

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

**Wednesday, August 25, 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 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 **Vice-Chairman Creager** called the meeting to order at 5:34 PM.  
3

4 **A. ROLL CALL**

5 **Present:** Vice-Chairman Clayton Creager, Commissioners Paul Coates Nicholas Kite, and  
6 Matthew Moye. **Absent:** Chairman Jeff Manfredi. **Staff Present:** Charlene Gallina, Planning  
7 and Building Director, Ken MacNab, Senior Planner, Erik Lundquist, Associate Planner, and  
8 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 Coates**, seconded by **Commissioner Kite** to approve the  
16 agenda as provided. **Motion carried: 4-0-1-0.**  
17

18 **E. COMMUNICATIONS/CORRESPONDENCE**

19 1. Letter from Napa County Landmarks regarding Agenda Item H-1, U 2010-04 and  
20 DR 2010-04 re: Sam Brannan General Store.  
21

22 **F. CONSENT CALENDAR**

- 23  
24 1. Planning Commission regular meeting Minutes of June 23, 2010.  
25 2. Planning Commission regular meeting Minutes of July 14, 2010.  
26

27 There was motion by **Commissioner Kite**, seconded by **Commissioner Coates** to approve the  
28 Consent Calendar as presented. **Motion carried: 4-0-1-0.**  
29

30 **G. TOUR OF INSPECTION**

31 None.  
32

33 **Vice-Chairman Creager** announced item H. 1. Public Hearing.  
34

35 **Planner Lundquist** noted the applicant was not yet present and suggested moving the item to  
36 follow item I-1. New Business, to assure the applicant has an opportunity to hear the dialogue on  
37 the project. There was motion by **Commissioner Moye**, seconded by **Commissioner Kite** to  
38 move the agenda item to immediately follow agenda item I-1. **Motion carried: 4-0-1-0.**

39 **I. NEW BUSINESS**

40 1. P 2010-01. Consideration of a Mills Act Program to promote restoration and preservation of  
41 qualified historic buildings by private property owners. The proposed action, a recommendation to  
42 the City Council on whether to adopt a Mills Act program, has been determined to be exempt from  
43 the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA  
44 Guidelines.

45  
46 **Vice-Chairman Creager** introduced item I-1.

47  
48 Due to a potential conflict as an owner of a historic building **Commissioner Kite** recused himself  
49 from discussion.

50  
51 **Planner MacNab** provided a brief overview reporting the Mills Act program provides an  
52 opportunity to preserve and protect historic properties by promoting restoration and maintenance  
53 of historic property in exchange for compensation through property tax. Planner MacNab reported  
54 an eleventh hour concern due to reference of the General Plan to identify potential historic  
55 properties and not having an adopted City of Calistoga register, but noted the Mills Act allows for  
56 the use of the state, national, city, or county register to move forward with the program and  
57 therefore would qualify.

58  
59 **Vice-Chairman Creager** and **Commissioner Coates** asked if we should or could initiate  
60 preparation of a qualified register along with what is happening now.

61  
62 **Planner MacNab** gave an overview outlining the minimum and broader register criteria to adopt a  
63 preservation ordinance, also noting it could even be more extensive by actually going out and  
64 conducting surveys in the city to identify locally significant properties. **Planner MacNab** stated the  
65 General Plan identified potentially 70 properties and there are other surveys that are ten to thirty  
66 years old, identifying some properties now that could move forward with either the minimum or  
67 expansive approach.

68  
69 **Planner MacNab** summarized the process to apply for a Mills Act contract, which included  
70 submittal to Planning and Building, possible consultation with Napa county Landmarks, final  
71 approval by City Council, and then assessor assessment procedures. He further noted it is a  
72 serious commitment to preserve and maintain the property for a minimum of ten years. After the  
73 first year it is automatically renewed unless it is determined the owner has not/is not adhering to  
74 their contract, then there is a substantial penalty to the owner.

75  
76 **Commissioner Moye** asked if the inspections were subjective.

77  
78 **Planner MacNab** reported the adopted standards were by way of building permits, and he had  
79 never heard of a need for inspection, but the property owner is generally motivated.

