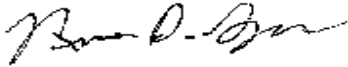


City of Calistoga

Staff Report

TO: Honorable Mayor and City Council
FROM: Amanda Davis, Deputy City Clerk
DATE: February 5, 2013
SUBJECT: City Council Minutes

APPROVAL FOR FORWARDING:



Richard Spitler, City Manager

- 1
- 2 **DISCUSSION:** Minutes of the August 14, 2012 special City Council Meeting.
- 3
- 4 **RECOMMENDATION:** Approve Minutes.
- 5
- 6 **ATTACHMENTS:** Aforementioned Minutes.

1 MINUTES

2 CITY COUNCIL – SPECIAL MEETING

3 PUBLIC HEARING

4 ENCHANTED RESORTS PROJECT

5 TUESDAY, AUGUST 14, 2012 – 6:30 P.M.

6 CALISTOGA COMMUNITY CENTER

7
8 **A) CALL TO ORDER**

9
10 **Mayor Gingles called the Regular Session to order at 6:32 p.m.**

11
12 In attendance were the following: Councilmember Chris Canning,
13 Councilmember Gary Kraus, Councilmember Karen Slusser, Vice Mayor
14 Michael Dunsford, and Mayor Jack Gingles.

15
16 Also present were Planning & Building Manager Ken MacNab, Senior Planner
17 Erik Lundquist, Public Works Director Dan Takasugi, City Manager Richard
18 Spitler, and Deputy City Clerk Amanda Davis.

19
20 **B) SALUTE TO THE FLAG**

21
22 **C) ORAL COMMUNICATION ON CONSENT ITEMS OR NON-AGENDA ITEMS**
23 (6:34 p.m.)

24
25 **Joe Bob Hitchcock, 1322 Berry St.,** stated his concerns with the decisions
26 being made by the City Council. He asked that the City Council pay more
27 attention to what the community is asking for.

28
29 **Donald Winter, Napa Valley Hotel Historian,** a historian and a hotel and
30 restaurant industry consultant spoke in regards to the EIR. He gave a brief
31 background on the Napa Valley and the lodging industry, where it started and
32 where it is today.

33
34 **Kristin Casey,** spoke regarding the 3 minute oral communication rule that is
35 imposed by the Council. She asked whether the public could speak on all
36 recommendations put before Council tonight in regards to the Enchanted
37 Resorts Project. **City Manager Spitler** responded stating that all
38 recommendations under the public hearing can be discussed this evening.
39
40
41
42

43 **D) ADOPTION OF MEETING AGENDA**

44 It was **MOVED** by **Councilmember Kraus** and **SECONDED** by
45 **Councilmember Canning** to approve the Council Meeting Agenda. The
46 Motion was carried unanimously.
47

48 **E) PUBLIC HEARING (6:46 p.m.)**

49 **1) Consideration of a General Plan Amendment (GPA 2010-01), Zoning**
50 **Text Amendment (ZO 2010-01), Vesting Tentative Subdivision Map (TTM**
51 **2010-01), Preliminary and Final Development Plan (PD 2010-01),**
52 **Conditional Use Permit (U 2010-02), Design Review (DR 2010-04) and**
53 **Development Agreement (DA 2010-01) requested by Enchanted Resorts**
54 **Inc., to develop the Enchanted Resorts Project on the 88-acre project**
55 **site. The project would feature 110 resort hotel units (grouped among 36**
56 **cottages), 20 residence club units, 13 custom residences, public**
57 **restaurant and bar, event facilities, spa and swimming pools, and**
58 **parking and support facilities. Offsite sewer and recycled water**
59 **improvements would be installed. The property is located at 515 Foothill**
60 **Boulevard (011-310-031 through 011-310-041 and 011-310-044 011-320-**
61 **007; 011-320-039 through 011-312-069; and 011-310-024).**

62 **A Final EIR must be certified before any decision can be made about the**
63 **proposed project. The City Council will be considering certification of**
64 **the Final EIR.**

65
66 **RECOMMENDATIONS:**

67
68 **A. Adopt a Resolution certifying the Final Environmental Impact Report,**
69 **including adoption of a Statement of Overriding Considerations and a**
70 **Mitigation Monitoring and Reporting Program based upon the**
71 **Findings.**

72
73 **B. Adopt a Resolution approving a General Plan Map and Text**
74 **Amendment establishing a Planned Development Overlay and**
75 **associated goals for the Enchanted Resorts properties.**

