

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

Wednesday, June 20, 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:** Richard Spitler, City Manager; and Erik V. Lundquist, Senior Planner. **City Consultant Present:** Jason Brandman and Grant Gruber of Michael Brandman Associates, MBA (Environmental Consultants)

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.

1. Clearance Luvisi, 285 Rosedale Road. Mr. Luvisi asked the Planning and Building Department to create a system to indicate online what documents are repeats and what documents are new regarding the planned projects. Also, he requested that the planning documents uploaded to the City's website be titled with a recognizable name so the documents become recognizable when downloaded to personal computer systems. Mr. Luvisi further stated the development agreement charts regarding development impact fees should include the calculations and how the fees will be used.

D. ADOPTION OF MEETING AGENDA

MOVED by Commissioner Bush, seconded by Commissioner Coates, to approve the meeting agenda of June 20, 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

No communication items noted.

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.

None.

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.

None.

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.

Chairman Manfredi and **Commission Kite** announced they would be recusing themselves from the following item because they are neighboring property owners.

Vice Chair Coates received the gavel and outlined how the Commission will conduct its review of this item. Vice Chair Coates reminded those in attendance to remain polite and civil during the public comments noting that a second meeting would be conducted on June 27, 2012 regarding this matter.

City Manager Spitler stated that he was present at the meeting since Ken MacNab the Planning and Building Manager, who would normally be present, had scheduled time off. Mr. Spitler further stated he is a resources person if the Commission has questions regarding the development agreement.

Senior Planner Lundquist gave the staff report.

Mr. Aaron Harkin (representing Enchanted Resorts, Inc. – Applicant) gave an overview of the proposed resort expansion project and introduced the development team including, Bruce Wright, SB Architects; Angela McDonald, HLB Lighting Design; Bonnie Burchill Environmental Resources Solutions, Inc.; Chris Rideout, BKF Engineers; Diane Kindermann, Abbot & Kindermann

Mr. Bruce Wright (SB Architects, Applicant's Architect) gave an overview of building materials, architectural design concepts and view shed impacts.

Ms. Angela McDonald (HLB Lighting Design, Applicant's Lighting Consultant) gave an overview of lighting practices, design concepts, objectives and impacts of day and nighttime lighting.

Ms. Bonnie Burchill (Environmental Resource Solutions, Inc., Applicant's Forester) gave an overview of timber harvest operations and forest management including tree removal and thinning.

Mr. Aaron Harkin stated that the City hired a third party consultant to assess the project's impacts on fire safety and accessibility. He further discussed project sustainability including grey water usage.

Mr. Chris Rideout (BKF Engineers, Applicant's Engineer) gave an overview of grading and drainage proposed as part of the project, including limits of disturbance and improvements (roadways, retaining walls, detention and water quality features).

Mr. Aaron Harkin in closing remarks stated the benefits of the Enchanted Resorts project, including job creation, international marketing, funding for schools, infrastructure contributions and revenues and fees.

Senior Planning Lundquist introduced the City's environmental consultant Michael Brandman Associates (Jason Brandman, Project Director and Grant Gruber, Project Manager)

Mr. Grant Gruber explained MBA's relationship with the City as the City's independent environmental review consultant who under contract with the City prepared the Environmental Impact Report for the Enchanted Report Project. Mr. Gruber discussed CEQA Milestones, components & conclusions of the Draft EIR noting that the Draft EIR concluded that all impacts can be mitigated to a level of less than significant, with exception to construction noise, baseline plus project traffic and future plus project traffic. Mr. Gruber summarized the key mitigation measures. Mr. Gruber summarized the public review of the Draft EIR and the public comments received. Mr. Gruber explained that the Final EIR responded to all written and oral comments and none of the comments resulted in material revisions to the Draft EIR. Several minor changes were made to the Draft EIR text to make changes requested by public agencies or to correct errors. Mr. Gruber concluded by stating that the EIR evaluated the proposed project in detail and identified feasible mitigation measures, the project applicant is legally obligated to implement all mitigation measures and that the City of Calistoga has satisfied all requirements of CEQA.

Mr. Steven Weinberger (Whitlock and Weinberger – Michael Brandman Associate's traffic subconsultant) gave an overview of traffic assumptions and methodology for preparing the traffic analysis for the project. Mr. Weinberger also discussed the traffic impacts resulting from the

Enchanted Resorts Project describing the impacts on the study intersections.

Senior Planner Lundquist provided staff's recommendation of approval to the Planning Commission.

Vice Chair Coates asked for Commission questions or comments.

Commission Kusener asked if the Project was consistent with the Rural Residential Hillside General Plan land use designation.

Senior Planner Lundquist clarified that the project property was located in the Rural Residential land use designation, which allows commercial uses. The Rural Residential Hillside land use designation is a subsection to the Rural Residential land use designation that provides a different density calculation. Mr. Lundquist stated that the requested Planned Development Overlay provides further development guidelines.

