

# CITY OF CALISTOGA

## STAFF REPORT

**TO:** VICE CHAIRMAN COATES AND MEMBERS OF THE PLANNING COMMISSION

**FROM:** ERIK V. LUNDQUIST, SENIOR PLANNER

**MEETING DATE:** JUNE 27, 2012

**SUBJECT:** ENCHANTED RESORTS – 515 FOOTHILL BOULEVARD

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1 **REQUEST:** Consideration of a recommendation to the City Council regarding a  
2 General Plan Amendment (GPA 2010-01), Zoning Text Amendment (ZO 2010-  
3 01), Vesting Tentative Subdivision Map (TTM 2010-01), Preliminary and Final  
4 Development Plan (PD 2010-01), Conditional Use Permit (U 2010-02), Design  
5 Review (DR 2010-04) and Development Agreement (DA 2010-01) requested by  
6 Enchanted Resorts Inc., to develop the Enchanted Resorts Project on the 88-  
7 acre project site. The project would feature 110 resort hotel units (grouped  
8 among 36 cottages), 20 residence club units, 13 custom residences, public  
9 restaurant and bar, event facilities, spa and swimming pools, and parking and  
10 support facilities. Offsite sewer and recycled water improvements would be  
11 installed. The property is located at 515 Foothill Boulevard (011-310-031 through  
12 011-310-041 and 011-310-044; 011-320-007; 011-320-039 through 011-312-069;  
13 and 011-310-024).

14  
15 A Final EIR must be certified before any decision can be made about the  
16 proposed project. The Planning Commission will also consider a  
17 recommendation to the City Council on the Final EIR.

18  
19 **BACKGROUND:** On June 20, 2012, the Planning Commission conducted a  
20 public hearing on the proposed Enchanted Resorts project. At the hearing staff  
21 recommended that the Planning Commission adopt six resolutions  
22 recommending approval to the City Council. During the hearing, members of the  
23 public and the Planning Commission identified questions and issues that needed  
24 further clarification. The Planning Commission voted to continue the item to June  
25 27, 2012, to provide additional opportunity for public comment and to allow time  
26 for staff to respond to the issues identified by the Planning Commission and  
27 members of the public. The project is now back before the Planning Commission  
28 for consideration.

31 **QUESTIONS AND ISSUES RAISED AT JUNE 20, 2012 PUBLIC HEARING:**  
32

33 **1. GENERAL PLAN CONSISTENCY**  
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35 Determining General Plan Consistency: State law requires that all land  
36 use actions taken by the City be consistent with the General Plan. As part  
37 of any land use or development proposal, planning staff evaluates whether  
38 the proposal is consistent with the General Plan. Staff's consistency  
39 analysis and/or findings are presented in a document entitled "*Enchanted*  
40 *Resorts Project City of Calistoga General Plan Consistency Findings*". The  
41 Planning Commission and City Council may concur with staff's  
42 conclusions, disagree or make alternative interpretations. Under no  
43 circumstances can staff, the Planning Commission or City Council simply  
44 choose to ignore the General Plan and/or policies that say "shall".  
45

46 It is appropriate for staff, the Planning Commission and the City Council to  
47 consider public testimony on whether a project or action is consistent with  
48 the General Plan. However, it should be clear that the legislative authority  
49 and responsibility to make determinations of General Plan consistency is  
50 initially delegated to staff and the Planning Commission who provide a  
51 recommendation to the City Council. The City Council then makes a final  
52 determination.  
53

54 Small Town Rural Character Consistency Finding: Several of the General  
55 Plan goals, objectives and policies speak to maintaining the unique small  
56 town character of Calistoga. The General Plan does not define "small  
57 town character" on its face but upon close inspection describes that the  
58 small town character is comprised of various components ranging from  
59 "rural traditions", social structure, architectural features, land use and  
60 circulation. The General Plan also anticipates the occurrence of  
61 development and provides direction to support development if it enhances  
62 these community virtues and is respectful in its layout and architectural  
63 design.  
64

65 The General Plan consistency findings prepared for this project states that  
66 the proposed project does not impact these small town attributes and is  
67 designed appropriately amongst the rural setting. A largely screened  
68 project with an understated project entry does not alter the rural character.  
69 The character defining elements of the property (i.e. forest and upsloping  
70 hillside) will remain intact. Moreover, the intensity of the project provides  
71 the appropriate transition from the rural areas at the city limits to the  
72 downtown commercial core.  
73  
74  
75  
76