80  
81 **Commissioner Moye** asked if there is a complaint procedure.

82  
83 **Planner MacNab** reminded there is a contract and the owner is obligated. He reported this is a  
84 great program and it provides the best incentive program with very little cost to city.

85

86 **Julianna Inman**, First Street, Napa, representative of Napa County Landmarks, and City Council  
87 of City of Napa. She applauded the City of Calistoga, reporting Calistoga is only the second city  
88 in Napa County wanting to provide an incentive program. In response to references about  
89 previous surveys she reported at the time it was a cutting edge survey and was part of the States  
90 Register, which was verified through the North West Information Center more than five years ago,  
91 but it should be updated. Reportedly it may be a simple process because the documentation in  
92 1978 was paper copies with photos attached and now it is all digital. She stated at this time it  
93 should be safe to go with the parameters within the State Law, recommending we should proceed;  
94 but at the same time we should go forward updating the Calistoga register.

95  
96 **Vice-Chairman Creager** suggested Ms. Inman was familiar with consulting, and a pretty  
97 significant survey was done, so it would not equate to starting from scratch.

98  
99 **Julianna Inman** advised that Napa has a Certified Local Heritage Program with grant funding  
100 without a Certified Local Commission an organization cannot get grants.

101  
102 **Vice-Chairman Creager** noted a keen interest in preservation but property owners are generally  
103 not enthusiastic about being told what to do. He questioned how clear the criterion was on  
104 intervention.

105  
106 **Julianna Inman** directed attention to the August 20, 2010 letter from Napa County Landmarks on  
107 the Sam Brannan project, noting there are ten items. When a benefit is received from the  
108 government, there is a specific obligation to maintain the historic character and resource.  
109 Perhaps if one doesn't want to do that they should not apply because it is a trade off. Ms. Inman  
110 reported Calistoga is a National register eligible district then noted in addition if there were a  
111 Certified Local Heritage Program the income producing properties could get a large income tax  
112 credit on the earned income.

113  
114 **Commissioner Coates** asked if this program was enacted thirty-eight years ago why is there only  
115 80 communities in all of California that has taken advantage of the program.

116  
117 **Julianna Inman** reported there is reluctance by local government and assessors offices to  
118 promote a reduction in the property tax values, which reduces property tax income to county and  
119 city. There is a cost, and if the proposal is to large or to broad there is a cost consequence. The  
120 other reason is the desire to retain control of their own property. Some cities have not done a lot  
121 to maintain their historic buildings. She suggested there may be a lot of reasons, i.e. not wanting  
122 to write contracts and general maintenance of the program for the long run.

123  
124 **Commissioner Moye** referenced assessments, asking if there was a certain applicable  
125 percentage no matter what the project was.

126  
127 **Planner MacNab** referenced the literature and reported a 40 to 60 percent benefit for residential  
128 and commercial properties, noting there are a lot of variables for consideration such as pre "Prop"  
129 13.

130  
131 **Commissioner Moye** questioned if newly purchased properties would likely secure the best  
132 benefit.

133

134 **Planner MacNab** reported there are other incentives other than tax benefits, such as zoning  
135 relief, setbacks, parking standards, etc.

136  
137 **Bob Fiddaman**, 1300 Cedar Street, reported he was currently underway with his major  
138 restoration project and noted he has been studying the Mills Act for a long time, and hoping a Mills  
139 Act would be adopted for Calistoga. Potentially it will provide a personal benefit of lower taxes.  
140 He reported this is a good program. Even with the number of units at 70 there will likely only be  
141 few takers in the program. Napa County Assessor has expressed no problem with the program.  
142 Eligibility complies with State Standards and the mentioned contract terms can be tweaked.  
143 Basically there are a lot of requirements for the property owner and the city does nothing. As a  
144 historic property owner it requires a lot of trust, because the penalties are significant, so your  
145 personal plans need to jive with the Cities expectations. Personally he looks forward to doing that  
146 and the tax savings will be enjoyed although they do not offset the cost for improvements. Mr.  
147 Fiddaman noted he would like to see it move along before January 2011.