76
77 **C. Introduce Ordinance and waive the first reading approving a Zoning**
78 **Map and Text Amendment establishing the “PD 2010-01”, Enchanted**
79 **Resort and Spa Planned Development District.**

80
81 **D. Adopt a Resolution approving a Vesting Tentative Subdivision Map**

82
83 **E. Adopt a Resolution approving Preliminary & Final Development Plan,**
84 **Conditional Use Permit and Design Review.**

85

86 **F. Introduce an Ordinance and waive the first reading approving a**
87 **Development Agreement for the Enchanted Resorts Project.**
88

89 **Planning & Building Manager MacNab** gave an overview of what will be
90 discussed this evening and what actions are being requested.
91

92 **Senior Planner Lundquist** presented the item stating that what is before
93 Council tonight is a consideration of a General Plan Amendment, Zoning Text
94 Amendment, Vesting Tentative Subdivision Map, Preliminary and Final
95 Development Plan, Conditional Use Permit, Design Review and Development
96 Agreement requested by Enchanted Resorts Inc., to develop the Enchanted
97 Resorts Project on the 88 acre project site. He discussed each of these items
98 and stated that all of the applications are required to be submitted.
99

100 He stated that this project was reviewed by the Planning Commission during
101 three meetings in which the Planning Commission took written and oral
102 testimony from staff and the public. During those meetings they considered
103 various aspects including General Plan amendment and consistency, Northern
104 Spotted Owl impacts, traffic, water and wastewater availability, parking and
105 wildlife movement corridors. After discussion and deliberations the Planning
106 Commission made a recommendation to City Council for the certification of the
107 final EIR, adoption of the statement of overriding considerations, adoption of
108 the mitigated monitoring and reporting program, and the adoption of the CEQA
109 findings. In order to amend the General Plan, which is a legislative act it
110 requires a majority if the Members to vote. Two of the five Commissioners had
111 to abstain due to proximity, one of the Commissioners voted against and as a
112 result the motion failed because it did not meet the majority requirements. As a
113 result of the General Plan request failing, none of the other actions were able
114 to be discussed or deliberated. As a result the Council only has one
115 recommendation from the Planning Commission before them this evening
116 which is the recommendation of certification of the EIR.
117

118 He stated that staff continues to recommend and support this project and all
119 the items presented to Council this evening for approval.
120

121 **Councilmember Canning** stated for the record that he took a tour of the
122 property and also that he works part-time for a winery adjacent to the property.
123

124 **Councilmember Kraus, Councilmember Slusser and Mayor Gingles** also
125 stated for the record that they took a tour of the property.
126

127 **Aaron Harkin, Project Manager for the Enchanted Resorts team**, spoke to
128 the item. He stated that he feels this is a great opportunity to create an
129 economic engine that will be a win win for both the City of Calistoga and its
130 citizens. He stated that the presentation will consist of their team of experts
131 giving an overview of project components focusing on the areas of

132 architecture, lighting, forestry, and engineering. He thanked City Manager
133 Spitler and his staff for their countless hours of hard work in guiding them
134 through the process and their professionalism throughout the journey.

135
136 **Mr. Harkin** gave a PowerPoint presentation outlining the layout of the project.
137 He discussed the background of the property and Enchanted Resorts'
138 purchase of the property years ago.

139
140 **John Williams, California Registered Forester, Environmental Resource**
141 **Solutions Inc.**, spoke regarding the Northern Spotted Owl survey, Conversion
142 permit process/Timber harvest plan, and 100 foot defensible space
143 requirements. He also discussed the five step tree protection process. He
144 stated that all of these items have been discussed in the draft EIR.

145
146 **Bruce Wright, SB Architects, licensed Architect**, described the buildings
147 and architecture. He stated that SB Architects has a history designing similar
148 types of projects. He gave a brief PowerPoint presentation. He referenced
149 Calistoga Ranch and how they used a similar take when
150 designing/constructing this project. He discussed the exposure to views from
151 both the City of Calistoga and residents on Diamond Mountain. He presented a
152 series of viewpoints that were created and talked about some of the visual
153 impacts.

154
155 **Angela McDonald, Senior Principal, Horton Lees Brogden Lighting**
156 **Design Inc.**, discussed the lighting designs and the impacts of the project. She
157 discussed the new Cal Green legislation which went into effect for any projects
158 that are permitted after July 2012, stating that it is now mandatory in the State
159 of California that site lighting is evaluated in terms of what is called a BUG
160 rating. She discussed what the BUG ratings are and the manners in which the
161 lighting effects are minimized and mitigated at the project location.

