

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

**Wednesday, April 23, 2008
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).

A. ROLL CALL

B. 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.

C. ADOPTION OF MEETING AGENDA

D. CONSENT CALENDAR

The following items listed on the Consent Calendar are considered routine and action taken by the Planning Commission is by a single motion. Any member of the Planning Commission, staff or the public may request that an item listed on the Consent Calendar be moved and action taken separately. In the event that an item is removed from the consent calendar, it shall be consider after the last scheduled item under New Business.

1. Planning Commission Minutes of the regular meeting of April 09, 2008

Recommended Action: Approve as submitted.

E. 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.

F. COMMUNICATIONS/CORRESPONDENCE

G. PUBLIC HEARINGS

1. **U 2008-02 and DR 2008-04.** Consideration of Conditional Use Permit and Design Review applications to allow operation of a 70-seat restaurant and wine bar in an existing 2,500 square-foot commercial space located in the Mt. View Hotel at 1457 Lincoln Avenue (APN 011-205-018) within the “DC-DD”, Downtown Commercial-Design District zoning district. The property owner is Michael Wood / Mt. View Hotel Partners. The applicant is Matthew Spector/ Matyson Corporation. The proposed project is exempt from the California Environmental Quality Act (CEQA) under Section 15301 (Class 1 - Existing Facilities) of the CEQA Guidelines.

Recommended Actions:

- a. Direct Staff to file a Notice of Exemption for the Project pursuant to Section 15301 of the CEQA Guidelines as a Class 1 Exemption.
 - b. Adopt Resolution PC 2008-15 approving Conditional Use Permit (U 2008-02) to allow operation of a 70-seat restaurant and wine bar in an existing 2,500 square-foot commercial space located in the Mt. View Hotel at 1457 Lincoln Avenue (APN 011-205-018) within the “DC-DD”, Downtown Commercial-Design District zoning district, based upon the Findings presented in the staff report and subject to conditions of approval.
2. **ZO 2008-02.** Consideration of a Zoning Ordinance Text Amendment, initiated by the City of Calistoga, Chapter 17.38 General Provisions and Exceptions of the Calistoga Municipal Code, in order to allow limited increases in lot coverage within residential zoning districts. This proposed action is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines.

Recommended Action:

- a. Adopt Planning Commission Resolution PC 2008-16 recommending to the City Council approval of a Zoning Ordinance Text Amendment (ZO 2008-02) amending Chapter 17.38 General Provisions and Exceptions of the Calistoga Municipal Code to allow limited increases in lot coverage within the R-1 zoning district.
3. **ZO 2007-05.** Consideration of an Ordinance, initiated by the City of Calistoga, amending the Calistoga Municipal Code (Title 17 Zoning) to add Sexually Oriented Retail Businesses as a conditionally permitted use within the “DC” Downtown Commercial and “CC” Community Commercial Zoning Districts, and adding appropriate definitions and specific regulations to the Zoning Ordinance. This proposed action is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines. *(This item was continued from the Planning Commission Regular Meeting Agenda of April 09, 2008.)*

Recommended Action: Continue the Public Hearing to the regular Planning Commission meeting of May 28, 2008.

H. NEW BUSINESS

I. MATTERS INITIATED BY COMMISSIONERS

J. DIRECTOR'S COMMENTS/PROJECT STATUS

K. ADJOURNMENT

The next regular meeting of the Planning Commission is scheduled for Wednesday, May 14, 2008 at 5:30 PM.

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, April 18, 2008 at 12:00 p.m.*

Kathleen Guill,
Secretary to the Planning Commission

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 Planning Commission 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.