

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

**Wednesday, July 14, 2010  
3:00 PM  
Calistoga Community Center  
1307 Washington St., Calistoga, CA**

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

**“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 a 5:37 PM  
3

4 **A. ROLL CALL**

5 **Present:** Chairman Jeff Manfredi, Vice-Chairman Clayton Creager, Commissioners Paul Coates .  
6 Commissioner Nicholas Kite arriving at 6:35 PM. **Absent:** Commissioner Matthew Moye. **Staff**

7 **Present:** 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**

11  
12 **C. PUBLIC COMMENTS**

13 None.  
14

15 **D. ADOPTION OF MEETING AGENDA**

16 There was motion by **Commissioner Coates**, seconded by **Vice-Chairman Creager** to approve  
17 the agenda as presented. **Motion carried: 3-0-2-0.**  
18

19 **E. COMMUNICATIONS/CORRESPONDENCE**

20 None.  
21

22 **F. CONSENT CALENDAR**

23 Nothing to report.  
24

25 **G. TOUR OF INSPECTION**

26 None.  
27

28 **H. PUBLIC HEARING**

29 **1.** Presentation of the preliminary draft update to the Housing Element for review and comment.  
30

31 The Housing Element is a comprehensive assessment of current and projected housing needs for  
32 all economic segments of the community. The purpose of the Housing Element Update program  
33 is to develop an overall strategy and schedule of actions for the next five years to achieve the  
34 City’s housing needs  
35

36 **Director Gallina** opened the discussion of the presentation of the Housing Element reporting  
37 Staff anticipated taking it to Council on July 20, 2010 to ask them to authorize the preliminary draft  
38 be sent to the State Department of Housing and Community Development. Upon receipt of the

39 State's comments, final edits shall be made and a final draft of the Housing Element will go back  
40 to the Housing Element Committee, followed by formal public hearings at the Planning  
41 Commission and City Council meetings for final review and adoption, and forwarded to state for a  
42 qualified Certified Housing Element.

43

44 **Planner MacNab** provided a summary of the background of the update process summarized in  
45 the Staff Report pages 1 and 2 which included studying demographics and assessment of current  
46 housing and future housing needs starting in December 2009. He shared the extensive role the  
47 Housing Element Advisory Committee played which included more than ten meetings. He  
48 reported the Preliminary Draft was complete in terms of content and it meets the requirements of  
49 State Housing Law and included three recommended changes.

50

51 **Chairman Manfredi** opened the public portion of the hearing at 5:45 PM

52

53 **Erica Sklar**, Calistoga Affordable Housing representative reported she was very involved with the  
54 Housing Element process, noting she was not on the committee, but attended meetings regularly.  
55 Ms. Sklar was very pleased with the document, but stated there were four items she strongly  
56 believed were needed in the document, to get the kind of development the community wants. She  
57 referenced "Objective H-1.4 Ensure new housing development compliments Calistoga's rural  
58 small-town community identity and quality design." She asked what it means to compliment small  
59 town community identity, and what happens if we our design guidelines aren't completed in the  
60 first year. The time line says within three years.

61

62 **Director Gallina** stated the time frame is within one year of the Housing Element certification,  
63 referenced in the language section H-1.2 and 1.4 where it states Design Guidelines will be done  
64 first, and zoning changes permitted by right will follow.

65

66 **Chairman Manfredi** stated this may be certified by the beginning of year 2011. So by 2012 the  
67 Design Guidelines will follow.

68

69 **Director Gallina** noted the reference of Design Guidelines within one year could actually be  
70 within six months and zoning changes would immediately follow. Don't want zoning changes first  
71 because we want the community in agreement with the Design Guidelines.

72

73 **Erica Sklar** referenced:

74 Objective H-6.1 regarding the Growth Management (GMA), page 136, amending the program  
75 to allow for longer time extensions. She recommended it be simplified to allow affordable to come  
76 in and request the whole number of allocations at one time.

77

78 **Vice-Chairman Creager** questioned if the request was for a one time approval of a total project,  
79 and not exempt from phasing for development. So basically you are asking just for more time .