162
163 **Chris Rideout, BKF Engineers, Associate**, discussed the engineering
164 design. He gave a PowerPoint presentation and discussed the grading and
165 drainage aspects of the project, the existing terrain, retaining walls and erosion
166 control measures that will be taken.

167
168 **Diane Kindermann, Partner, Abbott and Kindermann LLP**, discussed
169 CEQA related issues and focused her discussion on the General Plan,
170 amendments and flexibility concepts. She stated that per Government Code
171 Section 65358 (b) the general plan can be amended 4 times per year to
172 accommodate many different projects.

173
174 **Mr. Harkin** concluded the presentation and gave a summary of the benefits
175 this project will provide to the City of Calistoga and its citizens including:
176 funding to schools, infrastructure repair and replacement and TOT. He stated
177 that there are three core elements of why this project will be successful: 1)

178 unique forested setting; 2) unmatched vistas; and 3) proximity to downtown
179 Calistoga. He discussed each of the core elements in detail.

180
181 **Grant Gruber, Michael Brandman Associates**, stated that their firm prepared
182 the Environmental Impact Report (EIR) for the Enchanted Resorts Project. He
183 discussed the California Environmental Quality Act (CEQA). He spoke about
184 the CEQA milestones and what the draft EIR consists of. Mr. Gruber
185 highlighted some key mitigation measures including: construction air pollution
186 control measures, water pollution control measures, and construction noise
187 abatement. He addressed some reoccurring comments/concerns which
188 include: water and wastewater, visual character/compatibility, noise impacts,
189 traffic impacts, General Plan/Municipal Code consistency, light and glare,
190 biological resources and timber harvesting/tree removal. He stated that
191 responses to comments were provided in the final EIR and none of the
192 comments resulted in material revisions to the draft EIR, several of the
193 comments resulted in minor changes, and this included comments by both
194 public agencies and the public. He stated that the City of Calistoga has
195 satisfied the EIR requirements.

196
197 **Councilmember Kraus** stated his concerns with the fact that a fire hazard
198 exists with the way the tree structure is currently and asked whether
199 information could be provided on how many trees per acre there are and what
200 a healthy forest would have per acre in this area regardless of development.
201 **Forester John Williams** responded stating that the way the tree structure is
202 currently it does present a fire hazard. Mr. Williams stated that the forest at this
203 location is over-stocked and discussed what the process is for removing trees.

204
205 **Councilmember Slusser** discussed stabilization of the hillside and asked how
206 the removal of the trees will affect this. **Forester John Williams** responded
207 stating that trees would be removed and stumps would be kept in place and
208 explained that there are very strong anti-erosion rules in place.

209
210 **Mayor Gingles** asked what the estimate is for trees per acre at this location.
211 **Forester John Williams** responded it is approximately 300-400 trees per acre.

212
213 **Councilmember Canning** discussed tree removal for viewshed. **Mr. Harkin**
214 responded that the City's arborist along with the City Fire Chief is in charge of
215 all tree removal. He stated that they will maintain the viewshed from the town
216 looking up onto the site and maintaining that the site be hidden, which is their
217 goal.

218
219 **Councilmember Kraus** spoke regarding some concerns raised by the public,
220 which include road maintenance, water/sewer issues, law enforcement, fire
221 fighting, and medical responses. He asked who would be responsible for this
222 and **Mr. Harkin** responded that the City would not be responsible for this.
223 **Councilmember Kraus** spoke regarding drainage and erosion issues that

224 could exist. He stated that there are a few naturally occurring springs that exist
225 on the property and wondered whether retaining the water onsite would affect
226 the springs. **Engineer Chris Rideout** responded and discussed the difference
227 between retention and detention basins.

228
229 **Councilmember Slusser** asked whether the entire resort will be fenced. **Mr.**
230 **Harkin** responded stating that only that which is mandated. He stated that they
231 do not want the fencing to stop the wild life's natural navigation on the
232 property.

233
234 **Mayor Gingles opened the public hearing at 8:14 p.m.**

235
236 **Wynn Wilson, 55 Magnolia Street**, spoke in support of the project. She
237 discussed the positive aspects of the project and the positive effects it will
238 have on the City.

239
240 **Carl Sherrill, 1132 Denise Drive**, stated his concerns with the proposed
241 project and spoke of the negative effects it will have on Calistoga.

242
243 **Kristin Casey**, spoke regarding the developer's attorney comments and the
244 General Plan amendments. She stated that this project is not in line with the
245 General Plan and explained why.

