

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION NO. 2012- ___**

**A RESOLUTION OF THE CITY OF CALISTOGA PLANNING COMMISSION
RECOMMENDING CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT
REPORT (FEIR) AND ADOPTION OF A MITIGATION MONITORING AND REPORTING
PROGRAM AND ADOPTING FINDINGS AND STATEMENT OF OVERRIDING
CONSIDERATIONS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
(CEQA) STATUTE AND GUIDELINES FOR THE ENCHANTED RESORTS PROJECT IN
THE CITY OF CALISTOGA**

1 The Planning Commission of the City of Calistoga, California hereby makes the following
2 findings:

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4 **WHEREAS**, the City of Calistoga is the lead agency under the California Environ-
5 mental Quality Act (Public Resources Code Section 21000 *et seq.*) with respect to City
6 projects within the City limits; and

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8 **WHEREAS**, the Planning Commission considered an Environmental Impact Report
9 for the development of the Enchanted Resorts Project featuring 110 resort hotel units
10 (grouped among 36 cottages), 20 residence club units, 13 custom residences, public
11 restaurant and bar, event facilities, spa and swimming pools, and parking and support
12 facilities. Offsite sewer and recycled water improvements would be installed. The property
13 is located at 515 Foothill Boulevard (011-310-031 through 011-310-041 and 011-310-044;
14 011-320-007; 011-320-039 through 011-312-069; and 011-310-024); and

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16 **WHEREAS**, on August 12, 2012, a Notice of Preparation for the Environmental
17 Impact Report was completed and mailed to all Public Agencies, the State Clearinghouse
18 at the Office of Planning and Research (OPR), and interested parties, and the City of
19 Calistoga, as the Lead Agency, consulted with other agencies with authority over the
20 project in accordance with the requirements of Sections 15082, 15085, and 15086 of the
21 Guidelines of the California Environmental Quality Act (CEQA); and

22
23 **WHEREAS**, on February 10, 2012, the Draft Environmental Impact Report (DEIR)
24 was completed and circulated for public and agency review and comment, notice was
25 mailed to interested parties, agencies, and to contiguous property owners and published
26 in the local newspaper, and copies of the DEIR were made available to the public at the
27 Department of Planning and Building and the Calistoga Public Library, in accordance with
28 Section 15087 of CEQA Guidelines. The public review and comment period continued for
29 60 days, through April 9, 2012, as required by Public Resources Code Section 21091; and

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31 **WHEREAS**, on March 14, 2012, the Planning Commission received a presentation
32 from Michael Brandman Associates (MBA) on the Draft Environmental Impact Report

33 (DEIR) prepared for the Enchanted Resorts Project and received public comments on the
34 adequacy of the DEIR; and

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36 **WHEREAS**, the Planning Commission conducted public hearings on the Final
37 Environmental Impact Report (FEIR) on June 20, 2012 and _____, 2012. At its
38 hearings, the Planning Commission received comments from members of the public, and
39 the Commissioners provided their comments. In addition, a total of 72 written comments
40 were received by individuals and agencies on the DEIR during the public review period.
41 Each of these letters was separated into sections and responded to in the FEIR with
42 individual responses; and

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44 **WHEREAS**, the FEIR was completed in accordance with Sections 15132, 15088,
45 15089, and 21092.5 of CEQA Guidelines, and on June 8, 2012 the FEIR was circulated
46 for public and agency review and comment. Copies of the FEIR were made available to
47 the public at the Department of Planning and Building and Calistoga Public Library on
48 June 8, 2012, and the FEIR was distributed to interested parties and agencies. On June
49 8, 2012 notice of the Planning Commission public hearing of June 20, 2012 to review the
50 FEIR was published in the local newspaper; and

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52 **WHEREAS**, the EIR establishes and evaluates a reasonable range of alternatives,
53 in accordance with Section 15126.6 of CEQA Guidelines. These alternatives would have
54 either environmental impacts similar to that of the project or would not meet the objectives
55 of the developer in pursuing the project, and would still result in significant and
56 unavoidable impacts to traffic and noise; and