80

81 **Erica Sklar** reported the reasoning was due to timing of State, City and federal funds. Those  
82 agencies will not loan if they could be in jeopardy of losing entitlements, and that created a  
83 problem where they may not get funding.

84

85 **Director Gallina** reported under the Growth Management Ordinance everyone has to pull building  
86 permits within one to two years. Applicants come in get their allocation, go through Planning

87 Commission and building permit process. What she is hearing is they need more time to go after  
88 financing, because by the time they get to construction permitting they are unable to pull a permit  
89 within the two year time.  
90

91 **Planner MacNab** referenced the Housing Element draft, Action A-4 page 137, supporting the  
92 ability to come in any year for allocations, 28 residential per year, and longer time extensions  
93 under appropriate circumstances and when certain performance standards have been met. Ms.  
94 Sklar is asking for a provision to ask for more than 28 units up front.  
95

96 **Director Gallina** noted we are able to do that today, we can borrow from the future year, but she  
97 also hears the time line to allow them to obtain funding should be longer.  
98

99 **Vice-Chairman Creager** reference Action A-4 page 137, where it identifies three years for  
100 certification.  
101

102 **Director Gallina** reported that is the time line we can accomplish the ordinance amendment. We  
103 had to identify time lines to process each action.  
104

105 **Vice-Chairman Creager** reiterated it was reported we have the flexibility to borrow and section A-  
106 4 allows for an amendment to extend the time frame.  
107

108 **Erica Sklar** questioned the three years time frame  
109

110 **Chairman Manfredi** stated the Planning Commission will be discussing these, but exceptions  
111 should not be specifically for affordable housing, and should be available for all development.  
112

113 **Erica Sklar** sensed there were reservations if the exception was for all housing. The main thing  
114 on timing is the three years to get it done. She further reported the roll over may only be enough if  
115 you come in at beginning of five year cycle, and that is just maybe.  
116

117 **Planner MacNab** noted in addition to the roll over cycle, it is possible to borrow from the next five  
118 year cycle.  
119

120 **Erick Sklar** referenced:

121 **Objective H-3.3, page H127** regarding increasing available funding through partnering with  
122 Napa County.  
123

124 **Vice-Chairman Creager** stated the objective did not carry forward any exemption of Napa County  
125 funding.  
126

127 **Erica Sklar** stated there is no mention of Napa County funding and Napa County funding needs  
128 to be negotiated.  
129

130 **Planner MacNab** reported there is a County program that allows a developer to request  
131 assistance on affordable housing, in exchange the County would expect the City to share in the  
132 RENA obligation. Direction from City Council, is when there is a formal proposal that we can base  
133 the merits (pros and cons) of the project too, it is not appropriate to formally consider participation  
134 in the Napa County program.

135

136 **Vice-Chairman Creager** asked if the Council implies the Planning Commission cannot make a  
137 recommendation on this.

138

139 **Planner MacNab** noted that considerations on this should start at the Council level.

140

141 **Vice-Chairman Creager** asked to make recommendation for City Council to receive a  
142 presentation regarding a Napa County funding proposal on credit sharing or what they would be  
143 willing to exchange.

144

145 **Chairman Manfredi** agreed with the suggestion for City Council to begin required steps to look  
146 into obtaining a presentation.

147

148 **Director Gallina** reported there was still time to have a presentation prior to adoption of the  
149 Housing Element to get appropriate language.

150

151 **Erica Sklar** suggested putting in a time frame to designate when the City will initiate those  
152 negotiations.

153

154 **Chairman Manfredi** noted ultimately it is up to the City Council to get the communication to move  
155 forward. We will politely recommend they should make a decision.

156

157 **Vice-Chairman Creager** advised we are already dealing with the County housing problem and  
158 we should keep doors open. He recommended we encourage Council to move forward with the  
159 process.

160

161 **Chairman Manfredi** stated there is already an upset with the thought that Calistoga is the  
162 dumping ground for housing. We don't know what the County demands are and it would be a  
163 good time now for Council to look into it.