77 **2. GENERAL PLAN AMENDMENT**

78  
79 General Plan Amendments occur regularly throughout the State and may  
80 be publicly initiated or may be initiated for a specific private development,  
81 as in this case. The City Council may amend an adopted general plan if it  
82 deems it to be in the public interest. Ultimately, the City Council will  
83 consider whether the requested amendment to establish a Planned  
84 Development Overlay Designation is appropriate.  
85

86 **3. GENERAL PLAN LAND USE DESIGNATIONS**

87  
88 The General Plan establishes nine (9) different land use designations  
89 (General Plan, Page LU-13). These land use designations are as follows:

- 90 · Rural Residential
- 91 · Low Density Residential
- 92 · Medium Density Residential
- 93 · High Density Residential/Office
- 94 · Downtown Commercial
- 95 · Community Commercial
- 96 · Airport Commercial
- 97 · Light Industrial

98  
99 The General Plan also includes four Overlay Designations, which provide  
100 further development and design guidance. These Overlay Designations  
101 are as follows:

- 102 · Planned Development Overlay
- 103 · Entry Corridor Overlay
- 104 · Visitor Accommodation Overlay
- 105 · Character Area and Gateway Overlays

106  
107 Rural Residential Land Use Designation: The subject property has a  
108 General Plan Land Use Designation of “Rural Residential-Hillside”, which  
109 is a component of the “Rural Residential” land use designation. The Rural  
110 Residential land use designation surrounds the urbanized parts of  
111 Calistoga. A portion of the Rural Residential is designated Rural  
112 Residential-Hillside. The number of units in areas designated Rural  
113 Residential-Hillside are calculated through a slope density formula  
114 adopted by ordinance (General Plan, Page LU-18). The project has been  
115 designed in accordance with the Rural Residential-Hillside slope density  
116 formula.  
117

118 Furthermore, uses allowed within the Rural Residential Land Use  
119 Designation generally include crop production, vineyards, light agricultural  
120 structures, and single family residences. Wineries and visitor  
121 accommodations may occur with discretionary permit approval. The uses

122 being proposed as part of the project are consistent with allowable uses in  
123 the Rural Residential Land Use Designation.  
124

125 In short, the project is consistent with the Rural Residential land use  
126 designation and no amendment to the Rural Residential land use  
127 designation is necessary to accommodate this project.  
128

129 Overlay Designations: In addition to the General Plan Land Use  
130 Designation, the subject property is designated with two “overlay  
131 designations” that are established by the Land Use Element of the  
132 General Plan. The Developer has also requested a General Plan  
133 Amendment to establish a third overlay designation, a Planned  
134 Development Overlay. The overlay designations provide special design  
135 and development guidance for key sites in Calistoga. Overlay  
136 designations also identify specific uses that are allowable in the overlay  
137 area that may not otherwise be allowed by the underlying General Plan  
138 Land Use Designation. A brief description of each applicable overlay  
139 designation is provided below.  
140

141 *Entry Corridor Overlay Designation*  
142

143 A portion of the subject property is located within an Entry Corridor overlay  
144 designation (EC 1: Downvalley Foothill Boulevard). The primary purpose  
145 of the Entry Corridor overlay designation is to maintain the rural and open  
146 space qualities, with minimal visibility from the highway. The Enchanted  
147 Resorts Project maintains the open space qualities along the frontage.  
148

149 *State Highway 29 Character Area Overlay Designation*  
150

151 The subject property is located within the recently adopted “State 29  
152 Character Area” overlay designation, which extends along Foothill  
153 Boulevard (State Route 29) from Pine Street east to City Limits. This area  
154 is the most important entry to Calistoga and should announce a sense of  
155 arrival to Calistoga. Development should complement the existing open  
156 space character. To achieve this purpose the Character Area states that  
157 development of the Enchanted Resorts property must preserve the  
158 mountain view-shed and the integrity of the Forest. The proposed  
159 Enchanted Resort Project beautifies the frontage by developing an  
160 understated entry feature that also offers a sense of arrival to Calistoga.  
161

162 Additionally, the State 29 Character Area requires commercial  
163 development on properties with a land use designation of Rural  
164 Residential to be rezoned to Planned Development. The Developer has  
165 requested a rezone from Rural Residential–Hillside to Planned  
166 Development District as directed by the State 29 Character Area.  
167

168 *Planned Development Overlay Designation*

169

170 As part of the proposed project, the applicant is seeking to establish a  
171 “Planned Development Overlay” that would refine and guide development  
172 and land use activities on the subject site. The Planned Development  
173 Overlay does not modify the underlying Rural Residential and Rural  
174 Residential-Hillside land use designations but serves to clearly define  
175 development and land use activities on the project site.

