

**CITY OF CALISTOGA  
PLANNING COMMISSION  
MEETING MINUTES**

Wednesday, March 28, 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 5:36 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; Erik Lundquist, Senior Planner; and Dan Takasugi, Public Works Director. **City Consultant Present:** Joel Galbraith, Joel Galbraith & Associates (Contract Planner).

**B. PLEDGE OF ALLEGIANCE**

**C. PUBLIC COMMENTS**

1. Kurt Becker, 1715 Michael Way. Mr. Becker states his belief that development projects should be required to meet certain “green elements” such LEED certification.
2. Kurt Larrecou, 1707 Michael Way. Mr. Larrecou supports the previous comments made by Mr. Becker. Mr. Larrecou informed the Commission that he spoke to J. Kirk Feiereisen who is on the City’s Green Committee, that Mr. Feiereisen said that he had not been contacted regarding any of the development proposals coming forward.

Mr. Larrecou stated he informed Mr. Feiereisen that he going to be dropping his Citizens for Ethical Government organization and forming a new non-profit oversight committee. Mr. Larrecou states that the Community Pool project is an example of a project that should have been green.

**D. ADOPTION OF MEETING AGENDA**

**MOVED** by Vice Chair Coates, seconded by Commissioner Bush, to approve the meeting agenda of March 28, 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**

*[Six communications regarding Agenda Item H-1 were received by staff and forwarded to the Planning Commission]*

**F. CONSENT CALENDAR**

**MOVED** by Commissioner Bush, seconded by Commissioner Kite, to approve the regular meeting minutes 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)

**G. TOUR OF INSPECTION**

None.

**H. PUBLIC HEARINGS**

1. **SILVER ROSE RESORT EXPANSION:** Consideration of a Zoning Text Amendment (ZO 2011-03), Preliminary and Final Development Plan (PD 2011-02), Conditional Use Permit (U 2011-14) and Design Review (DR 2011-12), Tentative Subdivision Map (TTM 2011-01), Development Agreement (DA 2011-02) requested by Silver Rose Joint Venture, to demolish the existing resort and single-family dwelling, and construct a new resort consisting of an 85-room hotel, restaurant, spa, events, 10,000 case production winery with retail sales and tasting, and 21 single family dwellings located on a 22.5 acre site at 400 Silverado Trail (APNs 011-

050-035, 036, 037, 039, and 040) within the "PD", Planned Development District.

**Mr. Joel Galbraith**, (Joel Galbraith and Associates) gave the staff report.

**Mr. Kelly Foster** (Principal, Bald Mountain Development, representing Silver Rose Venture, LLC – Applicant) gave an overview of the proposed resort expansion project.

**Mr. Tom Morris** (BKF Engineers, Applicant's Engineer) gave an overview of storm water management measures proposed as part of the project.

**Mr. Doug Attmore** (HKS Architects - Hill Glazier Studio, Applicant's Architect) gave an overview of building materials and architectural design concepts.

**Mr. Foster** provided estimates on tax revenue that the project would generate for the City and concluded the applicant's presentation.

**Chairman Manfredi** opens the public hearing.

**Dennis McNay**, 2653 Foothill Boulevard. Mr. McNay expresses concern about the 21 homes being proposed and their use for short-term rentals. Does not believe the City will be able to adequately enforce the short-term rental use. Mr. McNay asked for clarification on who was paying for the contract planner retained to process the development application.

**Hubert Verdeille**, 17 Rosedale Road. Mr. Verdeille expresses his concern that there is not enough parking included as part of the project. Mr. Verdeille is also concerned that an 18-wheeler delivery truck is not going to be able to access the site.

**Erica Sklar**, Calistoga Affordable Housing, Inc. Ms. Sklar expresses concern that housing was not addressed in the Mitigated Negative Declaration. Ms. Sklar notes that there is a shortage of housing in Calistoga. Ms. Sklar would like to see more required of the project with respect to the provision of affordable housing.