164

165 **Erica Sklar** stated she agreed that it is a sticky point. Ms. Sklar moved forward referencing the  
166 Affordable Trust Fund, noting it is not defined what it needs to be used for. Persons come  
167 forward to obtain funds, and it is difficult to track. It was recommended the City consider  
168 underwriting guidelines and periodic updates to create more transparency.

169

170 **Director Gallina** stated we are being transparent, it comes within the budget process, contracts  
171 for people that provide housing services, housing element preparation, etc.

172

173 **Erica Sklar** reported Director Gallina was correct that when they have asked for the numbers they  
174 do get them, but her thoughts were that maybe it could be more public.

175

176 **Bob Fiddaman**, 1300 Cedar Street, reported his long term interest in housing and there still is  
177 community concern about building anything. Multifamily housing a matter of right – makes sense.  
178 With regard to Growth Management if you go back the perspective for housing in general was  
179 people were very concerned that after the construction moratorium we would have a huge rush.  
180 At that time Mr. Fiddaman was a serious advocate to exempt affordable housing because it was  
181 one more step that makes it more difficult to proceed especially for affordable. The only  
182 concession Affordable Housing was allowed is they could apply anytime during the year, rather

183 than waiting for a designated application period. At most that was a modest concession. At this  
184 point his recommendation is to abandon the Growth Management program until a need is shown.

185

186 **Director Gallina** advised the program has been basically suspended, all allocations can be  
187 granted administratively.

188

189 **Bob Fiddaman** stated he recommended abandonment all together, and if you can't do that  
190 Affordable Housing should at least be exempt. He reported it deserves exemptions because it is  
191 so much harder to build. He reminded he has no personal interest other than wanting to see a  
192 viable Affordable Housing program. Mr. Fiddaman noted the other suggestions, such as eliminate  
193 entitlement requirements, lengthen terms of allocations, not just extensions, rolling over the five  
194 year allocations are all just band-aids.

195

196 **Bob Fiddaman** provided background to RENA allocations, stating he thinks it is a huge mistake  
197 to take the approach we are the dumping ground. If you think they are a minority, he would  
198 disagree. He suggested looking at big the picture, everyone agrees we should maintain  
199 agricultural heritage, encourage building in existing urban centers, Yountville, American Canyon,  
200 and do it without RENA credits. Napa County has become so concerned, they don't feel they can  
201 use their funding without credit for RENA. The City should be prepared to welcome their money,  
202 County is the only local source of funding, and it would be a real boom for Calistoga to have  
203 money available. Some of the folks that don't want to work with Napa County basically don't want  
204 affordable housing.

205

206 **Chairman Manfredi** restated the Planning Commission will make a strong suggestion to initiate  
207 negotiations.

208

209 **Bob Fiddaman** stated it would be great if there was a housing report, housing built, support of  
210 funding, this went in, this went out and this is the balance. Information is available. In closing he  
211 noted he had great appreciation for the work that has been put into this Housing Element.

212

213 **Chairman Manfredi** closed the public portion of discussion at 6:27 PM.

214

215 **Chairman Manfredi** referenced the Staff Report, line 153, page 4 of 11, and read aloud :  
216 New Program Proposals, 1. Allow longer time extensions for granted Growth Management  
217 Allocations under certain circumstances (Action A4, Objective H-6.1)

218

219 **Director Gallina** advised anyone can come in for allocation anytime during the year, however we  
220 still have a time line to get permits within one year, with a potential for a one year extension. The  
221 reasoning is not to use allocations for speculation development. We want them to come in  
222 develop the project, and use water.

223

224 **Director Gallina** stated Staff can only grant twelve month extensions, and to change that requires  
225 a change to the code. However she doesn't see a problem amending the zoning ordinance,  
226 noting conditional use permits only allow for a one year and it is taking people much longer, so we  
227 need to change the code.

228

229 **Vice-Chairman Creager** asked Director Gallina in her opinion would it be best to recommend  
230 longer extensions or do away with the program all together.

231 **Director Gallina** reported it is a major issue within the General Plan to maintain a Growth  
232 Management Program, and there is a lot of concern that it is needed to protect the community.  
233 There was previous discussion during initial Growth Management adoption, so maybe it is a good  
234 idea to only exempt affordable housing projects as long as we count the units within the 1.35  
235 growth. There is a real fear of a flood of growth.

