

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

Wednesday, June 27, 2012
5:30 p.m
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 5:35 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:** Ken MacNab, Planning and Building 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

1. **Dennis Kelly**, 4377 Silverado Trail. Stated that ABAG has mandated population growth back to 1972. Mr. Kelly stated that the City and County needs to zone for 3% growth and may continue to grow until it looks like Philadelphia. He further stated that we need to petition the State, with the help of the City Council and Board of Supervisors, to change the laws so the City is not subject to lawsuits since we do not have the proper zone to build the required housing.
2. **Carl Sherrill**, 1132 Denise Drive sang a song with an acoustic guitar entitled “Last Resort”.
3. **Kurt Larrecou**, 1707 Michael Way was offended by the news that Stockton was going bankrupt and had been following it since 2006. He stated the problem had to do with big hotels, development, redevelopment, and a wastewater treatment plant. Mr. Larrecou stated that 27 days after the water treatment was constructed they went bankrupt. The California Sport Fishing Protection Alliance has sued Petaluma but not Calistoga yet. He stated that Calistoga has a wastewater plant that is in civil liability, which has to be adjudicated. One of the

Planning Commission duties is to make sure the City has adequate water and wastewater for existing development.

4. **Lee Youngman**, 1301 S. Oak Street, business owner Lee Youngman Galleries, stated if the Commission wants to kill the town, kill the project.
5. **Ann Scott**, 4281 Scott Way stated it if anyone was watching on television that they should come down to the meeting and express their concern about what is going on in Calistoga. She further expressed that she is wearing a shirt that says, "Please don't, no don't' trash our General Plan 94515". We have a General Plan that we should follow as Mr. Sherrill so eloquently expressed.
6. **Barbara Lencioni** 2011 Money Lane stated that she heard Mr. Sherrill's song lyric, "I had the saddest dream, a dream that no one raised his voice," and feels like she has to raise her voice. She expressed that this is a wonderful town that is dying and we need to support growth. The City needs to rely not just on transient occupancy tax but also on jobs. Growth is possible if it is done in a certain way like Solage. She concluded saying she supports the project.

Chairman Manfredi noted public comments should not be about a scheduled matter.

7. **Don Luvisi** 285 Rosedale Road clarified that the development agreement chart should be expanded to explain how the development impact fees are calculated and where are the funds going.

Chairman Manfredi suggested Mr. Luvisi meet with Staff to set up the chart.

8. **Commissioner Coates** noted that a few weeks back a question was asked from vineyard owners regarding how they can protect their agricultural operations from bicyclists that trespass and put themselves in danger. Mr. Coates suggested a joint effort to by local agencies, organizations and businesses owners to educate the bicyclist on the agricultural operations and the ongoing conflicts. The answer to solving problems is to create solutions.
9. **Norma Tofanelli** 1001 Dunaweal Lane is encouraged by Vice-Chair Coates suggestion stating that she recently had a situation with the public in her vineyard just after spraying sulphur. She liked the ideas but noted that we need to be sensitive to the recreational use in the agricultural preserve. Classes for the tour operators and the Chamber of Commerce would also be beneficial so they can pass the word on to the tourist. She also expressed on behalf of the Napa Farm Bureau interest in participation.

D. ADOPTION OF MEETING AGENDA

MOVED by Bush, seconded by Coates, to approve the meeting agenda of June 27, 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

Items of correspondence were received regarding the Enchanted Resorts project, which were forwarded to the Planning Commission in advance of the meeting.

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 applauding the public of their conducted at the June 20, 2012 meeting. Noting that a third meeting would be conducted on July 18, 2012 regarding this matter.

Senior Planner Lundquist gave a historical account of the June 20, 2012 meeting.

Vice-Chair Coates reopened the public hearing.

Joshua Dempsey 2019 Table Rock Court questioned the viability of the town noting that good development can be good for the community keeping stores open, schools improved and infrastructure repaired.

Sue Mauro 1313 Silver Street stated she loves Calistoga and wants to protect it. The City has limited area and discourages big box stores. Transient tax is a good source of income that will bring people to the downtown to spend money. We have a real opportunity to support a beautiful project that is hardly visible to downtown. Good projects can be a good thing.

Charles Davis 1207 Foothill Boulevard the project is economically beneficial for the community. New projects will help pay for the water and sewer infrastructure. He stated he is 110% behind this project.

Carlene Moore 2271 Grant Street, on behalf of the Calistoga Chamber of Commerce, reads correspondence submitted into record from the Calistoga Chamber of Commerce.