**George Caloyannidis**, 2202 Diamond Mountain Road. Mr. Caloyannidis states that SB 375 directs that new developments be self-contained. Mr. Caloyannidis offers the following comments:

- The project needs to address/accommodate pedestrian/bicycle access to downtown (to help reduce carbon emissions)

- Need to look at providing a safe-crossing of Silverado Trail.
- Believes that on-site housing should be required to address housing needs that will be generated by project. This will help reduce commuting and carbon emissions.

**Kurt Becker**, 1715 Michael Way. Mr. Becker states concern that staff did not have enough time to thoroughly analyze the technical reports that serve as the basis for the Mitigated Negative Declaration. Mr. Becker also questions the conclusion that the project will not have an impact on recreational facilities when the proposed home sizes are large enough for families to move into. Mr. Becker believes that a full EIR should be required.

**Ken Flynn**, 2025 Pickett Road (on behalf of himself and his grandmother, Jeanne Frediani). Mr. Flynn offers the following comments:

- Expresses concern that guests of the proposed resort will trespass on their property, potentially exposing themselves to health risks.
- Expresses concern about traffic impacts.
- Questions if the project is going to be in conflict with the City's formula visitor accommodation regulations.
- Expresses concern about the increase in the number of guest accommodation units the City has experienced.
- Expresses concern about the impact of these projects on the City's water and sewer rates.
- States that the project is selling out the soul of the City and its residents, and expresses concern about the change to Calistoga's character.

**Mr. Caloyannidis** states his observation that parking availability in the downtown has decreased substantially as a result of the Solage project and the new Palisades Apartments affordable housing project. Mr. Caloyannidis is concerned that the demand for downtown parking is going to increase as a result of new development, and that the current number of parking spaces available downtown is insufficient for meeting this demand. Mr. Caloyannidis believes the City should start making plans for accommodating increases in demand for downtown parking.

**Donald Williams** 59 View Road. Mr. Williams expresses his concern that the project is false to the vision of Calistoga as a small town, and false to the sense of authenticity. Mr. Williams believes the project is an exploitation of the Napa Valley name. Mr. Williams states that he believes the City is moving to quickly to sell out its small town quality for economic interests. Mr. Williams does not believe there is need for additional visitor accommodation units in Calistoga and questions if revenue is the only reason a project of this scale is being considered for approval. Mr. Williams encourages the Planning Commission to review the comments that have been submitted as they are germane.

**Norma Tofanelli** 1001 Dunaweal Lane. Ms. Tofanelli states that she believes the previous comments by Mr. Williams are the clearest expression of how the community feels about the development projects coming forward. Ms. Tofanelli expresses concern about the rate at which these projects are coming forward.

Ms. Tofanelli resubmits correspondence from a San Francisco attorney that she submitted at the March 21, 2012 special meeting of the Planning Commission. Ms. Tofanelli states she is resubmitting the letter because the City is again ignoring the mandatory language of the General Plan.

Ms. Tofanelli offers the following comments:

- Does not support adoption of a Mitigated Negative Declaration because she does not see that the cumulative impacts of this and other pending projects have been considered/analyzed.
- Concerned about the traffic and parking impacts that will be generated by this and other projects.
- Concerned that the project is not consistent with the General Plan. Believes that projects are not being required to conform with the provisions of the General Plan.
- States concern that the project is inconsistent with winery-related provisions of the Rural Residential Zoning District.
- Concerned about the impact the proposed restaurant (and other proposed restaurants) will have on existing restaurants and businesses downtown.

**Michael Quast** 1300 Washington Street. Mr. Quast asks for clarification on how the single-family residences will be rented. Specifically, Mr. Quast asks if the rooms within any one residence be individually rented. Mr.

Quast suggests that the rental parameters should be written in to the Planned Development zoning provisions that will adopted for the project site.