236  
237 **Chairman Manfredi** stated he has no trouble with abandonment of the entire  
238 Growth Management program, or the sense to suspend the aspects that make it so problematic.  
239 However he does not recommend exempting only affordable housing. He strongly recommended  
240 a temporary abandonment, which would be a savings in staff time alone, with a caveat for any  
241 eventual flood of demand it be reinstated.

242  
243 **Planner MacNab** reported staff could certainly look at abandonment, but he shared concern with  
244 it as a formal recommendation as it pertains to this program due to a consistency issue within the  
245 General Plan. If we could separately respond to the immediate program and outside the program  
246 look at the Growth Management program to allow the Housing Element to stay on track.

247  
248 **Chairman Manfredi** noted it is a legitimate concern that a developer could get water and sewer  
249 and sit on it.

250  
251 **Planner MacNab** referenced language “under certain circumstances” they can demonstrate they  
252 are making a good faith effort to move forward.

253  
254 **Commissioner Coates** noted that the language gives the ability to consider an alternative. They  
255 have to adhere to the Zoning requirement, but it provides an opportunity for good projects to do  
256 other things and wouldn’t preclude taking additional time. All levels of a project including the  
257 lending and the criteria takes so long, so it provides an opportunity to go forward.

258  
259 **Vice-Chairman Creager** acknowledged we could retain the Growth Management system, but it  
260 would allow time for additional consideration.

261  
262 **Commissioner Coates** agreed with that said the Planning Commission could look at revamping  
263 that system and rethink administration.

264  
265 **Commissioner Kite** noted available land is a scarce resource, ergo he suggested just  
266 suspending the process.

267  
268 **Director Gallina** reported Council wants to be kept apprised of allocations and noticing of  
269 approved allocations is required. She further stated that housing projects could have good faith  
270 entitlements to apply for home grant and financing. We could put that language in the ordinance  
271 and Council can give the Planning Director the ability to grant time needed. Don’t want them  
272 sitting on an allocation.

273  
274 **Commissioner Coates** stated this would still provide a comfort level to allow projects.

275  
276 **Vice-Chairman Creager** we need appropriate language that allows a financial institution a  
277 standard that would remove the hurdle.

278

279 **Chairman Manfredi** stated he still thought they should look into abandonment of the Growth  
280 Management program and allowing unused allocations to roll over of from the five year cycle  
281 makes very good sense.

282  
283 **Commissioners Kite, Creager, and Coates** agreed.

284  
285 **Chairman Manfredi** referenced the Staff Report, page 5 of 11, line 176, #3, to allow an update of  
286 standards of the R-3 "Zoning District to ensure development at the maximum permitted density  
287 achievable; and page 5 of 11, line 189, #4 encouraging elements of affordable housing.  
288 Attached homes, four to ten units per acre.

289  
290 **Commissioner Kite** asked if the maximum density of (10) was acceptable.

291  
292 **Vice-Chairman Creager** recalled previous discussion related to density suggested density was  
293 typically between ten and fifteen units, and his thought was it was settled it should be twelve units.

294  
295 **Planner MacNab** reported if we look at land use for attached housing it seems to serve in that  
296 role for ten units, however the commission could recommend no restriction.

297  
298 **Commissioner Kite** suggested review project by project, and allowing density up to twelve  
299 provides flexibility.

300  
301 **Planner MacNab** stated we could set up standards to get up to that density but it wouldn't be  
302 automatically set up within the R2 design standards. He asked if ten units were enough.

303  
304 **Commissioner Coates** stated it should be reviewed project by project for what is appropriate so it  
305 doesn't preclude going above that.

306  
307 **Chairman Manfredi** referenced the Staff Report, page 5 of 11, line 201, #5 regarding incentives  
308 supporting the idea of revising the City's Inclusionary Housing Ordinance to add incentives to  
309 stimulate production of affordable housing.

