

RESOLUTION 2012-\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (FEIR), ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND ADOPTING FINDINGS OF FACT AND A STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE ENCHANTED RESORTS PROJECT IN THE CITY OF CALISTOGA**

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1 City Council 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  
5 Environmental Quality Act (Public Resources Code Section 21000 *et seq.*) with  
6 respect to city projects within the City limits; and  
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8 **WHEREAS**, the City Council considered an Environmental Impact Report  
9 for the development of the Enchanted Resorts Project featuring 110 resort hotel  
10 units (grouped among 36 cottages), 20 residence club units, 13 custom  
11 residences, public restaurant and bar, event facilities, spa and swimming pools,  
12 and parking and support facilities. Offsite sewer and recycled water  
13 improvements would be installed. The property is located at 515 Foothill  
14 Boulevard (011-310-031 through 011-310-041 and 011-310-044; 011-320-007;  
15 011-320-039 through 011-312-069; and 011-310-024); and  
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17 **WHEREAS**, on August 12, 2012, a Notice of Preparation for the  
18 Environmental Impact Report was completed and mailed to all Public Agencies,  
19 the State Clearinghouse at the Office of Planning and Research (OPR), and  
20 interested parties, and the City of Calistoga, as the Lead Agency, consulted with  
21 other agencies with authority over the project in accordance with the  
22 requirements of Sections 15082, 15085, and 15086 of the Guidelines of the  
23 California Environmental Quality Act (CEQA); and  
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25 **WHEREAS**, on February 10, 2012, the Draft Environmental Impact Report  
26 (DEIR) was completed and circulated for public and agency review and  
27 comment, notice was mailed to interested parties, agencies, and to contiguous  
28 property owners and published in the local newspaper, and copies of the DEIR  
29 were made available to the public at the Department of Planning and Building  
30 and the Calistoga Public Library, in accordance with Section 15087 of CEQA  
31 Guidelines. The public review and comment period continued for 60 days,  
32 through April 9, 2012, as required by Public Resources Code Section 21091; and  
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34 **WHEREAS**, on March 14, 2012, the Planning Commission received a  
35 presentation from Michael Brandman Associates (MBA) on the Draft

36 Environmental Impact Report (DEIR) prepared for the Enchanted Resorts Project  
37 and received public comments on the adequacy of the DEIR; and  
38 **WHEREAS**, the Final Environmental Impact Report (FEIR) was released for  
39 public review on June 8, 2012.

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41 **WHEREAS**, the Planning Commission conducted public hearings on the  
42 Final Environmental Impact Report (FEIR) on June 20, 2012, June 27, 2012 and  
43 July 18, 2012. At its hearings, the Planning Commission received comments  
44 from members of the public, and the Commissioners provided their comments.  
45 In addition, a total of 72 written comments were received by individuals and  
46 agencies on the DEIR during the public review period. Each of these letters was  
47 separated into sections and responded to in the FEIR with individual responses;  
48 and

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50 **WHEREAS**, on August 14, 2012, August 21, 2012 and September 18,  
51 2012, the City Council conducted a public hearing on the FEIR and received  
52 public comment prior to taking action; and

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54 **WHEREAS**, the FEIR was completed in accordance with Sections 15132,  
55 15088, 15089, and 21092.5 of CEQA Guidelines, and on June 8, 2012 the FEIR  
56 was circulated for public and agency review and comment. Copies of the FEIR  
57 were made available to the public at the Department of Planning and Building  
58 and Calistoga Public Library on June 8, 2012, and the FEIR was distributed to  
59 interested parties and agencies. On June 8, 2012 notice of the Planning  
60 Commission public hearing of June 20, 2012 to review the FEIR was published in  
61 the local newspaper. On August 3, 2012 notice of the City Council public hearing  
62 of August 14, 2012 to review the FEIR was published in the local newspaper;  
63 and

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

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

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75 **WHEREAS**, the City Council finds that changes or alterations have been  
76 included in the project that mitigate most potential adverse environmental effects  
77 to less-than-significant levels or avoid the significant effects on the environment.  
78 These mitigation measures were considered, discussed, and required in  
79 accordance with CEQA Guidelines Section 15091 and Section 15126.4; and

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

**WHEREAS**, the City Council finds that a Statement of Overriding Consideration be adopted for unavoidable significant impacts to traffic and noise as discussed in the findings prepared for this report. The Planning Commission recommends that the City Council declares that to the extent any mitigation measures recommended in the EIR could not be incorporated, such mitigation measures are infeasible because they would impose restrictions on the Project that would prohibit the realization of specific economic, social, and other benefits that the City Council finds outweigh the unmitigated impacts; and

**WHEREAS**, in certifying the FEIR, the City Council finds that the FEIR is an adequate document providing an objective, good faith attempt at full disclosure of all potential environmental consequences of the project, and that the EIR sufficiently informs decision-makers and the public of these potential environmental consequences; and

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

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

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

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

**NOW, THEREFORE, BE IT RESOLVED** that the City of Calistoga City Council:

- 126 1. Certifies that the FEIR, as incorporated herein by reference, for the  
127 Project was presented to the Council, that the Council has reviewed  
128 the FEIR prepared for the project, all staff reports pertaining to the  
129 project, and all other pertinent documents relating to the preparation of  
130 the FEIR, including the DEIR and all comments (oral and written)  
131 received thereon, and that the FEIR has been prepared and completed  
132 in compliance with CEQA.  
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134 2. Adopts the Mitigation Monitoring and Reporting Program set forth in  
135 the attached, Exhibit A.  
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137 3. Adopts the Findings attached in Exhibit B and Statement of Overriding  
138 Considerations set forth in the attached Exhibit C.  
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140 4. The City Clerk is designated as the custodian of the documents and  
141 other materials that constitute the record of the proceedings upon  
142 which the Council's decisions herein are based. These documents  
143 may be found at the office of the City Clerk, 1232 Washington Street,  
144 Calistoga, California.

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146 **PASSED, APPROVED, AND ADOPTED** by the City Council of the City of  
147 Calistoga at a special meeting held this on \_\_\_th day of \_\_\_\_\_, 2012 by the  
148 following vote:

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150 **AYES:**

151 **NOES:**

152 **ABSENT:**

153 **ABSTAIN:**

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161 ATTEST: \_\_\_\_\_  
162 **AMANDA DAVIS, Deputy City Clerk**

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**JACK GINGLES, Mayor**