**Ms. Tofanelli** states that project is inconsistent with General Plan provisions calling for “low rise development.” Ms. Tofanelli recalls testimony from Kristin Casey at the March 21, 2012 special meeting of the Planning Commission where Ms. Casey stated that “low rise” was intended to be interpreted as “one-story”. Ms. Tofanelli states that allowing two story homes does not promote the idea of a gradual transition in development intensity from the outer areas of the City to downtown.

**Kurt Larrecou**, 1707 Michael Way. Mr. Larrecou states he appreciates the opportunity for a transparent review of CEQA documents before the Planning Commission. Mr. Larrecou believes that the Mitigated Negative Declaration does not sufficiently address the open space, vineyards and connectivity aspects of the project. Mr. Larrecou offers the following comments:

- The design of the project does not reflect a natural setting.
- Questions where the engineering will be, how the underground parking area will be drained, and how the two-foot drainage pond will work.
- States that the intent of the design of the resort that exists today is for it to be “self-containing” with respect to storm water discharge.
- States that an EIR should be required because infrastructure, social and economic issues have not been adequately analyzed.
- States his opinion that the project will not work as designed.

**Clarence Luvisi**, 285 Rosedale Road. Mr. Luvisi questions if the issues that have been raised at the previous Planning Commission meeting and at this meeting are being taken seriously. Mr. Luvisi expressed concern that the Planning Commission and staff are following the City Council’s interest in and directives towards achieving a balanced City budget. Mr. Luvisi suggests that the interpretations being made on the proposed project are being guided by this interest. In this light, Mr. Luvisi questions what the purpose of taking public comment is.

Mr. Luvisi offers the following comments on the project:

- An EIR should be required.

- States that he does not concur with staff's position that the project retains the City's small town character.
- States that he does not believe the 6 acres of vineyard to be retained as part of the project constitutes a "large continuous section" as characterized by the applicant.
- States that he does not believe there is adequate parking provided for employees on site.
- States that he is concerned about the lack of a pedestrian connection to town.
- States that he believes there are serious problems with the proposed drainage plan.
- States concern that the proposed 15-foot olive trees proposed along Silverado Trail will create a "wall" along Silverado Trail.
- States that he is concerned that there is not enough overflow parking capacity.
- Questions if it is appropriate for the Planning Department to be responding to the Commission's legal questions regarding the General Plan and believes that such questions should be directed to the City Attorney for a public written response.
- States that he believes it is unreasonable for the Planning Commission to act on the project only after one meeting.
- Questions statements made in the draft Resolutions for the project the project is consistent with the rural small town atmosphere.
- Questions if Bald Mountain Development, who is not a signatory on the application, will be held financially responsible for the project. Would like to see all LLC's as signatories on the application.

**Chairman Manfredi** responds to Mr. Luvisi's comments by offering an assurance that the Planning Commission does take its role in the reviewing the application seriously and that he is insulted by the insinuation that his \$50 meeting stipend is a pay-off to do what the Council wants him to do.

**Mr. Luvisi** apologizes and states that he did not mean for his comments to be insulting.

**Commissioner Kite** clarifies that whether intended or not, Mr. Luvisi's comments are insulting to the Commission. Commissioner Kite asks Mr. Luvisi if he is suggesting that the Commission is being bribed.

**Mr. Luvisi** states that he not suggesting that the Commission is being bribed. Mr. Luvisi clarifies that what he is saying is that the Council has set a direction and that he believes the Commission and staff are acting in accordance with that direction.

**Ms. Tofanelli** points out that staff is in fact paid by the City. Ms. Tofanelli states that it is those who work for the City that have gotten the City into financial trouble, not the citizens. Ms. Tofanelli concurs with Mr. Luvisi's earlier statement that comments made by the public are never responded to.

