

**CITY OF CALISTOGA
PLANNING COMMISSION
REGULAR MEETING MINUTE EXCERPT**

**Tuesday, December 09, 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).

1
2 **Chairman Manfredi** called the meeting to order at 5:35 PM.

3
4 **A. ROLL CALL**

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

9
10 **4. DR 2009-13:** Consideration of a Design Review Application to install canopies over the
11 existing fuel pump islands and to change the corporate color scheme of the dispensing pumps
12 and convenience store from yellow and red (Shell) to blue and white (Chevron) at the gas station
13 located at 1108 Lincoln Avenue (APN 011-254-003) within the “DC-DD”, Downtown Commercial-
14 Design District Overlay Zoning District. No changes to use or operations are being proposed as
15 part of this application. This proposed action is exempt from the California Environmental Quality
16 Act (CEQA) under Section 15303 of the CEQA Guidelines. *(This item was continued from the*
17 *Planning Commission Meeting of November 10,, 2009.)*

18
19 **Chairman Manfredi** and **Commissioner Kite** recused themselves from discussion due to close
20 proximity of residence/business to the project.

21
22 **Planner MacNab** provided a brief overview of the project located at the corner of Lincoln and
23 Foothill. The initial application involved new structural and landscaping improvements, a change
24 in corporate identity, expansion of corporate signage and improvements to the exterior of the
25 existing building; along with specific improvements including installation of canopy structures,
26 replacement of pump fuel jackets, replacement of Shell overhead fuel pump spanners, the
27 addition of three new Chevron hallmark signs with wordmark (text) on the gabled area of the
28 canopies. Planner MacNab provided review of the changes in colors, materials, lettering, and
29 lighting. He reported due to concerns related to the public sensitivity to design, and the location in
30 a major entry corridor, the Planning Commission appointed a subcommittee (Commissioners
31 Bush and Coates, Dieter Deiss, and George Calyodonis) to work with the applicant to improve on
32 the design of the existing gas station to make it more pleasing. The Committee and applicant met
33 several times and a list of suggestions were identified as follows:

- 34 • reduce the scale size of the canopies,
35 • integration between structures,
36 • incorporate design elements,
37 • softening of the site,
38 • more landscaping, and

- 39 • less hardscape.
40

41 **Planner MacNab** provided a pictorial presentation of features of the corporate monument sign,
42 and replacement of existing signage. The canopy was the area of concern and the applicant has
43 pulled the canopy back from property line to reduce the presence of a large structure by right of
44 way. He reviewed the fascia with gabled roof, horizontal material, signage, and pumps. Other
45 treatments recognized for a softening appearance on southern side with brick veneer and
46 proposed vine landscaping in front of blank walls, along with planting beds. Lighting examples
47 were provided to minimize lighting. Noting the applicant was very cooperative to this collaborative
48 approach.
49

50 **Planner MacNab** noted the Commission was provided a memo with a slightly revised proposal for
51 signage which included the following proposed changes.

- 52 • Replacement of the 3 sqft hallmark logo sign on the west facing gable of the Foothill canopy
53 with 11 sqft non-illuminated box lettering

54 *Staff is not supporting that and applicant will drop.*

- 55 • Existing Food Mart sign, bring back sign larger but dropping the hallmark sign.

56 *Proposed signage does conform to the findings.*

- 57 • Elimination of the hallmark logo sign on the east facing gable of the Foothill canopy.

58 *Instead replace existing Food Mart sign as long as not internally illuminated.*
59

60 **Planner MacNab** stated staff believes the changes were excessive and the applicant should
61 follow the original proposal.
62

63 Another proposal that has not been submitted, is requesting blue edging around canopies
64 consistent with the Chevron Corp scene; making the gable face a larger sign and Staff is not
65 supportive of that portion of the applicant's proposal.
66

67 A tan or light beige coloring was agreeable to the subcommittee, but the applicant would prefer a
68 white or off white and blue scheme. Staff believes it would take away from the uniqueness
69 designed to Calistoga and is not in support of this request.
70

71 **Vice-Chairman Creager** opened the public portion of the discuss at 6:45 PM.
72

73 **Maxsood Ali**, applicant representative thanked the Commission and the subcommittee for their
74 valuable efforts. She apologized the first submittal did not provide complete information and they
75 actually did need a full non illuminated sign. Ms. Ali advised they were not adding additional
76 signage, (there are four existing signs), including the monument sign, but she explained there is a
77 need to replace the existing logo, on each canopy changing to Chevron, the new logo with
78 branding showing in both street directions. No problem to change to the suggested color, also
79 presenting a sample of the stone veneer for viewing. Their only two concerns.
80

81 **Commissioner Bush** reminded they had talked about illumination of the standards.
82

83 **Maxsood Ali** agreed with the low light.
84

85 **Commissioner Bush** stated she was uncertain if they would consider the illuminating the
86 standards, probably only the monument.