Joe Schneider indicated he has been employed by the City of Calistoga as the consulting arborist for the Diamond Hills Estates Subdivision. He expressed reassurance that the City has done an adequate review of the project. Mr. Schneider made clear that the City's Tree Ordinance will be the first tier in the tree removal process indicating the mitigation process. He further expressed that the Developer is a good steward of the forest and the community. Mr. Schneider indicated that the forest will sequester more carbon than the adjoining vineyards and as an individual, not as an employee of the City, supports the project.

Lil Ticen 3051 Lake County Highway supports the project and agrees with the other comments made. She expressed that the property is already entitled to build 35 homes and that the town would benefit more with the increased revenue from the resort project. Ms. Ticen stated she is involved in senior stability and that the revenue will help pay the fair share of costs reducing the impact on seniors. The light industry has been moving away and the tourism needs to be strengthened. Tourism supports the downtown businesses. Ms. Ticen as an individual and a business owner supports the project.

Cara O'Neill 1260 Diamond Mountain Road stated she is for growth, development and tourism. She thought that the entitled 35 homes are nice. Ms. O'Neill told a story of the growth of the Diamond Mountain Stables indicating that the Diamond Mountain Stables has a relationship with the town. She indicated that the visitors to the proposed Enchanted Resorts project will not patron the local businesses and will not have the same relationship keeping the community vibrant. She urged the Planning Commission to consider her comments.

Ms. O'Neill proceeded to read correspondence into the record from Marcella O'Neill at 1296 Diamond Mountain Road.

Stephanie Duff-Ericksen 1725 Maggie Avenue is a homeowner and realtor. She stated we need to revitalize our town. She has not heard many creative ideas to bring revenue to Calistoga. She supports Enchanted Resorts and encourages the Planning Commission to approve the Enchanted Resorts.

Carl Sherrill 1132 Denise Drive encouraged the Planning Commission to look at the alternatives on the back of his song lyrics. His opinion is the only reasonable alternative is the approved 35 lot subdivision because that is what it is zoned for and fits the General Plan.

Bill Dyer 1501 Diamond Mountain has 2.3 acres of grapes on a 12 acre parcel the remainder is trees sequestering carbon. Mr. Dyer stated he is not against growth but against this project on this site. He further

expressed that he previously had confusion regarding the overlay but now has reviewed and met with staff to better understand overlay designations. He indicated that overlays are generally applied to place a restriction or to preserve something like an historical district or a floodplain but knows there is a technical consideration for this project. This project does not benefit from the overlay. This is unusual since the developer is proposing a project that is bigger than the zoning allows and wonders what the innovative design standards are that warrant changing the original concept of 35 houses.

Dennis Kelly 4377 Silverado Trail questioned how much water do we have available to develop Calistoga and believes that if we went into a 4 year draught it would be 18 months until we were out of water. Expressed that the tourists really don't spent money in town and the resorts will not take care of the town. The resorts will be built and take care of themselves because that is what they do. Mr. Kelly concluded asking how much water, sewer and electricity do we have.

James Anzalone 1900 Cedar Street read correspondence into the record in support of the project.

Charles Henning 1009 Cedar Street thanked the Commission for the opportunity to speak and noted his support for the Enchanted Resorts Project. Mr. Henning stated that hospitality has been at the foundation of Calistoga and is part of Calistoga's future. The resort will have a positive impact on the community and the financial support is quite special. Tourism is the most efficient way of generating revenue it is the equivalent of exporting with little impact on the infrastructure. Mr. Henning urged the Planning Commission to move the project forward to the City Council.

Kurt Becker 1715 Michael Way is all for development but the project misses the mark in his opinion. Mr. Becker stated it is a mega project that does not fit with the General Plan and we should stick with the 35 homes. He explained that if the City wants to do a project in town it should be on the Merchant property, which would be the ideal project. The Enchanted Resorts project has admitted they can not mitigate the traffic problem. Mr. Becker further offered the concerns regarding geology and soils mitigation measures and the Statement of Overriding Considerations findings.

Wynne Wilson 55 Magnolia stated she finds the proposed development to be beautiful and tasteful. Ms. Wilson appreciates that the project is on a hillside and not in the valley because the valley with vineyard is what brings the tourists to town. She also stated she supports the project if housing is provided for the employees.

George Caloyannidis 2202 Diamond Mountain Road noted he had a miscommunication with staff regarding the ability to show his presentation materials on a overhead project. As an alternative he noted he would distribute materials to the Planning Commission. Mr. Caloyannidis noted that any financial advisor would tell you that tourism is not a good policy and to not put all your eggs in one basket. Mr. Caloyannidis proceed to read his correspondence dated June 27, 2012 into the record.