148  
149 **Nick Kite**, 1019 and 1213 Foothill Blvd., as a historic property owner provided his personal take  
150 on how it will affect him. Giving a single example as it relates to custom redwood screens for an  
151 estimated cost of \$3 –4,000 dollars verses imitation redwood looking screens that will do the job  
152 keeping the bugs out, and be substantially cheaper. He reported this kind of help can let you go  
153 that extra step, to preserve the character of this town. He noted how important a determination  
154 was to identify which properties were included on which registry i.e. the Napa Survey 1978, or  
155 those currently listed and the State and National Survey. He asked the City to find a way to  
156 include those on the County list, which would include 59 of 70 units.

157  
158 **Doug Cook**, 109 Wappo Ave., reported the Sam Brannan Inn is on the National Register, and at  
159 the time he was initiating his renovation he had considered Mills Act approvals, but did not due to  
160 anticipated time frame. He stated his support for consideration of the Mills Act program, although  
161 it doesn't necessarily make the cost of improvement easy to swallow.

162  
163 **Michael Quast**, 1300 Washington Street, stated how important it was to create incentives. He  
164 noted standards are great to have, but the mechanics of a list prepared from a drive by is not  
165 certified or justified. He further recommended if a property is on a list an owner should have the  
166 ability to opt in/opt out if they don't want to be on the list. Part of the existing State list was done  
167 on a local level by Napa County Landmarks, but whatever list is used locally should allow for buy  
168 in by a owner and an appeal process available to allow an owner to state his/her case. He  
169 questioned if inspections would cost money. He reported fire inspections were originally  
170 voluntary, then they became mandatory, and now they are mandatory with a cost for inspections.  
171 Lastly you do need to lay out the City procedures. Prepare a package of what they can do and  
172 what is the benefit. There are a lot of people that may not be able to maintain, but still want to  
173 keep the historic character, we don't want to loose those elements that visually fit the Calistoga  
174 character, because their not authentic modifications, they should still be rewarded.

175  
176 **Planner MacNab** referenced cancellation of a contract, requires the City Council initiate public  
177 proceedings, hold public hearings, so an appeal would not be necessary. The point is there is no  
178 need for an opt in/opt out option. If the inventory of 1978 has already been filed with the State  
179 Registry, those properties are included now as listed properties, and that part is done. When  
180 establishing the preservation ordinance, it is under that process that the owners wanting to come  
181 forward for consideration come forward, but nobody is forced to come in.

182 **Commissioner Moye** asked what are the standards we hold the properties currently on the list to.

183

184 **Planner MacNab** stated the properties listed in the General Plan are identified as proposed  
185 historic properties and require CEQA requirements to be addressed.

186

187 **Vice-Chairman Creager** closed public discussion at 6:31 PM.

188

189 **Commissioner Moye** referenced what he called in limbo properties asking where do they fall. He  
190 referenced the Mills Act, stating basically only properties currently on the State and National  
191 registers are eligible. We don't know if the 70 properties on the Calistoga list are on the certified  
192 list. He asked if we are adopting the State list only.

193

194 **Planner MacNab** stated the 70 Calistoga properties need to be verified but they are not precluded  
195 from participating for the long run, and are not included in the short run. Opportunity for them to  
196 proceed could be provided through recommendation suggesting Council initiate a process to  
197 establish a preservation ordinance that at a minimum establishes the criteria for evaluation as a  
198 historic property to allow those properties to come forward and have the evaluation conducted so  
199 we could start our local register list .

200

201 **Commissioner Moye** stated he would be comfortable with that amendment.

202

203 **Vice-Chairman Creager** asked if Planner MacNab would create language to that affect to be part  
204 of the Commissions recommendation and the motion conceivably would be to approve the added  
205 language "as amended"

206

207 **Planner MacNab** we should also amend the criteria to virtually the same language as the State.

208

209 **Commissioner Coates** stated this does answer my first question of who is on list and who is not.  
210 He definitely did not want to leave anyone out.

