

Excerpt

MINUTES

CALISTOGA PLANNING COMMISSION

August 8, 2018

A. ROLL CALL

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

G. PUBLIC HEARING

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

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

Kpish Goyal, applicant representative, related that Au Energy is a family-owned and operated gas station company that owns and operates sites throughout Northern California. The company has 30 Loop convenience stores, a brand it created in 2013. The proposed Loop store would be geared towards the community of Calistoga and would not be like typical convenience stores. It would have higher staffing levels than normal. He displayed photos of a typical store interior and the exterior of the Loop store in Napa. Each store is designed to fit its community. An agrarian look is reflected in the proposed building elevations. This is the first convenience store to partner with Partnership for Healthy America, a program that requires products such as healthy sandwiches, low calorie beverages and milk, unlike a typical convenience store. The proposed car wash would be completely self-service, with water reclamation. The property would be extensively monitored by a high-definition camera system with 45 days of video storage. It would be well-lit but not have lighting that escapes onto adjoining properties. They are testing security robots at two of their locations; they deter loitering and people engaging in undesirable activity. Overnight employees would clean and re-stock the store; having them on-site during the night deters nuisance activities. The gas station would serve light-duty vehicles only; it would not be a truck stop. Shell is considered a premium fuel, priced about 20 cents per gallon higher than Arco. He described the double-walled underground fuel tanks and piping that would be monitored and alarmed, as required by the State. They would implement the BARS program, a third-party program to ensure compliance with age-limited tobacco sales. He summarized employee salaries and benefits. The company is committed to community

philanthropy; it partners monthly with a local cause or charity and pledges a portion of inside-store sales. They strived to keep their stores open during the 2017 North Bay fires for provisions, fuel and ATM service to assist during the disaster. The proposed project's architecture is scaled and designed for Calistoga and fits in with the community. The project would be a big improvement over the existing towing and wrecking yard on the site. They can work on the size and scale of the restaurant if it's a concern, and can ensure that it's a locally-owned operation.

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

Vice Chair Wilkes opened the public hearing.

Jennifer Bennett, 973 Petrified Forest Road, asked hearing attendees who opposed the project to stand, which they did. She summarized nuisances associated with the existing Arco gas station. The proposed station would exacerbate the transient issues by being open 24 hours a day. She cited the negative Yelp reviews of the Loop store in Napa. The entrance to our community should not have the appearance of a freeway off-ramp. There are many other possible uses of the property, such as retail or a welcome center.

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

Yvonne Henry reported that TripAdvisor included Calistoga among the top 10 wellness travel destinations. She noted that all of these destinations have formula business ordinances. The California Appeals Court has found that formula business ordinances are a valid use of local power. All of the proposed

services are already provided in close proximity to the project site. She urged the Commission to deny the project.

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

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

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

Kurt Larrecou, Michael Way, thinks the project's mitigated negative declaration is deficient. It doesn't adequately evaluate the project's storm drainage. The title page misidentifies the location of the consultant as being in Napa, when it was actually prepared in Sonoma County. The Planning and Building Director had nothing to do with preparation of the MND. It cites the 2003 General Plan EIR in terms of traffic impacts. The MND is not suitable for adoption. The project doesn't fit the site.

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

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

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

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

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

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

Muthana Ibrahim stated that there would be zero impact from the project's drainage. It would have underground storage that controls the rate of storm water discharge. The car wash would recycle approximately 90% of its water. Fresh water is only used at the very end of the cleaning cycle. The car wash will clean underneath the vehicles and keep the city cleaner during storms. They have submitted full-size plans to the Commission and comply with all minimum required setbacks. They will dedicate whatever right-of-way is necessary to satisfy Caltrans requirements.

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

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

Commissioner Cooper thinks it's important to objectively evaluate every project, guided by the General Plan and the Zoning Code. In this case, it falls down on multiple issues, some of which could be addressed by changes to the project, but several could not. He cited the intent of the Petrified Forest Road Gateway Character Area Overlay to preserve the values and vision of the community, and

there appears to be a resounding consensus by the public that this project should not be supported.

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

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

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

Vice Chair Wilkes is focused on the guidance provided by the General Plan. Land Use Element Policy P1.1-1 allows exceptions for formula businesses if they're local-serving. However, Community Identity Element Policy P1.2-9 prohibits common design elements found in other communities, which are proposed in this case. The MND assumes that the project will be held to a higher standard of design and screening in order to avoid aesthetic impacts, and the project does not meet that standard. He cited Petrified Forest Road Gateway Character Area considerations that the project's design is not consistent with, including reflecting the community's unique qualities, substantial landscaping, screened parking placed at the rear of the property, organic development and an understated design. It also isn't consistent with the Upvalley Foothill Boulevard Entry Corridor's guidelines that call for wide setbacks, preservation of existing small-town qualities, and the lack of parking visibility. The project site is within two scenic resource corridors and doesn't meet the strategies in the Open Space and Conservation Element regarding setbacks and screening, or avoiding strip commercial development. He thinks a service station could be developed on the site that enhances the gateway; a completely-unique design could benefit Calistoga. Other cities regulate service station layouts. In Irvine, convenience stores must be located at the front of the site and gas pumps at the rear. There are viable business models that respond to the issues. The applicant needs to start with a white sheet of paper and come back with a new design.

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