Dennis McNay 2653 Foothill Boulevard stated that everybody seems to be in favor of done right development. He further stated that he believes a little development is good but we need more control over it. Mr. MacNay disagreed that the project is sustainable noting that the construction traffic will result in more pollution than the valley has ever seen. He further stated that the design plans seem to indicate that the parking can only handle 100 cars. He figured that the proposal would warrant between 500 and 600 parking spaces. He asked if the City was ready for parking lot in the downtown as a result of the shuttle associated with the project. If they can't provide parking why do we look at their plans? He stated we should get serious about this issue.

Kurt Larrecou 1707 Michael Way is a big fan of the Planning Commission because that is how project's get mended, bent and formed. He stated that the transparency in this project is the greatest smoke and mirrors. He further stated that he knows the EIR contains certain things and adequate findings. The number one job of the Planning Commission is the General Plan and to control growth of the City. Mr. Larrecou said that the use permit will be approved in the back room of the City Hall by our head planner. He expressed that the project can not be rushed and appreciates knowing there will be another meeting but thinks four more may be necessary because this is one-fourth of our town sitting on the hill. Mr. Larrecou further offered the concerns regarding the following:

- Concerns regarding the possibility of taking reclaimed wastewater.
- Concerns with gray water impacting groundwater.
- Concerns with view shed and seeing 5 story buildings like the ballroom.
- Concerns with geothermal water use.
- Concerns with process to abandon wells.
- Electricity brought in from adjoining properties in the County
- Glare from ballroom windows
- Concerns with number of retail, bar and lounge uses
- Concerns with fire accessibility

Mr. Larrecou concluded stating that the EIR is inadequate because it doesn't address the concerns.

Kristen Casey 1132 Denise Drive expressed that she supports the Planning Commission but does not support the project because it does not conform to the General Plan. Ms. Casey read a meeting minute excerpt from a joint meeting between the Planning Commission and City Council on June 25, 1997 regarding the request from the previous developer to amend the General Plan, which is much smaller than now presented. She believes that the General Plan should not be amended to allow commercial development unless there is a large general census of the community to amend the General Plan. She stated she is not against development it just needs to be appropriately placed like the Merchant property, Silver Rose and Bounsall property. The rural residential hillside is not an appropriate location. The project is too large and if it is to go through it should be reduced more than the 25% alternative expressed in the EIR.

Vice-Chair Coates requested a recess.

Vice-Chair Coates reconvened the meeting noting that because of the number of public comments staff and the applicant will provide responses to public comments during an upcoming meeting of July 18, 2012. He further stated that the public hearing would be closed tonight.

Francine Ryan 2412 Foothill Boulevard read correspondence into the record in opposition of the project.

Christina Aranguren 57 Lerner Drive asked specific questions as follows:

How will this project fit into the City's water conservation plan in accordance with the State's urban water management planning act?

In low water years have you considered giving priority to existing water users over new projects?

Have the effects to aquifers been adequately studied?

Have the effects from gray water been studied?

Is there an agreement that the on site water wells will be managed by the City?

Has the specific cost of water to be acquired been predetermined?

Is the Commission aware that the traffic mitigation fee does not even cover the construction of a luxury kitchen in one of the estate homes?

Is the Commission aware that Lincoln Avenue has not been addressed in the project EIR since it is exempt? She thinks it would be prudent to have an independent study of Lincoln Avenue.

Can an adjoining property that becomes part of the project and be developed or will the project remain confined to the project site?

Is the project still expected to disappear when the fireplaces are burning?

Has the Planning Commission determined if these fireplaces are wood burning and has the Commission considered banning wood burning?

Mrs. Aranguren concluded urging the Planning Commission to not support the project because of the problems it will create.

Philippe Therene 2070 Mora Avenue appreciates all the comments and seeing democracy at work. Mr. Therene expressed concerned with the long term vitality and to create jobs noting that recent loss of Valley Business Forms and Cal Min has impacted the community. Calistoga has an opportunity to attract tourism. Tourism has been the bread and butter of Calistoga for many years. Is concerned about wildlife relocation but it is more painful for residents to relocate if we can not sustain. Calistoga must compete for the tourist dollars and believes the project will not affect the community. Mr. Therene expressed his support.

Bob Aranguren 57 Lerner Drive on behalf of Bob Baiocchi of California Fisheries and Water Unlimited read correspondence dated June 26, 2012 into the record.

Norma Tofanelli 1001 Dunaweal Lane thanked Vice-Chair Coates for allowing people to speak again indicating that this is a major change in how these hearings are conducted. Ms. Tofanelli proceeded to read her correspondence dated June 27, 2012 into the record.