Ms. Tofanelli notes that City Manager Spitler has made it clear to citizens that it is his opinion that a few large high quality projects are needed if the City expects to improve its financial situation. Ms. Tofanelli believes that it is the Council's responsibility to relieve the community of the burden of mistakes of prior administrations. Ms. Tofanelli also notes that the City Manager has advised her of the need for a new storage pond and expresses concern about the cost of the ponds to residents.

**Mary Su Frediani** 1255 Lincoln Avenue. Reads correspondence submitted into record.

**Chairman Manfredi** closes the public hearing.

**Commissioner Kusener** asks for clarification from the applicant what the maximum number of people on site would be during a "perfect storm". It is estimated the maximum number would be about 400 (all residential units fully occupied, hotel rooms occupied, restaurant, winery and wedding event).

**Commissioner Kusener** expresses some concern about the impact of resort-related activity will have on the surrounding neighborhood.

**Chairman Manfredi** informs the Commission and public that he has conducted some informal research on resort weddings, and noted his finding was approximately 85% of wedding attendees were registered resort guests. During mid-week group events, it is typical that all attendees are registered guests of the resort.



**Commissioner Bush** asked for clarification from the applicant if the non-residential parking count included employee parking. **Mr. Foster** confirmed and noted that the parking study assumptions take employee parking into consideration.

**Commissioner Bush** asked where guests of the on-site residents would park. **Mr. Foster** responds that guests of the residents would be able to park in the resort self-park area (48 spaces) and overflow parking area (26 spaces).

**Commissioner Kite** asked for clarification on the configuration and intended rental of the single-family residences.

**Chairman Manfredi** notes that illegal vacation rentals have been a problem in the City and wants to know how the rental operations will be controlled.

**Planning Manager MacNab** notes that the difference between illegal short term rentals and the proposed project is that short term rentals would be a privilege authorized as part the use permit. **Mr. MacNab** notes that short term rental operations are conditioned to occur through a single entity (as opposed to independent rental by individual owners). The objective of this condition is to facilitate enforcement (if needed) as well as collection of transient occupancy tax.

**Commissioner Kite** asks for clarification on what is meant by "short term" and how short term use can be authorized when the Municipal Code prohibits short term rental. **Planning Manager MacNab** responds that short term rental is considered anything less than 30 days and that the General Plan contains a policy stating that short term rentals can be allowed when specifically approved.

**Mr. Foster** adds that there are benefits to all parties (resort and homeowners) to have a single point of rental activity rather than twenty-one independent renters. **Mr. Foster** notes that there are consumer protection laws against mandating that rentals occur through/under the resort operator.

**Vice Chair Coates** asks what occupancy rate was used to estimate the revenue that would be generated by the project. **Mr. Coates** questions if the occupancy rate assumptions used to estimate revenue are the same that was used for the traffic study.

**Mr. Foster** notes that the likely rental of the residences would be two couples as opposed to a family with children.

**Vice Chair Coates** asks how short term rental activities will be monitored and enforced.

**Commissioner Kite** notes that really there is no effective mechanism for ensuring that short term rental activity will occur as intended.

**Vice Chair Coates** shares with the applicant that the City is having problems with short term rentals.

**Chairman Manfredi** states that he believes the request for short term rentals as part of the project is different from an illegal vacation rental home in neighborhood, noting that the short term rentals on the project site would not negatively impact an existing neighborhood.

**Commissioner Kusener** inquires about the anticipated number of employees and how many of those jobs would be available to local residents. Mr. Kusener notes that the potential for new jobs for local residents is a positive aspect of the proposal that should be considered.

**Commissioner Kusener** asks if there is any potential to construct affordable housing on the project site. **Mr. Foster** responds that it would be very difficult to include affordable housing on the project site.

**Commissioner Kusener** notes the discrepancy between the affordable housing in-lieu fee being required for the project and the in-lieu fee Ms. Sklar identified as being more appropriate in her testimony earlier. **Planning Manager MacNab** notes that the in-lieu fee being required of the developer is based on the City's adopted fee schedule.

