  
53 signs were permitted, however this afternoon he discovered that there were reservations  
54 with regards to the canopies, and he isn't quite clear as to why.

55

56 He proposed that what the applicant is asking for is no different than what the gas  
57 station across the street has; the same kind of canopy, the same kind of changes. The  
58 applicant is willing to settle for smaller signs, to make changes to the sizes of the  
59 canopy, etc. The applicant would like the Commission to look into the possibility of  
60 having the canopies.

61

62 It was explained to the Commissioners that the need for a canopy is important for the  
63 environment in order to lower the issue of contaminants in water run-off, both primary  
64 and secondary. He stressed that their company is very willing to make any changes in  
65 order to comply.

66

67 **Senior Planner MacNab** clarified that the applicants are requesting that the request for  
68 the canopies be considered only under Design Review, and not require a Use Permit.

69

70 **The Vice Chairman** opened the public hearing for comment.

71

72 **Dieter Diess**, a resident of Calistoga, asked that the Commission look at this proposal  
73 not as just another gas station on a corner in some town, but as the gateway to the  
74 historic heart of Calistoga. That gateway is important and ought to be protected and  
75 enhanced, not detracted from. He notes that the canopy design of the station already  
76 present, and feels that to then add the proposed canopies for this station will in effect  
77 make the entrance to the historic areas of Calistoga two gas stations. He'd like to see  
78 the gas stations try to design and modify the typical feel and look of the gas station.

79

80 **Christopher Layton**, 1010 Foothill Blvd., expressed concerned about the engineer's  
81 statement because he's not certain that there is a real need for the canopies, however

82 the **Vice Chairman** noted that installation of the canopies to prevent tainted water run-  
83 off is indeed a required mitigation.

84  
85 **Christopher Layton** provided examples of tasteful options that address the needs of the  
86 stations, but still maintain a natural beauty for the entrance to the City. He noted the "old  
87 time" feel of the proposed ideas he has provided.

88  
89 **Nick Kite**, 1213 Foothill Blvd and as a very close neighbor to the gas station, noted  
90 numerous concerns he has with this proposal as is. He provided a letter to the  
91 Commissioners as well, which was included in the staff report. Specifically, he noted  
92 that he feels that the applicant's requests are simply being made in order to boost their  
93 business and use large, ugly signage to announce to people as far away as possible the  
94 location of their gas station. It's corporate ugliness at its worst. As for the lighting at  
95 night, while the Commission requests in their conditions that the lights be turned off, this  
96 station is open all day, every day of the year. When will they turn off their lights? He is  
97 opposed to the station being open all night because of the nuisance it causes to the  
98 neighbors who must deal with idling trucks, noisy conversations, loud music and such  
99 issues in the middle of the night. Not only must he hear it, but his paying guests are  
100 subject to it as well. He is wholeheartedly against the proposal as is and hopes that the  
101 Commission will not accept this monstrosity of signage proposed by the applicant.

102  
103 **Mr. Kite** also asked if the addition of the canopies and signage isn't an intensification of  
104 use of the permit that is already in place. If they were proposing additional, larger  
105 signage, etc. then that would trigger the need for Design Review and Conditional Use  
106 Permit. He noted that it is possible to see the illumination of the new signs as  
107 constituting an intensification of use. In fact, he would urge the Commission to carefully  
108 question the applicant about their plans for the inside of the store. Do they plan to offer  
109 further food options than they currently have? That's an intensification of use, and they  
110 should not be permitted to make that kind of change, regardless of whether or not the  
111 signage is approved. He urges they deny the application. Should the Commission  
112 approve the application, he would urge them to make certain that the new spanner not  
113 be any larger than the current one, and only signage changes made. He believes that  
114 making the spanner larger would be an intensification of use and would trigger Design  
115 Review and Conditional Use Permit applications. Last of all, he would ask that the signs  
116 not be permitted to be illuminated.

117  
118 In conclusion, he feels the comments by the applicants about how the neighbors don't  
119 mind, or that it's just a canopy, underlines his belief that they are not sympathetic to the  
120 actual needs and wishes of the neighbors as well as the City as a whole, and ought to  
121 alert the Commissioners to what their attitude is in general as they apply.