176

177 **4. BIOLOGICAL RESOURCES**

178

179 Wildlife Corridor: Carmen O’Neill, Bill Dwyer, Dawnine Dyer, Christina  
180 Aranguren, and others provided comments concerning the analysis of  
181 biological resources in the EIR. Their comments generally disputed the  
182 EIR’s conclusions that the project site does not serve as a wildlife  
183 movement corridor and does not support the Northern spotted owl.

184

185 A “wildlife movement corridor” links together areas of suitable habitat that  
186 are otherwise separated by rugged terrain, changes in vegetation, or  
187 human disturbance. The fragmentation of open space areas by  
188 urbanization creates isolated “islands” of wildlife habitat. In short, a  
189 wildlife movement corridor is a “choke point” linking to larger areas of  
190 biological activity. Generally, these corridors are linear features such as  
191 waterways, canyons, and passes. As noted in both the Draft EIR and  
192 Final EIR, the attributes of the project site—sloping terrain, dense forest,  
193 lack of water features, adjacency to Foothill Boulevard, and the types of  
194 surrounding land uses—are not characteristic of a wildlife movement  
195 corridor. Although various individuals noted having observed wildlife  
196 species on the project site, this is more indicative of an “active use area”  
197 (i.e., a place where wildlife may roam, forage, hunt, etc.). Again, a wildlife  
198 movement corridor must possess specific linkage characteristics; simple  
199 presence of wildlife species does not indicate that it is a movement  
200 corridor.

201 Northern Spotted Owl: The project site has been surveyed on three  
202 occasions by separate biologists for the Northern spotted owl during the  
203 past 8 years, including twice in the last 2 years; refer to Final EIR page 3-  
204 18. All results have been negative for the species. These surveys were  
205 conducted in recognition that the Northern spotted owl is known to occur  
206 in the project vicinity, including within 2 miles of the project site. A site  
207 survey is considered an authoritative method of determining the presence  
208 of absence of a specific species and, therefore, the negative results of the  
209 surveys serve to confirm that the Northern spotted owl is not present on  
210 the project site.

211 Additionally, the United States Department of the Interior issued a letter  
212 dated May 16, 2012 (Attachment 6) stating that the Northern spotted owl

213 is not found on the site. The determination was based upon a 2012 survey  
214 by a qualified professional, Theodore Wooster.

215 **5. AFFORDABLE HOUSING**

216  
217 As indicated in Section 3.9 of the Draft EIR, it was noted that the project  
218 will provide in-lieu housing fees to the City for the construction of  
219 affordable housing. The Developer will pay the required in-lieu fees per  
220 the Calistoga Affordable Housing Ordinance (\$343,025) and provide a  
221 supplemental in-lieu housing fee payment (\$234,000). The \$577,025 will  
222 satisfy the Developer's obligations.

223  
224 It is important to understand that in-lieu housing impact fees are not  
225 intended to cover the full cost of constructing a new affordable housing  
226 unit. In Calistoga and most other communities in California, in-lieu fees  
227 are typically pooled and used as a source of funds to help non-profit  
228 affordable housing groups leverage greater resources (such as State and  
229 Federal grant funds, land acquisition and development costs, etc.).

230  
231 The in-lieu housing impact fee and all other proposed impact fees have  
232 been negotiated by the City Manager and Developer using the City's  
233 standard in-lieu fee rates where possible. The fee amounts and terms for  
234 payment are based on what is believed to be fair and reasonable in the  
235 current economy for a project of this size.