**Commissioner Kusener** expresses concern that the City's adopted in-lieu fees may not be high enough.

**Commissioner Kusener** asks when in-lieu housing fees are typically paid.

**Commissioner Kusener** expresses an interest in seeing a "job-profile" and exploring local training opportunities.

*[The Planning Commission takes a five-minute recess]*

**Commissioner Kusener** asks the applicant to consider reducing the height of residential units along Silverado Trail to single-story structures. Mr. Kusener suggests that doing so would respond to community concerns about the impact of the development on the viewshed.

**Commissioner Kite** indicates that he has a list of issues that staff may need to do some additional research on, some that staff may be able answer right away.

**Chairman Manfredi** states that the Commission's review of the project is going to be continued to another meeting and that no decisions on the project will be made at this meeting. Chairman Manfredi requests that Commissioners identify their list of questions/concerns for staff to review and report back on.

**Commissioner Kite** requests additional information on the following:

- Short term rental use and management
- Prevention of parking on Rosedale Road
- Prevention of trespassing by guests on surrounding private land
- Additional information on the retail and deli use
- Clarification on maximum building heights
- Comparison of affordable housing requirements for other recently approved/built resort projects.
- Staff position and interpretation on General Plan consistency issues raised in public testimony.
- Potential for pedestrian crossing on Silverado Trail
- Cumulative impacts of project and other pending projects on City infrastructure/services (e.g., traffic, water, wastewater and downtown parking).
- Size of delivery vehicles
- Response to assertions that materials for the CEQA document were delivered in too short of a time frame.

**Vice Chair Coates** suggested that he would like to see more landscape screening of structures that are visible from Silverado Trail. Vice Chair Coates also asked if local contractors would be used for construction of the resort.

**Commissioner Kusener** expressed continuing concern about traffic impacts – even if technically the impact is not considered significant. Mr. Kusener asked for information on what “green” features are proposed to be incorporated into project.

**Commissioner Bush** would like additional information and detail on the proposed deli operation.

**Chairman Manfredi** wants the public to be aware that there is flexibility being built in to the project approval that would allow the developer to

request a refund of water/wastewater impact fees IF it is demonstrated that actual use is less than what is being projected.

**Chairman Manfredi** states that he would like to see a parking plan, including possible satellite parking locations, provided as part of any Special Event permit application.

**Chairman Manfredi** states that he believes the applicant needs to a little more than what's been discussed for disclosing to guests that the resort is located in agricultural area that is actively farmed and that they may be subject to certain farming-related nuisances (e.g. literature placed on a pillow).

**Chairman Manfredi** would like get clarification on the need for new holding pond.

**MOVED** by Chairman Manfredi, seconded by Commissioner Bush, to continue this item to the next regular meeting of the Planning Commission meeting on Wednesday, April 11, 2012, at 5:30 p.m.

The motion carried with the following vote:

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

**I. NEW BUSINESS**

None.

**J. MATTERS INITIATED BY COMMISSIONERS**

**Chairman Manfredi** requested that staff inform the City Council that the Planning Commission believes a sub-committee should be formed to begin looking into possible improvements to the intersection of Lincoln Avenue and Foothill to improve traffic circulation.

**K. COMMENTS/PROJECT STATUS**

**Planning Manager MacNab** informed the Planning Commission that a test live entertainment event will be conducted at Buster's BBQ on April 4, 2012.

**Ms. Tofanelli** asked for clarification on whether the public hearing for the Silver Rose project would be re-opened at the next meeting. **Chairman Manfredi** indicated that the hearing would be re-opened for additional public comment.


**L. ADJOURNMENT**

**MOVED** by Vice Chair Coates, seconded by Chairman Manfredi, to adjourn to the next regular meeting of the Planning Commission on Wednesday, April 11, 2012, at 5:30 p.m.

The motion carried with the following vote:

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

**MEETING ADJOURNED AT 8:43 p.m.**

  
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Ken MacNab,  
Planning Commission Secretary