

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

Wednesday, June 23, 2010
5:30 PM
Calistoga Community Center
1307 Washington St., Calistoga, CA

Chairman Jeff Manfredi
Vice- Chairman Clayton Creager
Commissioner Paul Coates
Commissioner Nicholas Kite
Commissioner Matthew Moya

“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).

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. PUBLIC COMMENTS

Public Comments is time reserved on each regular meeting agenda to provide an opportunity for the public to directly address the Planning Commission on items of interest to the public, which do not appear on the agenda. Comments should be limited to three minutes. The Commission will not be able to take action on items raised during Public Comments.

D. ADOPTION OF MEETING AGENDA

E. COMMUNICATIONS/CORRESPONDENCE

F. CONSENT CALENDAR

1. Planning Commission regular meeting Minutes of May 12, 2010.
2. Planning Commission regular meeting Minutes of June 09, 2010.

Recommendation: Approve the Consent Calendar as presented.

G. TOUR OF INSPECTION

Items on this agenda containing an asterisk (*) are designated for the Tour of Inspection. Shortly after 5:30 p.m., the Planning Commission will leave the Community Center to inspect these sites and will return as soon thereafter as possible. The purpose of this inspection is to view the physical characteristics of the site only—no action is taken by the Planning Commission on the site. The Planning Commission may eliminate one or more sites on the tour identified with an asterisk (*). The public is welcome to join the Planning Commission on its tour of inspection.

H. PUBLIC HEARING

1. **Highlands Christian Church** – Consideration of a Variance (VA 2010-02), Conditional Use Permit (U 2010-01) and Design Review (DR 2010-02) applications, requested by Upper Valley Ministries, to allow the construction and operation of a church, pre-school and kindergarten on the property located at 970 Petrified Forest Road (APN 011-360-030) within the “RR”, Rural Residential Zoning District.

Variations are being requested to allow parking to be located within the front, side and rear yard setbacks and within the street and highway setback as established pursuant to Section 17.56.030(E) of the Calistoga Municipal Code. A Variance is also being requested to exceed the established height limitation.

In accordance with the California Environmental Quality Act (CEQA), the City of Calistoga, Planning and Building Department has prepared an Initial Study/CEQA Checklist for the above referenced project. The Planning and Building Department has initially determined that the proposed project as amended by the included mitigation measures will not have a significant adverse effect on the environment. The Planning Commission will consider adoption of a Subsequent Mitigated Negative Declaration for the project. Additional comments will be considered at the public hearing.

Recommended Action:

a. Adopt Resolution PC 2010-09 adopting a Subsequent Mitigated Negative Declaration, finding that with the inclusion of mitigation measures, the project will not have a significant adverse impact on the environment.

b. Adopt Resolution PC 2010-10 approving Variations allowing parking within the front, side and rear yards and within the highway and street setbacks on the property located at 970 Petrified Forest Road (APN 011-360-030) within the "RR", Rural Residential Zoning District, based upon the findings and subject to conditions of approval contained in the Resolution.

c. Adopt Resolution PC 2010-11 approving a Variance allowing a building height of up to 27 feet on the property located at 970 Petrified Forest Road (APN 011-360-030) within the "RR", Rural Residential Zoning District, based upon the findings and subject to conditions of approval contained in the Resolution.

d. Adopt Resolution PC 2010-12 approving a Conditional Use Permit and Design Review allowing the construction and operation of a 5,660 square foot church, pre-school and kindergarten on the property located at 970 Petrified Forest Road (APN 011-360-030) within the "RR", Rural Residential Zoning District, based upon the findings and subject to conditions of approval contained in the Resolution.

I. NEW BUSINESS

J. MATTERS INITIATED BY COMMISSIONERS

K. DIRECTOR'S COMMENTS/PROJECT STATUS

- Housing Element Update
- Napa County Vacation Rental Proposal

L. ADJOURNMENT

The next regular meeting of the Planning Commission is scheduled for Wednesday, July 14, 2010, at 5:30 PM.

Planning Commission Agenda

June 23, 2010

Page 3 of 3

POSTING: *I declare that a copy of this Planning Commission agenda was posted at City Hall, 1232 Washington Street, among other locations within the Calistoga City Limits, on Friday, June 18, 2010 no later than 4:30 p.m.*

Kathleen Guill,
Secretary to the Planning Commission

All Planning Commission reports for items on this Agenda are available online at <http://www.ci.calistoga.ca.us>. For additional information, please call the Planning and Building Department at 707-942-2827.

DECISION: The Planning Commission process is an important step in the permit review process required by the City of Calistoga Zoning Ordinance. For projects that require review by the City Council, the Commission's action shall be a recommendation to the Council. In cases where no other action is required, the action of the Commission is final unless appealed within ten days of the decision.

APPEALS: Anyone that does not agree with the Planning Commission's decision or the conditions that may have been imposed by the Commission in approving an agenda item may appeal the commission's action to the City Council. Appeals must be filed within ten (10) calendar days from the date of the Commission's action. Appeals may be limited to those issues raised at the public meeting. For additional information concerning the requirements for filing an appeal, please contact the Planning & Building Department, 1232 Washington Street in Calistoga or call (707) 942-2827.

NOTICE: If you challenge a city's zoning, planning, or other decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. Judicial review of any City administrative decision may be heard only if a petition is filed with the court not later than the 90th day following the date upon which the decision becomes final. Judicial review of environmental determinations may be subject to a shorter time period for litigation, in certain cases 30 days following the date of final decision.

SPECIAL ASSISTANCE: Pursuant to Title II of the Americans with Disabilities Act: In compliance with the American Disabilities Act, if you need special assistance to participate in this meeting please contact the Planning and Building Department at (707-942-2827. Notification forty-eight (48) hours prior to the meeting will enable the City to make reasonable arrangement to ensure accessibility to this meeting. (28 DFR 35.102-35-104 ADA Title II).

PUBLIC COMMENTS: All speakers are asked to provide their name, address, and subject of discussion. Presentations to the Commission are generally limited to five minutes. Additional time may be granted by the Commission Chair as appropriate to the scope of the project.

Any writings or documents provided to a majority of the legislative body regarding any item on this agenda will be made available for public inspection at the Public Counter located on the first floor at 1232 Washington Street during normal business hours.