236  
237 **6. WATER AVAILABILITY**

238  
239 Norman Kiken raised concern regarding water availability indicating that  
240 there are inconsistencies in the information. Mr. Kiken referenced a  
241 newspaper article that indicated that an allocation of 40% from the State  
242 Water project was the "worst case". Staff agrees that 40% allocation is  
243 not a "worst case" scenario and recognizes that the media may have  
244 misinterpreted comments from Staff. It should also be noted that the base  
245 annual State Water Project (SWP) allocation does not include additional  
246 allocations of carryover water, Article 21 water, dry year water bank  
247 purchases, and other water allocations that often add to the City's annual  
248 State Water Project allocation.

249  
250 Mr. Kiken's states that Table 3.11-1 of the Draft EIR uses water supply  
251 and demand projections that are obsolete and that it is unlikely that the 41  
252 acre feet estimated for the Kimball Dam interim release program, the fish  
253 support project, was considered.

254  
255 Since water projection assumptions are dynamic and often subject to  
256 change the DEIR justifiably used the more conservative approach to water  
257 supply projections using the 2003 data contained in the City General Plan.

258 The City of Calistoga has accelerated its State Water Project Table A  
259 allocation to its full 2019 allocation level of 1,925 acre-feet and the City's  
260 water consumption has declined over 11% since 2003. Furthermore, as  
261 addressed in the Final EIR the water availability data presented to the City  
262 Council on February 21, 2012 accounted for the 41 acre-feet of reduced  
263 yield at Kimball Reservoir due to the Interim Bypass Plan. This analysis  
264 showed 353.80 acre-feet of water availability for new allocations, including  
265 the 41-acre-feet reduction for Kimball Dam bypass. Adequate water  
266 supply is available to serve this project.

267  
268 Mr. Kiken states that potable water for all new projects must come from  
269 the more expensive SWP, which is not correct. The City's use of water  
270 from both of its sources (i.e. Kimball Water Treatment Plant and SWP) is  
271 dependant upon instantaneous customer water demand and storage. The  
272 Kimball Water Treatment Plant is not always running to its fullest capacity  
273 within its licensed limits. Added water demand would draw from both  
274 sources. The cost of water from either City water source is highly dynamic  
275 and dependent upon numerous variables. Because most of the costs for  
276 running Kimball Water Treatment Plant are fixed costs, in years of low  
277 Kimball water production, the cost of Kimball Water can be higher than the  
278 cost of water from the City of Napa. Also, Napa water pumping costs are  
279 variable, depending upon whether water is being served from Lake  
280 Hennessey or Jamison Canyon water treatment plants. Between the two  
281 water sources, City staff continually seeks to minimize the cost of water,  
282 while maintaining high water supply reliability and quality.

283  
284 Mr. Kiken has stated that the new water tank is principally benefiting new  
285 development. This is not correct. Additional water storage is needed for  
286 the City of Calistoga, regardless of new developments, per the State  
287 Department of Public Health. One of many reasons for needing a large  
288 storage tank, is to allow the City's one existing water tank at Feige Canyon  
289 to be taken off-line and repaired. Another reason is to maintain adequate  
290 fire water supply in a major fire emergency.

291  
292 **7. NOISE**  
293

294 Norman Kiken reiterated his previous written comments on the Draft EIR,  
295 which concern the effects of topography on noise levels, cumulative noise  
296 impacts on surrounding land uses, and noise attenuation from the forest.

297  
298 Topography was addressed on pages 2-9 and 2-10 of the Final EIR. To  
299 summarize, the Draft EIR's noise modeling accounted for the topography  
300 of the project site and surrounding land uses. In terms of the effects of  
301 topography on noise levels, the Caltrans Technical Noise Supplement—a  
302 widely cited source of information about noise characteristics—indicates  
303 that sound reflections in canyons with near vertical walls and no

304 vegetation have the potential to increase noise levels by 3 decibels or  
305 more. However, this is not the case on Diamond Mountain, thus, any  
306 noise reflections that occur in this area would be expected to be less than  
307 3 decibels and, thus, below the threshold of human hearing. Thus, the  
308 topography of Diamond Mountain does not reflect noise to a significant  
309 degree.