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58 **WHEREAS**, all decisions set forth in this Resolution are based upon substantial
59 evidence in the administrative record, including information received at said public
60 hearings; and

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62 **WHEREAS**, the Planning Commission finds that changes or alterations have been
63 included in the project that mitigate most potential adverse environmental effects to less-
64 than-significant levels or avoid the significant effects on the environment. These
65 mitigation measures were considered, discussed, and required in accordance with CEQA
66 Guidelines Section 15091 and Section 15126.4; and

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68 **WHEREAS**, in accordance with Section 15097 of CEQA Guidelines, a Mitigation
69 Monitoring and Reporting Program was included as part of the FEIR, and is included as
70 an attachment to this Resolution; and

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72 **WHEREAS**, the Planning Commission hereby recommends to the City Council that
73 a Statement of Overriding Consideration be adopted for unavoidable significant impacts to
74 traffic and noise as discussed in the findings prepared for this report. The Planning
75 Commission recommends that the City Council declares that to the extent any mitigation
76 measures recommended in the EIR could not be incorporated, such mitigation measures

77 are infeasible because they would impose restrictions on the Project that would prohibit
78 the realization of specific economic, social, and other benefits that the City Council finds
79 outweigh the unmitigated impacts; and

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81 **WHEREAS**, in recommending certification of the FEIR, the Planning Commission
82 finds that the FEIR is an adequate document providing an objective, good faith attempt at
83 full disclosure of all potential environmental consequences of the project, and that the EIR
84 sufficiently informs decision-makers and the public of these potential environmental
85 consequences; and

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87 **WHEREAS**, the Planning Commission recommends that the City Council find that
88 the EIR has been completed in accordance with the requirements of CEQA. As the Lead
89 Agency, the City has used its independent judgment and analysis in reviewing the EIR, in
90 accordance with Section 15090 of CEQA and the entirety of the administrative record
91 which provides substantial evidence to support the adoption of this resolution.
92 Additionally, in accordance with Section 15151 of CEQA, the Planning Commission
93 recommends that the City Council find that the evaluation of environmental effects of the
94 project is an evaluation of what is reasonably feasible, and that no decision was made on
95 the project until the EIR was independently reviewed and certified; and

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97 **WHEREAS**, the City of Calistoga will provide a written response to each public
98 agency that commented on the Draft EIR at least ten (10) days prior to certification of the
99 final EIR; and

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101 **WHEREAS**, as the governing body for the project site, the City Council of the City
102 of Calistoga is the decision-making body for certification of the FEIR; and

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104 **WHEREAS**, the FEIR contains responses to all comments received during public
105 review period of the DEIR and contains amendments to the DEIR resulting from these
106 public comments.

107
108 **NOW, THEREFORE, BE IT RESOLVED** that the City of Calistoga Planning
109 Commission:

- 110
- 111 1. Recommends that the City Council certifies the Final EIR for the Project, based
112 on detailed project findings of fact set forth in the attached Exhibits, including
113 findings in support of a statement of overriding consideration.
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 - 115 2. Recommends that the City Council adopt the Mitigation Monitoring and
116 Reporting Program set forth in the attached, Exhibit A.

117 3. Recommends that the City Council adopt the Findings attached in Exhibit B and
118 Statement of Overriding Considerations set forth in the attached Exhibit C.
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120 **PASSED, APPROVED, AND ADOPTED** by the Planning Commission of the City
121 of Calistoga at a regular meeting held this ___ **day of** _____ **2012**, by the following
122 vote:
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- AYES:**
- NOES:**
- ABSTAIN: MANFREDI, KITE**
- ABSENT:**

PAUL COATES, Vice Chair

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ATTEST:

KENNETH MACNAB
Secretary to the Planning Commission