



City of Calistoga  
Planning Commission  
**Agenda Item Summary**

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<b>DATE</b>	August 22, 2018
<b>ITEM</b>	<b>Draft Minutes of August 8, 2018 Meeting</b>
<b>RECOMMENDATION</b>	Approve minutes with any necessary changes

**MINUTES**  
**CALISTOGA PLANNING COMMISSION**  
**August 8, 2018**

**A. ROLL CALL**

1 Commissioners present: Vice Chair Tim Wilkes, Alissa McNair, Scott Cooper.  
2 Absent (excused): Chair Paul Coates, Walter Abernathy. Staff present: Planning and  
3 Building Director Lynn Goldberg, Public Works Director Michael Kirn.

**B. PLEDGE OF ALLEGIANCE**

**C. PUBLIC COMMENTS**

6 Sally Houk asked the Planning Commission to consider a moratorium on all  
7 development until the Silver Rose and Calistoga Hills projects are constructed in  
8 order to determine their impacts on the city's infrastructure.

9 Donna Higgins shared concerns about the 1514 Washington Street apartments  
10 project approved by the Planning Commission, and noted that there would be an  
11 appeal hearing on the project at the August 21, 2018 City Council meeting.

12 Don Williams reiterated the need for identifying the city's carrying capacity and  
13 assessing the cumulative impacts of individual projects impacts.

**D. ADOPTION OF MEETING AGENDA**

14 The meeting agenda of August 8, 2018 was accepted as presented.

**E. COMMUNICATIONS/CORRESPONDENCE**

17 A letter from Lawrence Butler regarding Item G.1. was distributed to the  
18 Commission.

**F. CONSENT CALENDAR**

**1. Minutes for the July 11, 2018 Planning Commission meeting**

21 The minutes were adopted as presented.

**G. PUBLIC HEARING**

**1. Gas Station Use Permit UP 2017-11, Design Review DR 2017-13:** Consideration  
24 of use permit and design review applications for the construction of a service  
25 station, convenience store, car wash and restaurant at 2449 Foothill Boulevard

26 Director Goldberg presented the staff report and provided an overview of the  
27 project and the mitigated negative declaration that evaluated its potential  
28 environmental impacts and associated mitigation measures. She recommended  
29 that the Commission continue the item to a subsequent meeting following the  
30 public hearing and provide direction to staff on its preferred action.

31 Kpish Goyal, applicant representative, related that Au Energy is a family-owned  
32 and operated gas station company that owns and operates sites throughout  
33 Northern California. The company has 30 Loop convenience stores, a brand it

34 created in 2013. The proposed Loop store would be geared towards the  
35 community of Calistoga and would not be like typical convenience stores. It  
36 would have higher staffing levels than normal. He displayed photos of a typical  
37 store interior and the exterior of the Loop store in Napa. Each store is designed  
38 to fit its community. An agrarian look is reflected in the proposed building  
39 elevations. Theirs is the first convenience store to partner with Partnership for  
40 Healthy America, a program that requires products such as healthy sandwiches,  
41 low calorie beverages and milk, unlike a typical convenience store. The proposed  
42 car wash would be completely self-service, with water reclamation. The property  
43 would be extensively monitored by a high-definition camera system with 45 days  
44 of video storage. It would be well-lit but not have lighting that escapes onto  
45 adjoining properties. They are testing security robots at two of their locations;  
46 they deter loitering and people engaging in undesirable activity. Overnight  
47 employees would clean and re-stock the store; having them on-site during the  
48 night deters nuisance activities. The gas station would serve light-duty vehicles  
49 only; it would not be a truck stop. Shell is considered a premium fuel, priced  
50 about 20 cents per gallon higher than Arco. He described the double-walled  
51 underground fuel tanks and piping that would be monitored and alarmed, as  
52 required by the State. They would implement the BARS program, a third-party  
53 program to ensure compliance with age-limited tobacco sales. He summarized  
54 employee salaries and benefits. The company is committed to community  
55 philanthropy; it partners monthly with a local cause or charity and pledges a  
56 portion of inside-store sales. They strived to keep their stores open during the  
57 2017 North Bay fires for provisions, fuel and ATM service to assist during the  
58 disaster. The proposed project's architecture is scaled and designed for  
59 Calistoga and fits in with the community. The project would be a big improvement  
60 over the existing towing and wrecking yard on the site. They can work on the size  
61 and scale of the restaurant if it's a concern, and can ensure that it's a locally-  
62 owned operation.