310

311 Cumulative noise impacts were addressed on pages 2-11 through 2-13 of  
312 the Final EIR. To recap, the Draft EIR's operation noise analysis  
313 accounted for a variety of outdoor noise sources occurring concurrently  
314 with each other—truck deliveries, outdoor dining, pool activities, lawn  
315 event activities, etc. By definition, this is a cumulative analysis. More  
316 broadly, noise is logarithmic, not additive. Thus, two noise sources of  
317 equal intensity occurring simultaneously do not result in a doubling of the  
318 noise level; rather, it results in a very slight increase of the noise level by 3  
319 db (i.e., 60 dB + 60 dB = 63 dB combined noise level). Moreover, when  
320 two noise sources differ by 10 dB or more, the higher source cancels out  
321 the lower source, thereby eliminating the cumulative effect. Thus,  
322 “cumulative” noise levels can often be well below acceptable noise  
323 standards (as in the case of noise levels in the Diamond Mountain area)  
324 and still account for a variety of potential noise sources.

325

326 Noise attenuation from the forest was addressed in the Final EIR on  
327 pages 4-184 and 4-185. The Caltrans Technical Noise Supplement  
328 indicates that a stand of trees must be a minimum of 16 feet above the  
329 line of sight and a minimum of 100 feet wide to achieve 5 decibels of  
330 attenuation, and a minimum of 16 feet above the line of sight and a  
331 minimum of 200 feet wide to achieve 10 decibels of attenuation. Thus, the  
332 existing forest provides, at most, 10 decibels of attenuation—a limited  
333 benefit. Furthermore, the low existing ambient noise levels experienced in  
334 the Diamond Mountain area are largely a result of distance and the  
335 presence of intervening topography that serve to limit noise exposure from  
336 Downtown Calistoga. Thus, the removal of trees from the project site  
337 would be expected to have negligible effects on ambient noise levels in  
338 the Diamond Mountain area because of its limited contribution in this  
339 regard.

340

## 341 **8. TRAFFIC**

342

343 Mr. Kiken reiterated his prior written comments on the Draft EIR  
344 concerning the appropriate Institute of Transportation Engineers (ITE) rate  
345 used in the traffic analysis for the resort hotel component of the project.  
346 Mr. Kiken stated that the Draft EIR improperly used “resort hotel” land use  
347 code instead of the “hotel” land use code, resulting in an under counting of  
348 project related trips.

349

350 ITE trip generation rates were addressed on page 2-17 and 2-18 of the  
351 Final EIR. To recap, “resort hotel” is the most appropriate ITE land use



352 code because of the rural location, large size, and the amenities of the  
353 proposed project. In contrast, a “hotel” land use code is more appropriate  
354 for a smaller facility located in more urban environment. Furthermore, it  
355 should be emphasized that the Draft EIR treated the proposed resort  
356 hotel’s restaurant as a separate source of trip generation, although it could  
357 have otherwise have been assumed to be reflected in the resort hotel  
358 trips.

359

## 360 **9. DRAINAGE**

361

362 Kerri Hammond-Abreu, Dawnine Dyer, and Christina Aranguren provided  
363 comments concerning the analysis of drainage impacts in the EIR. Comments generally  
364 disputed the EIR’s conclusions that adequate drainage could be provided with no adverse impacts to downstream  
365 properties, and also stated that a drainage plan should be prepared now  
366 and not deferred until later.

367

368

369 The Draft EIR included a Storm Drainage Memo prepared by BKF, which  
370 was contained in Appendix I. The Storm Drainage Memo identified  
371 modifications to the previously approved storm drainage facilities for the  
372 Diamond Mountain Estate Subdivision that would be necessary to serve  
373 the Enchanted Resorts Project; refer to Draft EIR pages 3.8-12 and 3.8-  
374 13. Thus, a storm drainage plan was prepared for the project and was  
375 referenced in the Draft EIR. In recognition that City staff has not yet  
376 approved the storm drainage plan and would not do so until later in the  
377 process, Mitigation Measure HYD-4 was proposed requiring that the  
378 applicant prepare and submit drainage plans to the City of Calistoga for  
379 review and approval demonstrating compliance with City storm drainage  
380 standards. This is widely accepted approach towards mitigating storm  
381 drainage impacts and is permissible under the California Environmental  
382 Quality Act.

383

## 384 **10. TIMBER HARVESTING**

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386 Bill Dwyer, Dawnine Dyer, and Christina Aranguren provided comments  
387 concerning timber harvesting impacts in the EIR. Comments generally  
388 consisted of a claim that the proposed project involved the operation of a  
389 “timber mill” onsite and that a Timber Harvest Plan must be prepared  
390 before the City can consider the project.