246
247 **Bill Dyer, 1501 Diamond Mountain Road**, stated his concerns with the
248 project. He discussed the General Plan and what it is intended for. He spoke
249 regarding overlays and asked that the Council look closely at the Project and
250 the Developer on many levels.

251
252 **Christina Aranguren, 57 Lerner Drive**, spoke on behalf of Bob Baiocchi,
253 and read his comments into the record. His comments were regarding the
254 final EIR and its deficiency.

255
256 **John Davis, 1801 Foothill Blvd.**, spoke regarding lighting and glare caused
257 by the project. He also discussed traffic concerns and feels that the project is
258 too large for this town.

259
260 **RECESS**

261
262 **Mayor Gingles** called for a recess at 8:33 p.m. and reconvened the special
263 meeting at 8:41 p.m.

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265 **Charles Henning, 1009 Cedar Street**, spoke in support of the project and
266 feels this project will enhance the City of Calistoga.
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Norman Kiken, 1320 Diamond Mountain Road, spoke regarding water availability issues that exist in Calistoga. He stated that he met with Public Works Director Takasugi to discuss this issue.

George Caloyannidis, 2202 Diamond Mountain Road, spoke regarding the General Plan, size of the project, traffic and parking concerns, and the visual impacts of the project.

Cara O’Neill, 1216 Diamond Mountain Road, stated that she is not opposed to growth. She stated her questions and concerns regarding the EIR, wildlife, timber removal process and the size of the project.

Charles White, 1296 Diamond Mountain Road, stated that he wants a good business deal for the City of Calistoga, and feels the Council should work harder at a better deal. He stated his concerns regarding the future ownership of the resort.

Macella O’Neill, 1296 Diamond Mountain Road, stated that she is pro growth. She discussed living outside of the City limits, the wildlife corridor and her concerns with the size of the project.

Charles Earl Davis, 1207 Foothill Blvd., owner and operator of Buster’s BBQ, spoke about his history of owning businesses. He was impressed by the presentation of this project and supports it.

Michael Ryge, 2207 Diamond Mountain Road, discussed living outside of the City limits and his concerns with traffic issues, the EIR and scale of the project.

Florence “Edie” Parker, 10 Camellia Drive, Calistoga Springs, stated that she comes from the “parks”. She spoke in support of the item and feels that Calistoga needs this project.

Norma Tofanelli, 1001 Dunaweel Lane, stated that County residents are impacted just as much as the City residents and explained why. She also discussed traffic, wastewater treatment and holding ponds. She believes there are errors in the EIR.

Mayor Gingles closed the public hearing at 9:18 p.m.

Council discussion ensued.
Council discussed the burn slash concept, Northern Spotted Owl, lighting, window and night time glare, private homes on the development site, number of houses, time shares and hotel rooms, how the building and development will occur, running of the facility and possible change in ownership, sewer trunk line, timber harvesting, clear cutting, and viewshed impacts.

315 **Mr. Harkin** and **Senior Planner Lundquist** responded.

316
317 **City Manager Spitler** discussed the Development Agreement.

318
319 **Councilmember Canning** asked **Public Works Director Takasugi** to
320 address Mr. Kiken's comments regarding water availability that were
321 discussed under the public comment portion.

322
323 **Public Works Director Takasugi** responded.

324
325 **Julie Kaplan, 1323 Foothill Blvd.**, spoke about the EIR and its deficiency and
326 asked that the questions that were raised during public testimony be
327 answered.

328
329 **Senior Planner Lundquist** stated that many of the comments and concerns
330 that were raised this evening were also raised at the Planning Commission
331 meetings and have been addressed in the Council report presented this
332 evening. He stated that staff will address the new statements in the staff report
333 for the next meeting.

334
335 It was **MOVED** by **Councilmember Kraus** and **SECONDED** by
336 **Councilmember Canning** to continue the public hearing to August 21, 2012,
337 at 7:00 p.m. at the Calistoga Community Center, 1307 Washington Street.
338 The Motion was carried unanimously.

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340 **F) ADJOURNMENT**

341
342 **Mayor Gingles** adjourned the meeting at 9:46 p.m. to the regular meeting of
343 the Calistoga City Council, on Tuesday, August 21, 2012, Calistoga Community
344 Center, 1307 Washington Street, 7:00 p.m.

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346 **Respectfully submitted:**

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349 _____
350 **Prepared by: Amanda Davis, Deputy City Clerk**

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352 _____
353 **Approved by: Jack Gingles, Mayor**