63 Muthana Ibrahim, project architect, reviewed the existing and proposed site  
64 plans. A sit-down plaza area would be provided adjacent to the restaurant and an  
65 EV charging station would be provided in the parking lot. The site's drainage  
66 would be pre-treated before discharge into the public system. It is designed for  
67 the 100-year storm. The architecture of the proposed buildings is based on rural  
68 designs found in Napa County. The bodies of the buildings would be clad with  
69 board-and-batten noncombustible cement fiber siding, with standing seam metal  
70 roofs. Their bases would be finished with stone veneer. The outdoor seating area  
71 would be covered with a redwood trellis. The fuel canopy would not include the  
72 standard yellow and red Shell corporation colors. The canopy's columns would  
73 be wood with stone-clad bases.

74 **Vice Chair Wilkes** opened the public hearing.

75 Jennifer Bennett, 973 Petrified Forest Road, asked hearing attendees who  
76 opposed the project to stand, which they did. She summarized nuisances  
77 associated with the existing Arco gas station. The proposed station would

78 exacerbate the transient issues by being open 24 hours a day. She cited the  
79 negative Yelp reviews of the Loop store in Napa. The entrance to our community  
80 should not have the appearance of a freeway off-ramp. There are many other  
81 possible uses of the property, such as retail or a welcome center.

82 Lucretia Marcus, 933 Petrified Forest Road, recognizes that existing uses on the  
83 property are grandfathered in and aren't consistent with the Urban Design Plan.  
84 She moved to Calistoga two years ago from a community that was small  
85 originally, but grew too large. The UDP does not support a formulaic project at  
86 this location. A proposed Rite-Aid was denied on this site because it was a  
87 formula business. This is the only intersection that ties travelers from the three  
88 counties together and it should not have a business that is found elsewhere. The  
89 traffic report is inaccurate; the impacts would be significant. The hazard from  
90 rear-ending incidents around the intersection is frequent. She requested that the  
91 Commission not approve the project; there are lots of other things that can be  
92 done with the property.

93 Yvonne Henry reported that TripAdvisor included Calistoga among the top 10  
94 wellness travel destinations. She noted that all of these destinations have  
95 formula business ordinances. The California Appeals Court has found that  
96 formula business ordinances are a valid use of local power. All of the proposed  
97 services are already provided in close proximity to the project site. She urged the  
98 Commission to deny the project.

99 Kim Suensam, 2333 Foothill Boulevard, lives across the street from the Arco  
100 station. He is exposed to its noise, smells and incidents. Noise levels are loud;  
101 they only have about four hours of quiet time daily. The Petrified Forest  
102 Road/Foothill Boulevard intersection handles more traffic than any other  
103 intersection in the city. It's not uncommon to have stop-and-go traffic for  
104 significant distances. The gridlock makes turns into or out of driveways  
105 hazardous. There is aggressive driving behavior as a result. Drivers turn into the  
106 Riverlea Shopping Center and come back out again in order to avoid the Foothill  
107 Boulevard back-up. No development should be allowed in the vicinity until the  
108 intersection is improved. He questioned whether the property's underground  
109 storage tanks are still in the ground and whether the wrecking yard's hazardous  
110 materials will be cleaned up.

111 Catherine Singels, Rancho de Calistoga Mobile Home Park resident, finds the  
112 intersection very dangerous. It's chaos several times a day. The project will make  
113 the situation much less safe. She asked the Commission to deny the plan.