87
88 **Planner MacNab** reported the subcommittee did not get into illumination, and staff was not in
89 support of it due to the compact form of the intersection it is unnecessary for them to be lighted,
90 and there was no question on what type of gasoline was available.

91
92 **Commissioner Coates** said we want to stay away from the Las Vegas strip look and other
93 illumination should be discouraged, and definitely not blue. Keep soft and natural.

94
95 **Commissioner Bush** recommended sticking with the original color scheme.

96
97 **Maxsood Ali** stated non signage will make it difficult to compete.

98
99 **Commissioner Coates** stated with the monument sign he thought it was covered.

100
101 **Vice-Chairman Creager** explained what they were saying is from local experience, and it is
102 immediately apparent of who and what you are. The business is not on a freeway, and if he felt
103 there was a different disadvantage he would give it more consideration.

104
105 **Commissioner Coates** asked Planner MacNab to be sure to make it clear what the
106 recommendation is.

107
108 **Planner MacNab** provided a recap:

- 109 • Discussion for hallmark signs on gable only – non illuminated.
110 • No support for white blue color scheme, beige tan, supported.
111 • Spanners, would also not be illuminated.
112 • Monument, illuminated with smaller hallmark sign (no internal illumination)
113 • Food sign ok.

114
115 **Vice-Chairman Creager** told the applicant he would prefer to pull into a station that is more
116 unique, and suggested it will actually benefit the business.

117
118 **Commissioner Coates** noted the applicant had come back with a beautiful design.

119
120 **Maxsood Ali** noted their request meets the area requirement and requested approval of one
121 hallmark canopy.

122
123 **Planner MacNab** viewed this request as excessive. He recommended the Commission approve
124 the original proposed hallmark. Commissioners Bush and Coates agreed.

125
126 **Maxsood Ali** advised the name/signage was a Chevron requirement, but if they could get
127 approval for the canopy signage with one logo and the word Chevron they would most likely deal
128 with no blue paint and no illumination. She shared her concern that they will not be able to finalize
129 their contract with Chevron without the branded logo. Maxsood Ali stated they have come so far
130 with the project and have agreed to so many improvements that will be financially a big hit with the
131 budget, she requested reconsideration.

132 **Director Gallina** advised it would be nice if corporate office requirements could be provided, but
133 communities need to stand firm to prevent loss of other amenities. Isn't it a waste of money to put
134 signage when it is doubtful it can be seen.
135

136 **Planner MacNab** stated he didn't want to see the progress lost and he would be available to meet
137 with Chevron and the applicant on the site.
138

139 **Nick Kite**, 1019 Foothill Blvd. stated he would be the one person staring at the sign. In general
140 his comment was the recommended proposal was a brilliant change. He further encouraged the
141 Commission to stand firm with what was agreed upon, although he understood the new changes
142 were driven by a large corporate entity. Mr. Kite provided specific suggestions for consideration:

- 143 • Re: large monument sign, this may be an opportunity to do more dressing around the sign,
144 possible with stone or a mini gable.
- 145 • **Mr. Kite** reported an issue with the current business hours of operation and requested a more
146 reasonable set of hours for the station. He reported repeatedly being awoken due to noise
147 generated during their late/early morning hours of operation.
148

149 **Dieter Deiss** stated it could become a green corner with the appropriate landscaping and color
150 scheme and avoidance of fixed arch lines, and word marks. Now at the last minute they want
151 consideration for more logo, branding and color changes that would look horrible, the whole idea
152 is a rustic sensitive structure and that would be destroyed. The more subdued the more appeal.
153 He requested please don't water down what was reached.
154

155 **Jeff Manfredi**, 1021 Foothill, stated he applauded the Staff Report, strictly as a citizen he
156 believed that Chevron should not dictate what they want. Secondly, he reported incidents at 2:30
157 AM, imagine an enormous semi engine roaring in front of his home and then parks there while the
158 driver walks down the street to Chevron. He reported diplomatically speaking to Noori and Shaw
159 at the store about the issue and they state they cannot go out of the Station during work. Mr.
160 Manfredi requested consideration to take this opportunity to require limiting their business hours
161 from 5 AM to 11 PM. He stated this is the only opportunity – please consider this.
162

163 **Yasmin Alli**, owner – 24 hour station, stated he was sorry the hours were inconvenient to the
164 neighbors, but there is a need. There are not many stations in the lower to upper valley. Mr. Ali
165 stated he can help to minimize the noise with better noise control, signage and more effort. He
166 stated many stations post signs for quiet. He was here to serve, going the extra mile, as with the
167 initial discussion regarding design, but it is not realistic to cut down their business and at the same
168 time recommend they spend more money on improvements, especially at this time when
169 everyone's financial situation is tight.
170

171 **Dennis McNay**, Foothill Blvd. requested clarification if the consideration was for imposing the
172 limitations on just this station or on all stations in Calistoga.
173

174 **Director Gallina** reported just this station only.
175

176 **Planner MacNab** apologized the Staff Report did not cover a history of noise situations/concerns.
177 Regarding parking, loud music and voices, the City/owner could talk about alternatives and work
178 to address those issues, rather than imposing restrictions on their hours of operation.
179

180 **Nick Kite** stated he was compelled to speak regarding the logic of business with non compliance
181 and when faced with something imposed on them, then now suddenly they get cooperative, the
182 voluntary response too late.