Commissioner Kusener stated that the discussion should be about the Planned Development Overlay and whether it is in the best interest of the community. Commissioner Kusener further stated that the General Plan talks about view shed and traffic General Plan policies are judgment calls of the City.

Commissioner Coates noted he would reserve his comments to after public comment.

Commissioner Bush asked what is the additional delay time in seconds at the Lincoln Avenue and Foothill Boulevard intersection with the project?

Mr. Weinberger, responded stating the baseline would be a 67 second delay and with the project the delay would be 77 seconds.

Commission Kusener asked Mr. Weinberger if the traffic projected was 2030 or 2020. If so, we have 13,000 vehicle trips now. Do you have any graphs showing projections going forward?

Mr. Weinberger responded saying yes it is 2030 and there are currently 13,000 trips along the roadway. He further stated he did not have a graph and would respond once he located the information since it was not readily available.

Commissioner Kusener noted that the roadway is going to get worse and would be interested in seeing the projections for 2030.

Vice Chair Coates noted that not much has been discussed regarding the 13 fee simple lots. He further stated that he feels like the view shed impacts were not addressed in the presentation. Asked Senior Planner Lundquist to explain how height is measured.

Senior Planner Lundquist explained how height is measured per the Calistoga Municipal Code.

Vice Chair Coates stated he is somewhat concerned about height because the City does not have a view shed Ordinance

Vice Chair Coates opens the public hearing.

Cara O'Neill, 1260 Diamond Mountain Road. Ms. O'Neill stated she and her family have lived on the property for 50 years and has witnessed wildlife patterns and is concerned with short time frame for the Final EIR. She also stated she is concerned that the statements in the Final EIR ignored her life experiences regarding wildlife corridors.

Kerri Hammond-Abreu 1720 Reynard Lane stated that her mother Elizabeth Hammond lives at 304 Foothill and has been there since 1964. She noted that her mother felt like the ad in the newspaper was damage control. Ms. Hammond-Abreu noted that the Calfire permits for timber harvesting have expired. Questioning how many trees have already been removed. Her mother can now see the sky through the trees and has seen red tailed hawks and turkey buzzards. Ms. Hammond-Abreu speaking on your own behalf stated that the Applicant should invest in the community by building a boys and girls club, skate park or little league field instead of building affordable house for employees that won't live here. Ms. Hammond-Abreu also noted concern with building on slopes and that the seismicity study was conducted during the dry season. In closing, she noted she is opposed to the scope of the project and that it goes against the General Plan.

Phil Ross 1754 Emerald Drive asked if there would be additional opportunity for public comment at the next meeting.

Vice Chair Coates confirmed

Phil Ross 1754 Emerald Drive stated he needs time to digest the information and speak next time but wanted to make a few points. Mr. Ross noted that although he is a County resident he feels he is part of the

community and his voice should be equally heard since the main portion of the resort does face toward Diamond Mountain.

Carl Sherrill 1132 Denise Drive has many concerns with proposal and EIR. Mr. Sherrill expresses that the General Plan repeatedly states that the rural small town character shall be maintained. He explains that screening does not protect the rural small town character. His main concern is that the project blandly and egregiously does not comply with the General Plan and this project should not have gotten past square one.

Norma Kiken 1520 Diamond Mountain Road owns property with the main southern view of the project. Mr. Kiken offers the following comments:

- Traffic estimates should use hotel definition in ITE manual rather than resort hotel.
- The impact to the intersections without mitigation because they are already has an LOS of F is not acceptable.
- Use actual sensors should be used to study noise effects rather than a model.
- Noise analysis should be cumulative and the sources should not be assumed to be equal distance.
- Cutting down the trees reduces protection from the sound. Trees provide a noise buffer. Trees can reduce decibels up to 10.
- Monitoring noise is not an adequate mitigation measure.
- Safety and security of neighbor residence should be addressed.
- Water availability 40% allocation in the newspaper article of April 26th is not the "worst case". Analysis should be based upon 35% allocation.
- Water availability and usage under Table 3.11-1 of the DEIR is based on a 2003 study (the 2003 General Plan) and may be obsolete.
- It is unlikely that the 41 acre-feet estimated for the Kimball Dam interim release program, the fish support project, was considered.
- Potable water for all the new projects must come from the SWP.

- State Water Project water is much more expensive than Kimball dam water.
- The water tank is principally benefiting the new developments.

Marcella O'Neill 1296 Diamond Mountain Road, speaking on behalf of Charles White 1296 Diamond Mountain Road, states that the project will affect downtown business. Ms. O'Neill expressed that we can't develop our way out of financial crisis expressing we need to do more for our main street than offer the city's hillside commodity.

