

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

**Wednesday, July 18, 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).

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. 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.

D. ADOPTION OF MEETING AGENDA

E. COMMUNICATIONS/CORRESPONDENCE

F. 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. Minutes from the June 20, 2012 Planning Commission meeting.

Recommended Action: Approve the Consent Calendar as presented.

G. 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.

H. PUBLIC HEARINGS

1. **ENCHANTED RESORTS:** Consideration of a recommendation to the City Council regarding a General Plan Amendment (GPA 2010-01), Zoning Text Amendment (ZO 2010-01), Vesting Tentative Subdivision Map (TTM 2010-01), Preliminary and Final Development Plan (PD 2010-01), Conditional Use Permit (U 2010-02), Design Review (DR 2010-04) and Development Agreement (DA 2010-01) requested by Enchanted Resorts Inc., to develop the Enchanted Resorts Project 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; and 011-310-024). The Planning Commission will also consider a recommendation to the City Council on the certification of Final EIR. **** This item was continued from the June 27, 2012 regular meeting of the Planning Commission. ****

Recommended Actions:

- A. Adopt a Resolution recommending certification of the Final Environmental Impact Report, including adoption of a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program pursuant to the California Environmental Quality Act (CEQA) for the Enchanted Resorts Project.
- B. Adopt a Resolution recommending to the City Council approval of an amendment to the General Plan Overlay Districts Map, Figure LU-6 to include those properties generally located at 515 Foothill Boulevard (011-310-031 through 011-310-041 and 011-310-044; 011-320-007; 011-320-039 through 011-320-069; and 011-310-024) within Planned Development Overlay Designation and establishing associated Planned Development goals for the Enchanted Resorts properties.
- C. Adopt a Resolution recommending to the City Council adoption of an Ordinance rezoning the property generally located at 515 Foothill Boulevard (APNS 011-310-031 through 011-310-041 and 011-310-044; 011-320-007; 011-320-039 through 011-312-069; and

011-310-024) from "RR-H", Rural Residential - Hillside to "PD 2010-01", Enchanted Resort and Spa Planned Development District and amending the Zoning Ordinance text establishing the "PD 2010-01, Enchanted Resort and Spa Planned Development District.

- D. Adopt a Resolution recommending to the City Council approval of a Vesting Tentative Subdivision Map (TTM 2010-01) incorporating the findings and subject to conditions of approval as provided in the Resolution.
- E. Adopt a Resolution recommending to the City Council approval of a Preliminary/Final Planned Development Plan (PD 2010-01), Conditional Use Permit (U 2010-02) and Design Review (DR 2010-04) for the project incorporating the findings and subject to the conditions of approval as provided in the Resolution.
- F. Adopt a Resolution recommending to the City Council approval of a Development Agreement (DA 2010-01) incorporating the findings as provided in the Resolution.

I. NEW BUSINESS

J. MATTERS INITIATED BY COMMISSIONERS

K. COMMENTS/PROJECT STATUS

L. ADJOURNMENT

The next regular meeting of the Planning Commission is scheduled for Wednesday, July 25, 2012, 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, July 13, 2012 no later than 4:30 p.m*



Ken MacNab,
Planning Commission Secretary

All Planning Commission reports for items on this Agenda are available online at <http://www.ci.calistoga.ca.us>. For additional information, please call the Planning and Building Department at 707-942-2827.

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.

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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 City Council 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.