183
184 **Jeff Manfredi** stated he can only concur with Nick Kite, with their history it does not instigate
185 cooperation. It is because they are open that is where people congregate.

186
187 **Vice-Chairman Creager** closed the public portion of discussion at 7:15 PM.

188
189 **Vice-Chairman Creager** drew attention to the design element stating a consensus was reached
190 with one addition of a non-illuminated Food Store sign. Public comment had brought the
191 suggestion for additional landscaping features around the monument sign.

192
193 **Commissioner Coates** stated they came so far with other changes but we could see it more
194 enhanced, it was a good idea and had merit. He suggested Staff work with the applicant.

195
196 **Vice-Chairman Creager** directed Staff to explore the possibility of enhancing the monument sign.

197
198 **Vice-Chairman Creager** referenced the concern with hours of operation noting two options The
199 first, allowing late night business hours and addressing the impact; or adjusting the hours to be
200 more consistent of its kind.

201
202 **Commissioner Coates** stated we are a unique community and history is something we need to
203 address, noting maybe this is the appropriate time. He further stated he did not think Chevron will
204 walk away from this opportunity due to signage or colors.

205
206 **Commissioner Bush** asked about the limited hours of the Union 76.

207
208 Staff advised the hours of the Union 76 were self imposed.

209
210 **Vice-Chairman Creager** discussed exploring possibilities, however he could not conceive a fence
211 etc would help out.

212
213 **Planner MacNab** stated he did not know where or how you could screen the site effectively to
214 mitigate the noise.

215
216 **Planner Lundquist** suggested closing down access along Foothill Blvd. with no appearance of
217 access, with the hope more traffic would go toward Lincoln. He further reported the police want
218 the business or neighbors to call regarding noise or loitering situations during late night service so
219 they can be aware. If done over and over and the patrons, would then understand.

220
221 **Vice-Chairman Creager** stated he believed there are mitigation measures that could minimize or
222 transfer the noise.

223
224 **Planner Lundquist** suggested giving the applicant the opportunity to address the noise, dictate a
225 trial period and bring Use Permit back for review in the event there are reported issues.

226

227 **Nick Kite** stated he was sorry but he could attest to unsavory characters, and the thought to train
228 the thugs was unacceptable.

229
230 **Jeff Manfredi** stated there is the simple concept of reducing the hours for the store, and allowing
231 them to sell gas after hours. Sometimes you have to say no.

232
233 **Commissioner Coates** stated it could create an even playing field. We could condition their
234 operation to mirror the Union Station hours, but in this case they can sell gas (electronically at the
235 pump), but the market would not be open.

236
237 **Commissioner Bush** agreed as long as the gas was still available she did not object to limiting
238 store hours.

239
240 **Vice-Chairman Creager** stated he was in agreement, however it was no reflection on the
241 applicant. Late night operations should not be at the expense of the serenity of the community.
242 However we need not condition the use referencing the hours of the Union Station, instead we
243 make our determination based on gas only operations.

244
245 **Commissioner Coates** suggested closing store operations from 11 PM to 4 AM.

246
247 **Jeff Manfredi** suggested store operations close from 12 Midnight to 4 AM, and include an
248 exception to the gas pumps.

249
250 There was motion by **Commissioner Bush**, seconded by **Vice-Chairman Creager** to direct Staff
251 to file a Notice of Exemption for the Project pursuant to Section 15303 of the CEQA Guidelines.

252 **Motion carried: 3-0-0 -2.**

253
254 There was motion by **Commissioner Coates**, seconded by **Commissioner Bush** to adopt
255 Resolution PC 2009-20 approving Conditional Use Permit (U 2009-13) and Design Review (DR
256 2009-03) for (1) establishment of operational parameters for the existing gas station and
257 convenience market uses; (2) installation of canopies over the existing fuel pump islands; (3)
258 change to the corporate color scheme of site signage and the fuel dispensing pumps from yellow
259 and red (Shell) to blue and white (Chevron); and (4) installation of new corporate signage at the
260 gas station located at 1108 Lincoln Avenue (APN 011-254-003) within the "DC-DD", Downtown
261 Commercial-Design District Overlay Zoning District, subject to the findings presented in the Staff
262 Report and conditions of approval as provided. **Commissioners Coates and Bush** amended the
263 motion and second to include establishing hours of operation for the store facility, closing between
264 the hours of 12 PM to 4 AM; enhancement of the monument sign and allowing a Food Shop sign.

265 **Motion carried: 3-0-0-2.**

266
267 **Chairman Manfredi** and **Commissioner Kite** resumed their seats.

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270 

271
272 Kathleen Guill
273 Secretary to the Planning Commission
274