Senior Planner Lundquist noted that Staff is always available to answer any questions or comments of the public since most of the concerns raised have been addressed per the draft conditions or approval. Mr. Lundquist also noted that the Statement of Overriding Consideration was available on June 15, 2012 and on the back table at the Planning Commission meeting of June 20, 2012.

Joe Bob Hitchcock 1322 Berry Street stated he just read something that said Calistoga gets 60% of its water from the North Bay Aqueduct, which is nice but it could get cut off at any time. He questioned how we would compensate for that if this project is approved. Mr. Hitchcock has

sympathy for the local business owners but everything seems to be all or nothing and that may be the 35 home are better and allow the development in the Merchant property. He further stated that the defensible space clearing will result in a big bare hilltop with buildings. Mr. Hitchcock doesn't agree with the financial projections. He states that he totally objects to changing the General Plan and that the Planning Commission should be protecting the communities interest and not the developer's desire. It is clear that the General Plan does not allow this project. Mr. Hitchcock does not see that the City is in that deep of a financial situation that this project will resolve. He concludes stating his concern with the project's impact on other lodging facilities and states he is not in support of this project.

Phil Ross 1574 Emerald Drive presented several Google Earth images from Calistoga Ranch, Meadowood and the Enchanted Resorts property in order to express his concerns with the visual impact of the project. He thanked the Commission for indicating the need to consider the County residents and noted that the County has a view shed ordinance. Mr. Ross further offered the concerns regarding sound traveling up Diamond Mountain and noting that tree removal impacts noise levels. Mr. Ross concludes stating that development is good but there is no reason to go quickly on this project to ensure the appropriate safeguards to protect the community.

Robert Pecota 1010 Cedar Street told a story of Jim Hickey the Planning Director from Napa County that came from Santa Clara County and spearheaded preservation of agricultural lands as a result of what occurred in Santa Clara County. He expressed that his work establishes five townships structured for development and no development in the agricultural areas. All development must occur in the township. Mr. Pecota proceeded to read his correspondence dated June 27, 2012 into the record.

Clarence Luvisi 285 Rosedale Road commented on Mr. Pecota's definition of "democracy". Mr. Luvisi read from the Planning Commission's Rules and Procedures suggesting that the Planning Commission should have workshops on all the issues raised. Mr. Luvisi noted that the meetings do not support dialogue. He stated he does not understand the all or nothing mentality and has seen what the unmitigated approach has done to the country. He said the community knows what it wants and it wants a balanced project like the Terrano Project. He stated that vineyards are green deserts only support limited habitat like rabbits, bugs, coyotes and birds. He suggested that if the project is approved the forest reserve should be deeded to the Napa County Land Trust. He noted an example of Australia indicating that the hillside should be protected like they are over there. Mr Luvisi further stated that a project should not be

approved based upon the number of speakers on either side but the spirit of the General Plan and the reasonableness of the project to match it. He closed by stating that development is a privilege not a right and that we should not lose sight of this.

Doug Cook 109 Wapoo Avenue stated in general he supports development because of revenue and competition but this project is too big and conflicts with the General Plan. He provided an opinion that the EIR is inadequate and has the following concerns.

- Exposure to the southern boundary and the Diamond Mountain Road residents.
- Inadequate review of the 13 homes in the areas of light, traffic, smoke from fireplaces.
- Inadequate review of wildlife corridors based upon local knowledge.
- Traffic, parking and shuttle operation details including the accuracy of trip generation analysis.
- Overall forest management issues including the defensible space.
- Setbacks from the southern boundary is too intense.
- Evaluation of other alternatives.

Overall Mr. Cook expressed concern that the in-lieu fees were disproportionate to scale of the project stating that \$500,000 housing fee only provides one housing unit or two small houses. The City needs to reevaluate the fees. He concluded by stating that it is a nice project but has conflicts.

Commission Kusener asked Mr. Cook if he was in favor of the project.

Mr. Cook responded saying he is not in favor of the project as presented and evaluated to date.

Norma Toffanelli 1001 Dunawear Lane stated that the concerns raised would have been addressed if the issues raised by Kristen Casey in her letter dated August 12, 2009 regarding the General Plan would have been implemented. She stated Ms. Casey has encouraged this implementation, which would have helped the Commission.

Vice-Chair Coates closed the public hearing and noted the item would be continued to July 18, 2012.

I. NEW BUSINESS

None.

J. MATTERS INITIATED BY COMMISSIONERS

None.

K. COMMENTS/PROJECT STATUS

None.

L. ADJOURNMENT

MOVED by Commissioner Bush, seconded by Commissioner Kusener, to adjourn to next regular meeting of the Planning Commission meeting on Wednesday, July 11, 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 9:03 p.m.

Ken MacNab,
Planning Commission Secretary