114 Gerry Turgeon, 1519 Lake Street, opposes the project because it's a formula  
115 business, no matter how it's packaged. It fails to provide needed services to the  
116 community. The self-service car wash won't do a good job cleaning cars.

117 Kurt Larrecou, Michael Way, thinks the project's mitigated negative declaration is  
118 deficient. It doesn't adequately evaluate the project's storm drainage. The title  
119 page misidentifies the location of the consultant as being in Napa, when it was

120 actually prepared in Sonoma County. The Planning and Building Director had  
121 nothing to do with preparation of the MND. It cites the 2003 General Plan EIR in  
122 terms of traffic impacts. The MND is not suitable for adoption. The project doesn't  
123 fit the site.

124 William Hitt, 519 Chablis Circle, thinks that the intersection is an embarrassing  
125 eyesore. The project site had a gas station on it before 1993. It's very difficult to  
126 make money from a visitor center or a country kitchen on this site. He would like  
127 to see more clean cars in Calistoga. He suggests that the Commission approve  
128 the project.

129 Frank Matera, 2525 Foothill, owns three residences immediately adjacent to the  
130 site. There's a problem with transients that hang out behind the Arco station and  
131 there is frequent police activity there. He is concerned about the lack of a  
132 concrete wall alongside the car wash. The car wash will have water impacts. He  
133 can't get out of his driveway much of the time because of the traffic.

134 Ray Bolger, owner of Calistoga Towing, recognizes that the property needs  
135 upgrading, but doesn't know where the towing and U-Haul businesses would be  
136 relocated to. Big trucks have a hard time making the turn in front of the property.  
137 He tows abandoned cars from the Arco station at least once a month.

138 Susan Smith, Urbani Place, asked how the review process works and how the  
139 Commission makes its decision. There are different interpretations of the policies  
140 and she wonders if the Commission acts on behalf of the community.

141 Karen Matthews, 3043 Foothill, thinks a lot is missing from the presentation.  
142 There is no representation of the General Plan posted in the hearing room. She  
143 doesn't understand the site plan; it's illegible. She can't tell where the property  
144 lines and the Caltrans right-of-way are. Six-inch soil samples are inadequate to  
145 evaluate hazardous soils. The traffic report doesn't recognize that drivers  
146 accelerate through the intersection and then have to stop because of turns into  
147 the Arco station.

148 Kpish Goyal noted that their business is very different from Arco and believes  
149 that it shouldn't be judged by their operation. The fact that Arco is closed at night  
150 actually creates more problems with vagrancy because there are no employees  
151 on-site. Their project will be safer; the presence of employees will minimize  
152 vagrancy and other nuisance problems. Even if they were to have security  
153 robots, they are still pro-active about security. The Yelp reviews shouldn't be  
154 cherry-picked; for each negatively-reviewed store, there are positive reviews.  
155 Whoever develops the property is not going to do it out of the goodness of their  
156 hearts. Any project has to be financially-viable. No plan or building will be perfect,  
157 but they are committed to fitting into the community and making the operation  
158 work.

159 Muthana Ibrahim stated that there would be zero impact from the project's  
160 drainage. It would have underground storage that controls the rate of storm water  
161 discharge. The car wash would recycle approximately 90% of its water. Fresh

162 water is only used at the very end of the cleaning cycle. The car wash will clean  
163 underneath the vehicles and keep the city cleaner during storms. They have  
164 submitted full-size plans to the Commission and comply with all minimum  
165 required setbacks. They will dedicate whatever right-of-way is necessary to  
166 satisfy Caltrans requirements.

167 Rachel Clark, 1097 Austin Way, Napa, reported that a 13-year-old girl was  
168 picked up from the Loop store in Napa and raped. She wants to relocate to  
169 Calistoga and wants it kept special. The project would introduce a source of  
170 nighttime noise.

171 **Vice Chair Wilkes** closed the public hearing. He noted that the Commission and  
172 the Planning Department have full-sized plans of the project and all of the  
173 project's documents are available on the City's web site or at City Hall.