391

392 Neither the Draft EIR nor the Final EIR contain any statements that a  
393 “timber mill” would operate on the project site. Furthermore, this is not a  
394 type of land use activity contemplated by the project application. The Draft  
395 EIR and Final EIR disclose that the proposed project would result in the  
396 removal of as many as 8,185 trees 8 inches in diameter at breast height or  
397 greater. Trees would be felled onsite and hauled offsite for processing; no  
398 permanent timber milling facilities are proposed.

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As disclosed in the Draft EIR on pages 3.2-6 and 3.2-7, the proposed timber harvesting activities require approval of a Timber Harvest Plan by the California Board of Forestry and Fire Prevention. This is also listed as a required discretionary approval on page 2-45 and reflected in Mitigation Measure AFR-2a. Thus, the Draft EIR discloses that this approval will be required at a later point in the process.

At the time of this writing, the Timber Harvest Plan has not been prepared. This is not uncommon or unusual, as these types of plans involve a significant amount of time, effort, and money to prepare and, therefore, applicants usually will wait until they have secured all necessary entitlements before proceeding with such a plan. Furthermore, this approach is permissible under the California Environmental Quality Act.

**11. GEOLOGY, SOILS, AND SEISMICITY**

Kerri Hammond-Abreu provided comments on the Draft EIR’s analysis of geology, soils, and seismic impacts and expressed concern that the geotechnical study was prepared during a dry year and, thus, may not reflect the effects of wet or normal rainfall year on erosion, slope stability, or drainage.

To clarify, geotechnical studies evaluate the subsurface conditions of the site to determine whether geologic hazards such as earthquake faults, landslide deposits, areas susceptible to liquefaction, expansive soils, and similar hazards are present. These conditions are based on the underlying geologic characteristics of the site and have little to no relationship to hydrological characteristics such as average rainfall, impervious surface coverage, and similar issues. Thus, whether a geotechnical study was performed during a dry, wet, or normal rainfall year has no bearing on the adequacy of the analysis.

**12. DEVELOPMENT AGREEMENT**

A question was raised during the Planning Commission meeting how the development impact fee amounts were determined. The following table shows the assumptions used to determine the fee amounts.

<b>Contribution</b>	<b>Value</b>	<b>Due Date</b>
Water Service Connection Fee <b>\$33,546 x 30 ac feet =</b>	<b>\$1,006,380</b>	On or prior to Fee Payment Date
In Lieu Housing Fee <b>\$1.40 x 245,018 sf</b>	<b>\$343,025</b>	On or prior to Fee Payment Date
In Lieu Supplemental Housing Fee <b>13 homes x \$18,000=</b>	<b>\$234,000</b>	Custom Home Building Permit

		(calculated at \$18,000 per Custom Home)
Quality of Life Fee <b>\$3,000 x 33 residences= \$99,000</b> <b>\$1,500 x 110 hotel rooms=</b> <b>\$165,000</b>	<b>\$264,000</b>	On or prior to Fee Payment Date
Traffic Impact Fee <b>\$69.98/ trip</b>	<b>\$267,795</b>	On or prior to Fee Payment Date
Public Safety Fee Part 1 <b>Cost for one year debt payment</b> <b>For Fire House</b>	<b>\$102,925</b>	On or prior to Fee Payment Date
Public Safety Fee Part 2 <b>Cost for one year debt payment</b> <b>For Fire House</b>	<b>\$102,925</b>	Grading Permit Issuance
Less Cash Already Paid to Date for Diamond Hill Estates subdivision: \$104,000 water fee payment -52 beds \$176,000 water fee payment- 88 beds \$399,000 wastewater fee payment- 140 beds \$31,500 park quality of life \$70,000 Quality of life	<b>(\$780,500)</b>	
<b>Total Contribution</b>	<b>\$1,540,550</b>	
<b>Cash Due on or prior to Fee Payment Date</b>	<b>\$1,203,625</b>	

- 438 Off site Infrastructure improvements required at developer expense (with no  
 439 reimbursement):
- 440 • \$4,993,194 worth of city sewer main expansion/replacement
  - 441 • \$158,730 worth of water line improvements to enhance fire safety (water  
 442 pressure)

443  
 444 **WRITTEN PUBLIC COMMENTS**

445  
 446 Written correspondence from the public received by the Planning and Building  
 447 Department after June 8, 2012 is attached to this report.  
 448

449 **RECOMMENDATIONS:**

450

451 A. Staff recommends that the Planning Commission adopt a Resolution  
452 recommending certification of the Final Environmental Impact Report,  
453 including adoption of a Statement of Overriding Considerations and a  
454 Mitigation Monitoring and Reporting Program pursuant to the California  
455 Environmental Quality Act (CEQA) for the Enchanted Resorts Project.