310  
311 **Commissioner Coates** stated it would help get the right people to make it happen

312  
313 **Commissioner Kite** stated another idea would be rather than everyone pays for sewer and  
314 water, low income could be free, medium income housing could have reduced fees and market  
315 rate would pay the normal fee.

316  
317 **Chairman Manfredi** stated we need to come up with some possible incentives.

318  
319 **Planner MacNab** stated this would not be defined as part of the Housing Element.

320  
321 **Chairman Manfredi** referenced the Staff Report, page 6 of 11, line 213, #6 suggesting the City  
322 create a range of options such as in lieu fees, land dedication, inclusionary housing on site  
323 construction or in lieu, so as not to preclude innovative negotiations. This again goes to  
324 incentives.

325  
326 **Commissioner Coates** noted it would allow for people to be more creative and innovative.

327

328 **Vice-Chairman Creager** noted he believed staff has been acting in this manner,

329

330 **Director Gallina** noted there is more negotiation flexibility through development agreements.

331

332 **Chairman Manfredi** referencing the Staff Report page 6 of 11, line 228, #7, regarding  
333 overcrowding with a recommendation to require a percentage of units in new affordable housing  
334 to be three to four bedroom units.

335

336 **Commissioner Kite** agreed in causes for overcrowding with larger families this would address  
337 that, but he doesn't have the data to see if this is the issue causing major overcrowding.

338

339 **Chairman Manfredi** shared his concern for again adding another roadblock on a project. Don't  
340 understand economics of apartments. Maybe it could be worded different rather than require say  
341 encourage.

342

343 **Vice-Chairman Creager** stated the economics with larger units are daunting, lots of families are  
344 forced to live in two bedroom apartments because that is all they can afford. It is also not  
345 economically as rewarding for a developer to build units larger than two bedroom units they need  
346 more return on the dollar. This is not asking for all their units to be three to four bedrooms, just a  
347 percentage and Calistoga does have many larger families.

348

349 **Commissioner Kite** asked if the requirements for affordable would be a trade off.

350

351 **Planner MacNab** reported a mixture of both larger and younger families, and data suggests a  
352 lack of affordable housing. The way this is written the Advisory Committee supports broadening  
353 the range of options available.

354

355 **Commissioner Kite** recommended keeping an eye out. Larger apartments need to serve larger  
356 families and must be rented only to larger families.

357

358 **Commissioner Creager** asked if having a percentage of units larger is considered an obstacle.

359

360 **Erica Sklar** stated it could be an obstacle. It would really need to be determined if it was a  
361 deterrent and if the need of the community is for larger families. During the Solage agreement it  
362 was designated for one and two bedrooms.

363

364 **Commissioner Coates** suggested an enhancement at four bedrooms could be to have the  
365 water/sewer rates incentive fall into an impact fee within the one to three bedroom unit category.

366

367 **Chairman Manfredi** suggested this may be an unwritten incentive that provides the ability to offer  
368 incentives.

369

370 **Planner MacNab** recapped that the suggestion was to revise language to consider incentives to  
371 encourage development of three to four bedrooms within the City and provide the ability to offer  
372 incentives or concessions of standards.

373

374 The consensus of the Commission was yes.

375 **Chairman Manfredi** referenced the proposed housing inspection program.

376

377 **Vice-Chairman Creager** acknowledged the low/middle income housing populations sometimes  
378 have no where to go so they live in unsafe conditions. He supported the program.

379

380 The Commissioners unanimously concurred.

381

382 **Chairman Manfredi** referenced convalescent care by right.

383

384 **Planner MacNab** reported that allowance of convalescent care, congregate care and assisted  
385 living facilities in the R-2, R-3 zonings by right could accommodate future development of these  
386 facilities, allowing higher density to accommodate future development of these facilities.

387

388 **Chairman Manfredi** stated he concurred noting it could accommodate housing for disabled but  
389 would eliminate the need for a variance. The Commission concurred unanimously.

390

391 **Chairman Manfredi** referenced development of shelters by right, referencing Staff Report, page 7  
392 of 11, line 266, #11.