211

212 **Vice-Chairman Creager** stated the district is carefully drawn, but it is really an investment in our  
213 future and preserving our past by creating a location that is attractive and will draw people from far  
214 away. The revenues of our TOT will of set the tax loss and he believed this to be a good idea.

215

216 **Planner MacNab** wanted it to be clear the effort to establish criteria isn't intended to include a  
217 comprehensive survey or evaluation of potential districts, it is simply to set up objective criteria so  
218 the community knows what the standards are and their consultant will have something to evaluate  
219 against. We wouldn't be eligible for that Certified Local Government status because that involves  
220 proper surveying and proper in house expertise to analyze. That doesn't mean we shouldn't  
221 survey our properties at some time.

222

223 There was motion by **Commissioner Moye**, seconded by **Vice-Chairman Creager** to provide a  
224 recommendation to City Council to formally establish the proposed Mills Act program to  
225 encourage owners to preserve and maintain their historic properties within the City, and forward  
226 any comments or suggested revisions for Council's consideration as amended limiting criteria to  
227 the State eligibility criteria and also recommending Council prepare an ordinance establishing  
228 criteria that would allow non listed properties to apply to be on the cities register. **Motion**  
229 **carried: 3-0-1-1.**

230 **Commissioner Kite** resumed his seat on the Commission at 6:40 PM.

231

## 232 **H. PUBLIC HEARING**

233 **1. Sam Brannan General Store (Winslow Residence)** Consideration of a Conditional Use  
234 Permit (U 2010-04) and Design Review (DR 2010-04) application, requested by Curtis and Nicole  
235 Winslow, to allow restoration/renovations to an existing structure currently listed on the State  
236 Register and to establish one primary residential unit and two (2) attached studio units on the  
237 property located at 203 Wappo Avenue within the "CC-DD", Community Commercial - Design  
238 District (APN 011-101-014).

239

240 **Planner Lundquist** noted the Mills Act presentation provided an excellent lead in for this project  
241 although he didn't know if the applicants are interested in the program, the property is on the State  
242 register #684. Planner Lundquist provided an historic summary of the Brannan property  
243 describing the property as currently one of "deferred maintenance" with historic significance. As  
244 per the letter from Napa County Landmarks the applicant plans to preserve the architecture  
245 consistent with the standards provided. Planner Lundquist further gave an overview of the  
246 general criteria, two non conforming spaces and recommendation for an in lieu parking fee. In  
247 closing he recommended approval of the project including a suggestion for additional language to  
248 resolution PC 2010-13, page 5 of 5, line 197, condition # 7, adding "and consistent with the  
249 recommendations of Napa County Landmarks" with that recommendation to be specific to the  
250 preservation of historic windows.

251

252 **Vice-Chairman Creager** opened the Public portion of the hearing at 6:45 PM

253

254 **Curtis Winslow**, 1001 Myrtle Street introduced himself and his project.

255

256 **Commissioner Moye** referenced the site plan asking about the two small units and questioning if  
257 they intended to rent them out.

258

259 **Curtis Winslow** replied "yes", the intention is for an apartment or two to offset some of the cost to  
260 allow continual improvements.

261

262 **Commissioner Moye** asked if were going to be like a bed and breakfast.

263

264 **Curtis Winslow** suggested it was more like studio/dorm style apartments maybe for students or  
265 individuals working in town.

266

267 **Commissioner Kite** shared his difficulty with the flow of the layout.

268

269 **Curtis Winslow** reported when it was a general store it was a perfect golden rectangle, easily  
270 identifiable with redwood framing and shiplap, and that is portion of the house in built 1862. A  
271 porch was built on three sides approximately 100 years ago. Then enclosures were built around  
272 corners of the porch on the east and west side, and a shack was added. He further noted the  
273 exterior store doors are on the inside of the house.

274

275 **Commissioner Kite** and **Mr. Winslow** continued discussion about windows, ceilings, and roofing  
276 with Commissioner Kite asking if there would be any change to the actual footprint.

277

278 **Curtis Winslow** referenced the shack with a little water closet attached to it, noting the Building  
279 Official is going to require removal of the shack.

