

October 13, 2021

Zach Tusinger,
Planning & Building Director
Calistoga Planning Commission

Re: Use Permit Amendment: UP 2021-9
Design Review DR 2021-2

Dear Commissioners:

I am asking the commissioners to reject any conditional use permit requests submitted by the property owner of 345 Silverado Trail, Calistoga and direct the owner of this property remove the peafowl, relocating them to a property more in keeping and appropriate for their conduct.

These are beautiful but extremely loud birds and their habitual calling is most unsettling. I live in Chateau Calistoga. When first heard, it sounded like a woman screaming in pain or an animal being tortured. I almost called the police. I do not think them appropriate in an area that is as close as 50 feet from residential properties located in Chateau Calistoga or any other property in relatively close proximity.

These birds can be heard blocks and blocks away from the property where they live. Their call is ungodly. Every time it starts it raises the hackles on the back of my neck! It is nerve-racking and during mating can be heard as early as 5:30 a.m. and as late as midnight. Their mating season lasts for many months.

There is a wealth of information on the internet supporting proper location of these birds and 345 Silverado Trail is not what I consider one of them. It has disturbed the serenity and peace of mind of anyone living in the area.

Respectfully, I am asking that the owner of this property not be granted ANY permit amendments. I am hoping he will be asked to find new accommodations for these birds.

Thank you.

Sincerely,

Jeri Hansen

October 11, 2021

OBJECTION TO REQUESTED USE PERMIT AMENDMENT UP 2021-9, and Design Review DR 2021-2 for 345 Silverado Trail, Calistoga (APN 01-050-032)

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Dear Planning Commission Members,

I am writing to object to some of the above requested use permit amendments, specifically the aviaries and numerous birds on this property. I have lived at Chateau Calistoga for 21 years. Twenty-one peaceful, quiet years. That is, up until the property was sold in July of 2020 to the current owner. Soon after the owner's acquisition of the property, we at Chateau Calistoga have experienced noise, noise and more noise. Noise from construction (much without permits), noise from large late-night parties, noise from loud motorized vehicles and noise from the extensive "bird farm", which the current owner has installed.

Chateau Calistoga has been here as a Senior Mobile Home Park for approximately 50 years. It is inconceivable that in a short 1 ½ years, our lives have been so thoroughly up-ended by this one ABSENTEE person (the new owner of the property). Our "right to quiet enjoyment" of our homes has been destroyed. Please note that seniors live here and in mobile home parks primarily for three reasons: 1) affordable housing in their later years, 2) peace and 3) quiet. We no longer have the peace and quiet we once enjoyed and to which we are entitled, all because of this ONE, NEW property owner. Pretty astonishing that one person can be so destructive! We respectfully request that this torture and unfair situation come to an end immediately.

AVIARIES:

City officials have described the non-conforming aviaries as:

"As labeled on the Exhibits 185 (see Attachment 6) the aviary net enclosure is approximately 7,500 square feet and 20 feet high, and the duck enclosure is approximately 2,500 square feet and 20 feet high." The City has also informed us that there are currently 12 peafowl (originally there were 19), 20-25 ducks as well as other various birds.

The owner's installation of this very high and elaborate netting system to protect his birds has obstructed what used to be lovely, pristine, idyllic and valuable views of Mt. Washington. The netting is supported by high, ugly posts. Here in full display is the lack of concern the owner demonstrates for his neighbors' properties.

Tantamount is the affect this netting system and "bird farm" have on the natural biology of this area, which factually is situated along the "Pacific Flyway", the avian "freeway" for migrating birds, which extends from Mexico to Canada. There are approximately 326 bird species found in Napa County, several of which are recognized as rare, threatened, or endangered. The pond, watershed and wetlands on the owner's property have probably been there for generations, and visited annually by migrating birds. The result of the owner's alteration of this natural habitat is that the many native bird species can no

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longer fully utilize the pond, wetlands and watershed. The non-native habitat excludes native waterfowl and wildlife. Has the Environmental Protection Agency or the Audubon Society (for example) been contacted?

My comments on the birds, themselves, is noted below.

