

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

**Wednesday, March 14, 2012
5:30 PM
Calistoga Community Center
1307 Washington St., Calistoga, CA**

**Chairman Jeff Manfredi
Vice Chairman Paul Coates
Commissioner Carol Bush
Commissioner Nicholas Kite
Commissioner Walter Kusener**

“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).

MEETING CALLED TO ORDER AT 5:33 p.m.

A. ROLL CALL

Present: Chairman Jeff Manfredi, Vice Chairman Paul Coates, Commissioners Carol Bush, Nick Kite and Walter Kusener. **Absent:** None. **Staff Present:** Ken MacNab, Planning and Building Manager and Erik Lundquist, Senior Planner. **City Consultant Present:** Jason Brandman and Grant Gruber, Michael Brandman & Associates (EIR Consultant).

B. PLEDGE OF ALLEGIANCE

C. PUBLIC COMMENTS

None.

D. ADOPTION OF MEETING AGENDA

MOVED by Commissioner Bush, seconded by Vice Chair Coates, to approve the meeting agenda of March 14, 2012 as provided.

The motion carried with the following vote:

- AYES: (5) Manfredi, Coates, Bush, Kite, Kusener
- NOES: (0)
- ABSTENTIONS: (0)
- ABSENT: (0)

E. COMMUNICATIONS/CORRESPONDENCE

Chairman Manfredi noted receipt of communications received in response in to Agenda Item H-1.

F. CONSENT CALENDAR

MOVED by Vice Chair Coates, seconded by Commissioner Bush, to approve the regular meeting minutes of February 22, 2012 as provided.

The motion carried with the following vote:

- AYES: (5) Manfredi, Coates, Bush, Kite, Kusener
- NOES: (0)
- ABSTENTIONS: (0)
- ABSENT: (0)

G. TOUR OF INSPECTION

None.

H. PUBLIC HEARINGS

1. **EIR 2010-01:** Presentation from Michael Brandman Associates on the Draft Environmental Impact Report (DEIR) prepared for the Enchanted Resorts Project and public hearing to allow comment on the adequacy of the DEIR. The proposed project consists of the development of the Enchanted Resorts on the 88-acre project site. The project would feature 110 resort hotel units (grouped among 36 cottages), 20 residence club units, 13 custom residences, public restaurant and bar, event facilities, spa and swimming pools, and parking and support facilities. Offsite sewer and recycled water improvements would be installed. The property is located at 515 Foothill Boulevard (011-310-031 through 011-310-041 and 011-310-044; 011-320-007; 011-320-039 through 011-312-069). No action on the DEIR or project is requested at this time.

Chairman Manfredi and Commissioner Kite recused themselves from the item because they own property within 500 feet of the project site.

Senior Planner Lundquist gave the staff report.

Mr. Grant Gruber (Michael Brandman & Associates) gave a presentation on CEQA and the Draft EIR.

Vice Chair Coates opened the public hearing.

Kristin Casey 1132 Denise Drive. Ms. Casey read the correspondence that she submitted to the City on March 12, 2012.

Carl Sherril 1132 Denise Drive. Mr. Sherrill stated that he is opposed to the project in its current form. Mr. Sherrill stated that he is not anti-growth or anti-tourist accommodations and understands the economic benefits that the project might have. Mr. Sherrill expressed the following concerns:

- Project is too large and will have traffic impacts.
- Water and wastewater treatment capacity impacts.
- Alternatives considered in DEIR not adequate.

Mr. Sherrill stated that he believed the current General Plan designation for the property is appropriate and should not be changed. Stated his belief that the best option would be to keep the project as a 35-lot subdivision.

Charlotte Williams 59 View Road. Ms. Williams read the correspondence that she submitted to the City on March 14, 2012.