Bill Dyer 1501 Diamond Mountain Road stated he would like to hear a discuss of General Plan and Zoning Overlays. Mr. Dyer expressed that the EIR is inadequate and the biological survey is flimsy because he is aware of a spotted owl nest. He is concerned about the cumulative noise effect especially resulting from the intended mill. Mr. Dyer further offered the concerns regarding the following:

- Timber Harvest Plan is not up to date
- Drainage Study is not up to date
- Size of the project to large
- View shed impacts
- 100 foot defensible space will provide clear views of the project
- Water and sewer availability should be reserved for downtown project
- Who are the owners and is their confidence in their financing

Clarence Luvisi 285 Rosedale Road would like to see PowerPoint presentations made available. Mr. Luvisi indicated that he knows what the small town character is and would like to see it clearly defined since he does not agree with the master response in the Final EIR with respect to retaining the small town character, which he thinks is honesty, integrity and trust. He further stated that the character is people being neighbors and neighborly. The small town character is not just about what the houses look like.

Dawnine Dyer 1501 Diamond Mountain Road indicated that the Final EIR is extensive and the short timeline to review was concerning. Mrs. Dyer stated that she values hillside ordinances. Mrs. Dyer disagreed with the statements in the Final EIR that the commenter had a lack of concrete environmental evidence on wildlife and erosion and storm water even though the commenter was a biologist and had life experience. She further stated that rezoning should not occur until further analysis is

conducted. In closing said that the project does not comply with the job/housing balance policy because estate houses are proposed and service jobs are provided, which will result in people coming in from out of the area to fill the jobs resulting in impacts to the roadways.

Christian Aranguren, 57 Lerner Drive reads correspondence submitted into record from Bob Baiocchi, California Fisheries and Water Unlimited

Joe Bob Hitchcock 1322 Berry Street indicated that the statements like “understated elegancy” and “sit lightly on the earth” are tricking us into liking the project. In reality with the defensible space around the buildings the property will be a bare mountain top. Mr. Hitchcock stated that 4 million dollars generated in TOT does not seem possible. He further asked the Planning Commission what gives them the right to violate the General Plan. Any amendment to the General Plan should come from the community not from a developer. The General Plan is a document that does not get violated.

Dennis McNay 2653 Foothill Boulevard asked will the parking lots be able to hold over 300 cars. How many cars will the parking lot hold?

Anne Scott 4281 Scott Way reads correspondence submitted into record from Bob Pierce

Ron Golden 3750 Silverado Trail is concerned what will happen to Calistoga if this project is turned down. Mr. Golden as a business owner is concerned about the economic vitality of the community. He further stated that the project will attract visitors and bring tax revenue that is important for the vitality of the community and urges the Planning Commission to support the project.

Rob Pacota 1010 Cedar has conducted a macro overview and has determined that Calistoga needs good planned development. Mr. Pacota expressed that Napa County has not grown as much as Sonoma County based upon the census data. He further stated that the Napa County planners when they established the agricultural preserved directed development to the 5 cities in the County. Would like to see more development in the City and believes in the inherent right to develop property if all the rules are followed.

Jamie Anzalone, 1900 Cedar Street is a 15 year resident and a recent business owner and believes that this project will benefit the town. Hopes that everyone can come to agreement to approve the project.

Vice Chair Coates closes the public hearing noting it would be reopened at the next meeting of June 27, 2012.

Vice Chair Coates asked that the applicant and staff come back at the next meeting and address the questions and comments raised.

Commission Kusener asked if there was any reason to look at different County standards versus the City standards.

City Manager Spitler responded that the environmental analysis covers the region and considers impact to neighbors but the City regulations apply to properties in the City limits.

Senior Planner Lundquist agreed with the City Manager stating that the applicant is creating unique development standards and the environmental impact report addressed effects on adjoining properties.

Commission Kusener indicated that he changed his mind and agreed that it was not necessary to look at the County standards.

Senior Planner Lundquist suggested the public retain all staff reports.

Vice Chair Coates asked staff to work with the applicant to address the questions ask tonight.

City Manager Spitler stated that the Planning Commission needs to continue the matter to the next regularly scheduled meeting of June 27, 2012.

MOVED by Vice Chair Coates seconded by Commissioner Bush, to continue this item to the next regular meeting of the Planning Commission meeting on Wednesday, June 27, 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

Vice Chair Coates thank everyone for being civil.

I. NEW BUSINESS

None.

J. MATTERS INITIATED BY COMMISSIONERS

None.

K. COMMENTS/PROJECT STATUS

None.

L. ADJOURNMENT

MOVED by Vice Chair Coates, seconded by Commissioner Bush, to adjourn to next regular meeting of the Planning Commission meeting on Wednesday, June 27, 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 9:14 p.m.

Ken MacNab,
Planning Commission Secretary