393

394 The Commission was in agreement it should be reviewed through the Administrative Use permit  
395 process.

396

397 **Commissioner Kite** reminded there are all kinds of shelters, disaster or emergency  
398 accommodations, or long term homeless shelters, and there should be a distinction. We should be  
399 able to provide some oversight of where that shelter would be placed.

400

401 **Planner MacNab** said it would accommodate all shelters as well as homeless. The committee  
402 discussion focused on the need of temporary shelter for abusive situations. Publicizing those  
403 locations would be problematic. There is not a lot of sense for longer term homeless shelters in  
404 Calistoga, but technically a homeless shelter could fit this designation. The likelihood was slim  
405 with available services in the City of Napa.

406

407 **Erica Sklar** suggested that a domestic violence situation could be administrative and other  
408 situations such as homeless or mental illness could require Planning Commission or City Council  
409 review. It would probably be wise to make that clear.

410

411 **Director Gallina** stated that distinction would come forward with upcoming zone changes.

412

413 **Planner MacNab** stated he believed we do have to include location of one site for a homeless or  
414 mental shelter by right.

415

416 **Commissioner Coates** stated when the ordinance comes forward the issue will need to be  
417 resolved and he agreed the ordinance language should provide a clear definition.

418

419 **Chairman Manfredi** referenced page 7 of 11, line 283, #12 addressing climate and energy. The  
420 Commission unanimously concurred to implementing policies and actions to reflect housing-  
421 related directives in the draft Calistoga Climate Action Plan.

422

423 **Chairman Manfredi** referenced the Staff Report, page 8 of 11, regarding implementation of  
424 State's Density Bonus Law. The Planning Commission was in agreement as presented.  
425

426 **Planner MacNab** referenced the Housing Element Update Advisor Committee review of the final  
427 recommendations of the draft document and asked if the Planning Commission had any concern  
428 with the modifications from the Committee. Reference page 8 of 11, line 310.  
429

430 **Chairman Manfredi** solicited the commission and the Commission had nothing to add.  
431

432 There was **motion by Chairman Manfredi, seconded by Vice-Chairman Creager** to provide a  
433 recommendation to the City Council that the preliminary draft of the updated Housing Element be  
434 forwarded to the State Department of Housing and Community Development for review, and  
435 forward any comments or suggested revisions for City Council's consideration. It was further  
436 recommended the City Council consider investigating the option of working with the Napa County  
437 program related to the RENA funding availability; and concluding requesting Council consideration  
438 for abandonment of Growth Management Allocation program. **Motion carried: 4-0-1-0.**  
439

#### 440 **I. NEW BUSINESS**

441 Nothing to report.  
442

#### 443 **J. MATTERS INITIATED BY COMMISSIONERS**

444 **Commissioner Coates** thanked the commissioners for supporting the final approval of the  
445 Highlands Christian Church project. The congregation is thrilled and everyone knows that staff  
446 worked very hard to streamline the process. He provided the perfect example to illustrate,  
447 advising that staff setup a meeting including engineers, applicants representatives, all applicable  
448 staff and he believed the meeting saved weeks of staff time and cost to the applicant and noted it  
449 was incredibly successful. A good experience at all levels.  
450

#### 451 **K. DIRECTOR'S COMMENTS/PROJECT STATUS**

452 **Director Gallina** reported receipt of a copy of vacation rental letters, regarding code enforcement  
453 and actively pursuing owners that are renting out single family homes on a regular basis. Director  
454 Gallina reported a meeting has been scheduled to meet with the Police Chief to discuss  
455 processing violations. The current abatement process is quite lengthy.  
456

457 **Director Gallina** reported there were no projects ready for scheduling on the agenda of July 28,  
458 2010 Planning Commission meeting, therefore the next meeting will be canceled.  
459

#### 460 **ADJOURNMENT**

461 There was motion by **Commissioner Kite**, seconded by **Chairman Manfredi** to adjourn to the  
462 next regular Planning Commission meeting of Wednesday, August 11, 2010, at 5:30 PM. **Motion**  
463 **carried: 4-0-1-0.** The meeting adjourned at 7:28 PM.  
464  
465

466 \_\_\_\_\_  
467 Kathleen Guill  
468 Secretary to the Planning Commission