

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

**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).

1  
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 10<sup>th</sup>, 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

39 upcoming City Council joint session the timing seemed to be perfect. In an effort to assist the  
40 Commission in the workshop Director Gallina provided the City Council's vision and mission  
41 statement for the City of Calistoga and the 2009 adopted goals and objectives; a list of eight key  
42 projects to be completed by the Planning and Building Department by the end of the fiscal year,  
43 and a copy of the Planning Commission Rules and Procedures. Director Gallina referenced the  
44 Staff Report, page 2, which provided five areas to focus on during initial discussion.

45  
46 **Chairman Manfredi** suggested the Commission start discussion with the six bullets, identified on  
47 page 2 of 2 in the staff report.

48  
49 • *Staff report format, project analysis, environmental assessments, proposed recommendations*  
50 *findings, conditions of approval, mitigation measures, resolutions and packet delivery times*  
51 *(Fridays).*

52 **Commissioner Bush** stated staff reports are generally very good, she likes the detail, however if  
53 the project has more complicated issues she would like delivery time to be sooner.

54  
55 **Commissioner Kite** endorsed what Commissioner Bush said, and noted he liked the staff reports  
56 especially those prepared by Ken MacNab. His only area of concern is the default  
57 recommendation tends to be for project approval, stating it is ok for staff to recommend denial,  
58 and if needed the commission can clearly reverse that recommendation. It would help alignment  
59 of staff and commission if staff turned up the contrast and made decisions.

60  
61 **Chairman Manfredi** concurred with Commissioner Kite; it is ok to recommend denial, noting he  
62 sometimes feels they are left to be the bad guys. In line with this thought, he mentioned a recent  
63 memo the Commission received from Ken Mac Nab that helped defuse issues and was  
64 informative regarding a comment heard during the La Prima application discussion, suggesting  
65 the applicant had been led on because staff wanted to rack up staff time hours for City income.  
66 That is, it appeared to be something else, maybe in writing. It is good for staff to defend  
67 themselves maybe in writing on unfounded information. He encouraged the audience to also  
68 provide suggestions on how planning staff could communicate better.

69  
70 • *Planning Commission Meeting Norms (scheduling of items and tours of inspections on*  
71 *agendas, public notice procedures, staff and applicant presentation format, public testimony*  
72 *procedures, Commission Member attendance, discussion and comments and preparation of*  
73 *meeting minutes (action minutes versus specific detail).*

74 **Director Gallina** suggested another area of difficulty seemed to be conceptual design review  
75 discussions. She noted we have had various pre application presentations that have been really  
76 difficult meetings, generally there is a lot of energy and public comment. She wanted to know if  
77 there was anything more staff could do to help address those types of projects.

78  
79 **Chairman Manfredi** stated that it is the nature of conceptual meetings to, theoretically the  
80 applicant wants to obtain the Planning Commission thoughts on their project. He finds the reports  
81 have been straight forward but the difficulty is getting the public to understand it is preliminary to a  
82 formal application.

83  
84 **Director Gallina** reported staff tries to touch on policies in the General Plan with the applicant.  
85 However, we do have to allow all applicants to bring an application forward for initial review.

86

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).*

133 **Director Gallina** tours of inspection might be an instance we need some guidance. She asked if  
134 it would be ok to schedule those inspections on off days, and earlier in the day. Director Gallina  
135 suggested scheduling inspections around 3:00 pm.  
136

137 **Commissioner Bush** stated early in the morning would be better than afternoons if not scheduled  
138 during a meeting.  
139

- 140 • *Comments on the Department's summary of Programs & Projects & Council Priorities.*

141 **Chairman Manfredi** asked the status of the Design Advisory Panel.  
142

143 **Director Gallina** reported it is included as part of the City Council strategic planning, and they  
144 would like us to move forward. We need to create procedures and determine how we want to  
145 move forward. We still have not been able to find persons interested, but we anticipate after the  
146 Urban Design Plan is adopted we will need to proceed in anticipation of any improvement with the  
147 economy.  
148

149 **Chairman Manfredi** thanked Planner Lundquist for his work, stating the Bike Map is a great thing.  
150 He noted he was shocked at the number of people that don't know there is a bicycle trail. It is  
151 such a wonderful document.  
152

153 **Planner Lundquist** stated we need to promote the amenities we have. We recognize that,  
154 further noting the Bicycle Advisory Committee is getting Bike Path signage designed at this time.  
155

156 **Director Gallina** reported preparation of standard mitigation measures for all conditions of  
157 approval to create standard conditions and identify situations with unusual conditions.  
158

159 **Director Gallina** reported the determination to make sure Planning Commission training is  
160 provided related to procedures, changes in legislation, and plan review, and staff will work to get  
161 that done. The City is looking at what other communities are doing and possible options for group  
162 trainings partnering with St. Helena and Yountville to share costs.  
163

164 **Director Gallina** reported the Building Department has created new building permits forms and  
165 are in the process of creating new information packets so persons can pickup a folder on how to  
166 process a permit specific to residential, commercial, new structures, remodels and tenant  
167 improvements, etc.  
168

169 **Director Gallina** directed attention to the priority projects including the Urban Design Plan (UDP).  
170 She reported the revised UDP will be on the November 10, Planning Commission agenda with the  
171 hope the Commission will be comfortable to make a recommendation to Council for approval.  
172 Following Council adoption staff would prepare an implementation plan for required changes to  
173 the General Plan, Zoning, parking standards, identifying dates for implementation.  
174

175 **Director Gallina** reported Planner MacNab has been working on the Housing Element; however it  
176 had been stalled due to her. There needs to be one more advisory meeting, a public meeting and  
177 then it will be presented to the Planning Commission.  
178

179 **Director Gallina** provided an update on the Climate Action Plan reporting Planner Lundquist was  
180 working with the NCTPA, and moving forward will process the plan through the CRC, the Planning

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.