174 **Commissioner Cooper** thinks it's important to objectively evaluate every project,  
175 guided by the General Plan and the Zoning Code. In this case, it falls down on  
176 multiple issues, some of which could be addressed by changes to the project, but  
177 several could not. He cited the intent of the Petrified Forest Road Gateway  
178 Character Area Overlay to preserve the values and vision of the community, and  
179 there appears to be a resounding consensus by the public that this project should  
180 not be supported.

181 **Commissioner McNair** is in favor of a car wash, beautifying the gateway and  
182 improving the intersection. She often hears public comments about the  
183 community not needing a project or that they don't want it. Her job as a  
184 commissioner is to review projects against the policies and standards that have  
185 been decided upon by the community. It's up to the property owners to propose  
186 what they would like to do with their properties. She encouraged the public to  
187 sign up for notifications and information about public meetings, and to watch  
188 them on TV or on-line. She agrees with all of the recommendations in the staff  
189 report. She appreciates what the applicant is trying to do by providing a high-end  
190 convenience store. However, this version of the project is not appropriate without  
191 significant revisions.

192 **Vice Chair Wilkes** asked **Commissioner McNair** whether she would support  
193 staff pursuing revisions to the plans with the applicant.

194 **Commissioner McNair** is open to reviewing a revised project if the applicant  
195 wants to address the concerns raised in the staff report regarding elevated  
196 standards for quality of design and parking.

197 **Vice Chair Wilkes** is focused on the guidance provided by the General Plan.  
198 Land Use Element Policy P1.1-1 allows exceptions for formula businesses if  
199 they're local-serving. However, Community Identity Element Policy P1.2-9  
200 prohibits common design elements found in other communities, which are  
201 proposed in this case. The MND assumes that the project will be held to a higher  
202 standard of design and screening in order to avoid aesthetic impacts, and the  
203 project does not meet that standard. He cited Petrified Forest Road Gateway

204 Character Area considerations that the project's design is not consistent with,  
205 including reflecting the community's unique qualities, substantial landscaping,  
206 screened parking placed at the rear of the property, organic development and an  
207 understated design. It also isn't consistent with the Upvalley Foothill Boulevard  
208 Entry Corridor's guidelines that call for wide setbacks, preservation of existing  
209 small-town qualities, and the lack of parking visibility. The project site is within  
210 two scenic resource corridors and doesn't meet the strategies in the Open Space  
211 and Conservation Element regarding setbacks and screening, or avoiding strip  
212 commercial development. He thinks a service station could be developed on the  
213 site that enhances the gateway; a completely-unique design could benefit  
214 Calistoga. Other cities regulate service station layouts. In Irvine, convenience  
215 stores must be located at the front of the site and gas pumps at the rear. There  
216 are viable business models that respond to the issues. The applicant needs to  
217 start with a white sheet of paper and come back with a new design.

218 A motion by **Vice-Chair Wilkes** and seconded by **Commissioner Cooper** to  
219 continue the item to the next meeting, and direct staff to return with a resolution  
220 denying the project based on statements made by the Commission, was  
221 approved unanimously.

## 222 **H. MATTERS INITIATED BY COMMISSIONERS**

223 **Commissioner Cooper** expressed concerns about the ongoing fires at Clover Flat  
224 Landfill. Vice Chair Wilkes noted that the Mayor had addressed the issue at the  
225 previous night's City Council meeting, and that the Upper Valley Waste Management  
226 Association is considering punitive actions.

227 **Vice Chair Wilkes** would like staff to prepare a post-development evaluation of the  
228 1514 Washington Street apartments to compare the built project with the approved  
229 plans in terms of the actual numbers of tenants and cars generated by the project.

## 230 **I. DIRECTOR REPORT**

231 Director Goldberg advised the Commission of upcoming agenda items.

## 232 **J. ADJOURNMENT**

233 The meeting was adjourned at 7:40 p.m.

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Lynn Goldberg, Secretary