456

457 B. Staff is recommending that the Planning Commission adopt a Resolution  
458 recommending to the City Council approval of an amendment to the  
459 General Plan Overlay Districts Map, Figure LU-6 to include those  
460 properties generally located at 515 Foothill Boulevard (011-310-031  
461 through 011-310-041 and 011-310-044; 011-320-007; 011-320-039 through  
462 011-320-069; and 011-310-024) within Planned Development Overlay  
463 Designation and establishing associated Planned Development goals for  
464 the Enchanted Resorts properties.

465

466 C. Staff is recommending that the Planning Commission adopt a Resolution  
467 recommending to the City Council adoption of an Ordinance rezoning the  
468 property generally located at 515 Foothill Boulevard (APNS 011-310-031  
469 through 011-310-041 and 011-310-044; 011-320-007; 011-320-039 through  
470 011-312-069; and 011-310-024) from "RR-H", Rural Residential - Hillside to  
471 "PD 2010-01", Enchanted Resort and Spa Planned Development District  
472 and amending the Zoning Ordinance text establishing the "PD 2010-01,  
473 *Enchanted Resort and Spa* Planned Development District.

474

475 D. Staff is recommending that the Planning Commission adopt a Resolution  
476 recommending to the City Council approval of a Vesting Tentative  
477 Subdivision Map (TTM 2010-01) incorporating the findings and subject to  
478 conditions of approval as provided in the Resolution.

479

480 E. Staff is recommending that the Planning Commission adopt a Resolution  
481 recommending to the City Council approval of a Preliminary/Final Planned  
482 Development Plan (PD 2010-01), Conditional Use Permit (U 2010-02) and  
483 Design Review (DR 2010-04) for the project incorporating the findings and  
484 subject to the conditions of approval as provided in the Resolution.

485

486 F. Staff is recommending that the Planning Commission adopt a Resolution  
487 recommending to the City Council approval of a Development Agreement  
488 (DA 2010-01) incorporating the findings as provided in the Resolution.

489

490 **ATTACHMENTS:**

491

- 492 1. Email from Stephanie Duff-Ericksen received June 19, 2012
- 493 2. Letter from Robert Pecota received June 19, 2012
- 494 3. Letter from David Moon Wainwright received June 20, 2012

- 495 4. Letter from Bob Baiocchi received June 20, 2012  
496 5. Letter from Norman Kiken received June 20, 2012  
497 6. Letter from the United States Department of Interior dated May 16,  
498 2012  
499

500 The Attachments listed below were previously distributed to the Planning  
501 Commission and are not included with this report copies of these attachments  
502 can be obtained from the City's web site at the following address:

503 [www.ci.calistoga.ca.us](http://www.ci.calistoga.ca.us)  
504

- 505 1. Vicinity Map  
506 2. Draft PC Resolution Final Environmental Impact Report  
507 3. Draft PC Resolution General Plan Amendment  
508 4. Draft PC Resolution Zoning Ordinance Amendment  
509 5. Draft PC Resolution Vesting Tentative Subdivision Map  
510 6. Draft PC Resolution Conditional Use Permit, Design Review and  
511 Preliminary/Final Development Plan  
512 7. Draft PC Resolution Development Agreement  
513 8. Draft Development Agreement  
514 9. Proposed Resort Development Plans (Architectural Plans, Vesting  
515 Tentative Subdivision Map & Landscape Plans)  
516○ 10. Enchanted Resorts Development Standards & Regulations  
517○ 11. Enchanted Resorts Architectural Design Guidelines  
518

519 *The Draft Environment Impact report, Final Environmental Impact Report and*  
520 *Mitigation Monitoring and Reporting Program is Available Upon Request at the*  
521 *Planning and Building Department, 1232 Washington Street, City of Calistoga or*  
522 *on the City's web site at [www.ci.calistoga.ca.us](http://www.ci.calistoga.ca.us). Please be advised that these*  
523 *documents have been distributed to the Planning Commission in advance of this*  
524 *meeting.*  
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