Richard Svendsen 1309 Diamond Mountain Road. Mr. Svendsen expressed concern about the proposal to amend the General Plan for the proposed project. Noted that the number one goal of the General Plan is to protect the small town quality of Calistoga, and questioned the project's consistency with other General Plan policies. Mr. Svendsen expressed the following concerns:

- Overloading of City's sewer system.
- Traffic impacts.
- Noise impacts, validity of noise analysis.
- Increased potential for fires.

Mr. Svendsen suggested that the project be put to the vote of the people. The project is too big a decision to be put in the hands of five Councilmembers.

Norman Kiken 1520 Diamond Mountain Road. Mr. Kiken noted that his property is one that will be impacted by the project. Mr. Kiken stated that his largest objection is traffic. Mr. Kiken stated that he is also concerned about noise impacts and questioned the adequacy and methodology used to prepare the noise analysis. Stated that he does not believe potential noise impacts are mitigatable.

Brent Wheeler 155 Petrified Forest Road (representing Mr. Ellis, who owns property adjacent to the project site). Mr. Wheeler stated that in concept he believes growth is necessary to the vitality and well being of a community. Mr. Wheeler stated that Mr. Ellis is concerned about privacy, sound and light impacts. Mr. Wheeler stated that Mr. Ellis objects to the

construction of buildings that would directly impact his property, and does not want to “see” or “hear” the project.

Kerri Abreu 1720 Reynard Lane. Ms. Abreu noted that she had not had a chance to read the DEIR. Expressed concern that only three Planning Commissioners were able to participate in the item. Ms. Abreu supported Mr. Svendsen’s suggestion that the project be put to a vote of the people. Ms. Abreu expressed the following concerns:

- Potential for increased storm water impacts on her mother’s property given the amount of development being proposed.
- Impact of alternative alignment for sewer pipeline on her mother’s property.
- Lack of communication with her mother about the project and its potential impacts.
- Traffic impacts.

Norma Tofanelli 1001 Dunaweal Lane. Ms. Tofanelli expressed concern that too many changes to the General Plan and Zoning Ordinance are required for the project – an indicator that the project is too intense. Ms. Tofanelli stated she was encouraged by and supports Mr. Svendsen’s idea for a referendum vote. Ms. Tofanelli noted that the City needs another holding pond for sewer, questioned if the rate payers were going to pick up the tab for cost of a new pond and expressed concern about the ability of mobile home park residents to financially manage a rate increase.

Vice Chair Coates closed the public hearing.

Vice Chair Coates acknowledged that many of the concerns expressed during the hearing are valid. Mr. Coates questioned the consistency of stating that the proposed above-moderate housing would help satisfy the City’s above-moderate housing needs while at the same time requesting vacation rental use of the same homes. Cited this as an example of apparent contradictions that he has come across in the DEIR.

Commissioner Kusener Noted his appreciation of the public’s comments. Mr. Kusener acknowledged the ballot/referendum idea. Mr. Kusener suggested that while it may be a pre-mature at this point to move forward with that idea, staff should be prepared to advise the Council on this issue.

Commissioner Bush stated she would like to get more information on both traffic and noise impacts.

Senior Planner Lundquist reminded the Commission and the public that comments on the DEIR are still being accepted through April 9th and should be submitted in writing to City Hall.

Vice Chair Coates acknowledged the concerns expressed about only three Commissioners being able to participate and assured that the participating members of the Commission would do their best.

I. NEW BUSINESS

None.

J. MATTERS INITIATED BY COMMISSIONERS

None.

K. COMMENTS/PROJECT STATUS

Planning Manager MacNab informed the Planning Commission of upcoming projects and events.

L. ADJOURNMENT

MOVED by Commissioner Bush, seconded by Commissioner Kusener, to adjourn to a special meeting of the Planning Commission on Wednesday, March 21, 2012, at 5:30 p.m.

The motion carried with the following vote:

- AYES: (3) Coates, Bush, Kusener
- NOES: (0)
- ABSTENTIONS: (0)
- ABSENT: (2) Manfredi, Kite

MEETING ADJOURNED AT 6:37 p.m.



Ken MacNab,
Planning Commission Secretary