122  
123 **Yazmin Ali**, 20 Oak of Pleasanton, owns the property in question. She wanted to  
124 explain that the proposal to install the canopy is driven by the change from Shell to  
125 Chevron, as well as the mitigation of impact on the environment. She also stated that  
126 during the rainy season, it is good for the community. She feels the canopy will add to  
127 the look of the City.

128  
129 She explained that in response to concerns about changes inside, she isn't planning on  
130 making any changes in the store. She isn't planning on choosing Chevron's option to

131 have a store that would be designated as “extra mile” which would make changes inside.  
132 They do not wish to participate and will be keeping their current offerings in the store.

133  
134 **Ms. Ali** also stressed that they are very willing to work with the staff and City to make  
135 whatever changes or arrangements needed in order to have the necessary canopy and  
136 still comply with the needs and desires of the City.

137  
138 Lastly, **Ms. Ali** explained that the spanners are brand-specific and Shell's spanners are  
139 different than Chevron spanners, however she isn't aware of the spanners being larger  
140 in any way. Mr. Ali explained that they are choosing the smaller version of the spanners  
141 in order to keep the sizes comparable to what they currently have.

142  
143 The **Commissioners** generally agreed that the proposed color changes and signage are  
144 permissible and are of a design that could be approved. However, they also were in  
145 general agreement that the canopy design must be considered separately for a Use  
146 Permit in order to further discuss and consider the design elements. Furthermore, they  
147 were not in support of lighting the signs.

148  
149 **Vice Chairman Creager** suggested adding to the proposal on the table that the  
150 Commissioners ask somebody local to help the applicants to design a new canopy plan.  
151 He noted that some time ago, there was a church proposed that was, in his mind,  
152 hideous and a local architect offered his services pro-bono in order to create a new  
153 design that was agreeable to the church members as well as the City. He asked if all  
154 parties were agreeable to allowing local architects to work with the applicants to create a  
155 new proposal to resubmit to the Planning Commission.

156  
157 **Director Gallina** expressed her belief that the signage ought to be included in this new  
158 design process because perhaps they will be changed in order to better fit in with the  
159 new design.

160  
161 **Senior Planner MacNab** also clarified that the addition of the canopies, when  
162 considered with relation to the code, could be considered an intensification of use if the  
163 canopies are considered as adding additional floor area to the existing building. That is  
164 debatable. However, he further stated that it is his belief that the location of this gas  
165 station at the entrance to the historical portion of Calistoga should provide ample reason  
166 for these changes to be considered under both Design Review and Conditional Use  
167 Permit. He concurred that Mr. Kite's statement that this constitutes an intensification of  
168 use, but he also noted that this is based on just one staff member's interpretation.  
169 Lastly, the Commission consideration during Design Review as well as Conditional Use  
170 Permit would lengthen the process for the applicants.

171  
172 **Director Gallina** agreed that as Commissioner Coates noted, the applicants are working  
173 hard to work with the City and it would be good to have a member of the Planning  
174 Commission meet with both the applicants and the architects in order to represent the  
175 City and be able to report back to the City.

176  
177 It was moved by **Vice-Chairman Creager**, seconded by **Commissioner Coates**, to  
178 continue consideration of the Design Review application to approve installation of two  
179 fueling canopies over two existing fueling pumps, and to change the corporate color

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180 scheme of the dispensing pumps and the convenience store from yellow and read to  
181 blue and white, and consideration of an alternative canopy cover for the station located  
182 at 1108 Lincoln Avenue to the Meeting of September 23, 2009 and to establish a  
183 Committee made up of Commissioner Bush, George Caloyannidis, Dieter Diess, and  
184 Christopher Layton to work with the applicant to consider, during an interim period, an  
185 integrated design scheme for the canopy and corporate coloration. **Motion carried: 3-0-**  
186 **1-1**

187

188 **J. ADJOURNMENT**

189

190 There was motion by **Vice Chairman Creager**, seconded by **Commissioner Coates** to  
191 adjourn the meeting to the next regularly scheduled meeting of the Planning  
192 Commission on August 26, 2009, at 5:30 PM. **Motion carried: 4-0-1-0.** The meeting  
193 adjourned at 10:15 p.m.

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197

Charlene Gallina, Acting Secretary to the Planning Commission

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Prepared By Cynthia Carpenter, St. Helena Planning Administrative Assistant

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