280  
281 **Commissioner Coates** reported his request would be that the original structure of the hall be  
282 preserved.

283  
284 **Commissioner Kite** asked Mr. Winslow if there was anything being required that he was worried  
285 about or needed to ask the Commission about.

286  
287 **Mr. Winslow** asked if there would be a possibility they could introduce solar panels later, and as  
288 an old structure he had concern for the lead and asbestos regulations.

289  
290 **Vice-Chairman Creager** stated they cannot help him with that.

291  
292 **Julianna Inman**, Napa County Landmarks reported a site visit and stated it went well. She noted  
293 a letter was submitted in support of the project, and asked if there were any questions on how to  
294 implement the recommendation on the windows. In conclusion she provided a photo from the  
295 1970's, further stating the shed was not historic and may be demolished.

296  
297 **Vice-Chairman Creager** asked how Napa County Landmarks approaches a change to a building  
298 that did not occur during a historic period, noting the closed in portions are not historic.

299  
300 **Julianna Inman** stated there were no requirements requiring them to change the enclosed  
301 porches. The historic value was due to the Association with Sam Brannon, not necessarily it's  
302 architectural merits. There are no requirements to take things off. However referencing the  
303 applicants question on lead paint she stated a "capsulation" method would be appropriate as there  
304 is no requirement to remove the paint.

305  
306 **Commissioner Kite** asked Mr. Winslow if he was agreeable to Napa Historic recommendations.

307  
308 **Curtis Winslow** replied "yes".

309  
310 **Doug Cook** interjected he was very pleased with project and how it will improve the  
311 neighborhood. He was in support for removal of the shed on the front of the building, and  
312 referenced drawings PO 5, PO 6, and PO 8, suggesting they also be removed noting that would  
313 significantly improve the appearance and simplify heating.

314  
315 **Vice-Chairman Creager** closed the public portion of the hearing at 7:04 pm noting although he  
316 heard a recommendation for adding or modifying some modifications to the motion there was no  
317 apparent enthusiasm for additions and he would suggest leaving that to the Winslow's.

318  
319 There was motion by **Commissioner Coates** , seconded by **Commissioner Moye** to direct Staff  
320 to file a Notice of Exemption for the project pursuant to Section 15331 of the CEQA. **Motion**  
321 **carried: 4-0-1-0.**

322  
323 There was motion by **Vice-Chairman Creager**, seconded by **Commissioner Coates** to adopt  
324 Resolution PC 2010-13 approving Conditional Use Permit (U 2010-04) and Design Review (DR  
325 2010-04) allowing the preservation of an existing structure currently listed as a State Historical

326 Landmark (Sam Brannan Store No. 684) and establishing one primary residential unit and two (2)  
327 attached studio units all on the property located at 203 Wappo Avenue (APN 011-101-014) within  
328 the "CC-DD", Community Commercial - Design District, based upon the findings presented in the  
329 resolution and subject to conditions of approval as amended **Motion carried: 4-0-1-0.**  
330

331 **J. MATTERS INITIATED BY COMMISSIONERS**

332 **Commissioner Kite** asked how things are moving on the Enchanted Resorts project.  
333

334 **Planner Lundquist** reported steps forward i.e. preparation of a Notice of Preparation, a Scoping  
335 meeting was scheduled in the Community Center on 09/07/2010, and receipt of other additional  
336 documentation.  
337

338 **Commissioner Kite** asked if the current work on Foothill was going as per plan.  
339

340 **Planner Lundquist** reported there were some soils complications and they are currently working  
341 through that.  
342

343 **K. DIRECTOR'S COMMENTS/PROJECT STATUS**

344 Nothing to report.  
345

346 **ADJOURNMENT**

347 There was motion by **Commissioner Coates**, seconded by **Commissioner Kite** to adjourn to the  
348 next regular Planning Commission meeting of Wednesday, September 08, 2010, at 5:30 PM.  
349 **Motion carried: 4-0-1-0.** The meeting adjourned at 7:28 PM.  
350

351  
352  
353 \_\_\_\_\_  
354 Kathleen Guill  
Secretary to the Planning Commission