228 **Chairman Manfredi** noted Pacifico is doing a great job on their outdoor dining area.

229

230 **Director Gallina** suggested in response to the Bed and Breakfast ordinance processing, it may  
231 be a good idea when we are considering an ordinance amendment to first take it to City Council to  
232 for comments on potential issues prior to bringing it to the Planning Commission for  
233 recommendations. This will assure their issues are analyzed and addressed.

234

235 **Commissioner Kite** agreed that was an excellent suggestion.

236

237 **Commissioner Bush** noted it may also give them more confidence in the process.

238

239 • *Community Perceptions*

240 **Commissioner Bush** stated it is obvious the community would like the Planning and Building  
241 Department to be more user friendly and that a use permit could process more quickly. One  
242 example would be the former Rainbow Ag location was considered for a wine tasting room.  
243 Apparently it was estimated a use permit would take approximately 90 – 120 days. She stated  
244 that seems to be a long amount of time and may scare projects away from Calistoga. The City  
245 should avoid doing that. Commissioner Bush further suggested the in lieu parking policy should  
246 be re-analyzed thinking that staff might be able to get more creative. Most of her other comments  
247 were addressed in streamlining and making sure the public knows the process is getting easier.  
248 She was glad the sidewalk dining may finally go forward.

249

250 **Commissioner Kite** reported the Calistoga Planning and Building Department has a reputation.  
251 People make comments on how difficult it is to get things done, whether it is deserved or not.  
252 Providing facts as Planner MacNab did in his La Prima memo and providing cost and time  
253 required is the best way to dispel a bad reputation.

254

255 **Michael Quast**, 1300 Washington Street stated major projects take multi-years to get through the  
256 process. He reported the review process for a project that is large starts by obtaining a list from  
257 the city just to complete the preliminary design process. The applicant takes that to consultants,  
258 get bids, but then the problem is the city comes back wanting more and more information, and it is  
259 not necessarily from the Planning Department. The cost of preliminary drawings ends up ten  
260 times the original bid levels because city staff wants construction level documentation. He hoped  
261 staff can create an outline of exactly what is needed and put a border around it to minimize  
262 requests for additional information. Mr. Quast referenced the Memorandum of Understanding and  
263 the Development Agreement process advising there is no phasing capability for processing, and  
264 he believed that to be a dis-service. We need to decrease the difficulty in processing if we want to  
265 encourage renovations.

266

267 Secondly Mr. Quast was looking forward to revamping parking stating it will be really helpful if the  
268 burden were shared. Instead of burdening just developers, maybe create a pay as you go  
269 program through an assessment district maybe with a twenty year life, thus not subjecting  
270 developers to those costs up front which can stop a project. Parking is not just for tourists and the  
271 assessment could be used to resurface roads or for making a parking lot. Another thought is  
272 maybe the city could contract with an arborist and have all the arborist reports prepared by one  
273 person maybe securing a better price for the applicant because of quantity. Help the community,  
274 don't be picky, be positive.

275

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

323 **Planner MacNab** reported the item would be on the agenda next meeting with the applicant  
324 asking for a continuance. The applicant hopes to be ready to present the project in the middle of  
325 November. Staff also reported a new sign was noticed on the property and it has been covered  
326 until it has appropriate approval by the Planning Commission.

327

#### 328 **J. DIRECTOR'S COMMENTS/PROJECT STATUS**

329 **1. Urban Design Plan Update.** **Director Gallina** reported it will be on the November 10, 2009  
330 Planning Commission agenda for discussion. Staff is working on a revised document and it will  
331 be out early next week.

332

333 **2. Update regarding proposed Bed and Breakfast Regulations – Director Gallina** reported the  
334 item will be coming back to the Planning Commission to review issues identified by the City  
335 Council and look at options on where to go from here. Staff has been in touch with Bed and  
336 Breakfast owners.

337

338 **3. Update regarding Napa County Environmental Management Public Meeting held in Calistoga**  
339 **on October 15, 2009.**

340 **Director Gallina** provided a summary of the community meeting held on October 15, 2009. The  
341 meeting was fairly well attended and resulted in three outcomes:

342 • County will explore opening a satellite office at the CDF offices at Big Tree Lane for a staff  
343 member from County to try to improve accessibility for upper valley residents.

344 • County will investigate establishing an advisory board of appeals similar to our Building  
345 Standards Advisory and Appeals Board. Right now the Director reviews all appeals to look at  
346 denials and alternatives of regulations.

347 • Chamber will be working with the resort/spa industry to pull together new regulations and be  
348 pro active creating more flexibility, and creative solutions related to pool and spa regulations.

349

350 **Planner Lundquist** reported the League of American Bicyclists announced Calistoga as one of  
351 their prestigious bronze-level Fall 2009 Bicycle Friendly Communities. There will be a  
352 presentation on November 7, 2009 at 10:00 AM, at the Visitors Center. The president of the  
353 league will present a certificate and two new signs to our community.

354

#### 355 **4. ADJOURNMENT**

356 There was motion by **Commissioner Bush**, seconded by **Commissioner Kite** to adjourn the  
357 meeting to the next regular meeting of the Planning Commission scheduled for **Tuesday**,  
358 November 10, 2009, at 5:30 PM. **Motion carried: 3-0-2-0.**

359

360 The meeting adjourned at 6:57 PM.

361

362

363

364

365 \_\_\_\_\_  
Kathleen Guill

366 Secretary to the Planning Commission

367

368