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My rebuttal to the owner's answers to the City:

1. His statement that peacocks are not notoriously loud is false. Look at any "Google" page about peacocks, and the first thing noted is that peacocks are notoriously loud, and are impossible to quiet unless their vocal cords are removed (not a conscionable remedy to consider). The sounds peacocks make is often compared to "a woman being murdered" or a large cat or cats yowling as if in distress. It far surpasses the noise of a rooster or the constant barking of a dog, which our City Ordinances address. In addition to the screeching, screaming and yowling quality of these birds, their loudness compounds this whole disturbance. And, this screaming quality travels for long distances. In fact, there are many peacock law-suits on the books that attest to the FACTS of these hideous noise disturbances. Many U.S. states and even some countries have laws against housing peacocks!
2. The owner states that he has recordings of his birds to confirm his statements that they are not loud and disturbing. We have our own recordings from our properties that prove the opposite. Recordings taken from early morning, and from all hours of the day and night. We invite anyone to listen to these recordings.
3. The owner states that the police log of noise disturbances from our Park are not many, and therefore there is no problem. My letter of August 20, 2021 to City Council Members, Planning Commission members, etc., explains why. We homeowners at Chateau Calistoga are OLD, and are of a mind-set NOT to phone the police without an immediate, life-or-death matter. This FACT is extremely important to this conversation. Additionally, City Officials have recently told us that we no longer need to phone the police because they are now aware of this serious disturbance.
4. The owner's statement that he has only had ONE loud party is laughable. Upon signing the petition of October 2021 from Chateau Calistoga Mobile Home Park owners, many homeowners asked about "all the loud parties", stating they can recall at least 5 or 6.
5. The FACT that the owner states that he "would like to come to an agreement with the City on how the birds can be managed on-site prior to submitting a formal use permit application" is concerning and questionable. Unless the owner keeps these peafowl in a sound proof building (which would certainly be inhumane), there is no way other than their vocal cord extraction (again, unthinkable) to mitigate their ear-piercing sounds. There is simply not enough square footage on this property to provide the adequate open-space area for these birds. That's a fact.

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Additionally, what could the owner be suggesting regarding establishing "an agreement with the City on how the birds can be managed on-site..."? I dislike having to suggest this, but the owner certainly appears to be very wealthy, and perhaps he may be thinking about a nice donation to fatten the City coffers in exchange for letting him be "special" and not having to abide our City Ordinances? It appears due to his lack of compliance regarding City Ordinances, and his obvious desire to fight our laws instead of complying and doing the right things, i.e., respect City Ordinances, be a good neighbor, and be considerate of the health and well-being of his neighbors. Instead, unfortunately, he demonstrates privilege, arrogance and determination to get his own way, regardless of how it impacts others. He has truly and seriously negatively impacted the fabric of our lives.

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I submit that the shrieking, screaming peacock noise is a health issue for neighboring Seniors. It is causing us stress, disruption of sleep (both day and night) and unnecessary aggravation, which can negatively impact health. This is a Senior issue, a health issue, is a human issue.

I wonder why the owner insists on housing these birds. Does he plan on breeding them and selling them? (Peafowl are prolific breeders, and are an expensive product to buy). If so, would a bird farm BUSINESS be an acceptable addition to a property WITHIN THE CITY LIMITS of Calistoga? If the owner simply wants them here because he wants them here, and he's rich and is used to getting his own way, well then that's another unacceptable story.

Important to note that relocating the peacocks (especially) needs to be done immediately because their breeding / mating season is 6 (six) months long, usually beginning in the very early spring. However, due to our global warming crisis, their mating season may very well begin earlier than the spring, perhaps even as early as February. Additionally, peafowl are especially noisy during mating season. I can imagine the owner resisting and stalling the relocation of the birds to co-inside with their breeding season, using this delicate time as an excuse to not move them. Again, the sooner the birds are removed, the better we will all be.

DEPRESSING OUR PROPERTY VALUES:

Homeowners on the perimeter of the Chateau Calistoga Mobile Home Park pay a premium for their location. Between the horrific sounds of the peacocks, geese and other fowl, plus the ugly huge netting aviaries, our properties have been devalued significantly. Who would purchase a property that experiences this horrendous bird noise? Who would purchase a property with a view of ugly, looming netting, unnecessarily hiding one of the most beautiful views in Calistoga? Simple solution: if

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the birds were not there, there would be no need for the netting, and our property values would be healthy and competitive once again.

In replying to the owners' requested use permit amendment, the City has specifically cited the appropriate Zoning Ordinances, CMC Ordinances and other violations to conclude the following recommendations:

"... under the property's use permit that the aviaries be removed from the property, and that 393 peacocks and other non-native bird species not be allowed to be kept outdoors. Staff 394 recommends that the Planning Commission deny aviaries, and not allow peacocks and 395 other non-native bird species to be kept outdoors on the subject property."

The owner's obnoxious additions to and usage of his property have had a monumental impact on his Calistoga neighbors, to which he appears oblivious. His illegal and unnecessary property usage is unacceptable and needs to be rectified by City government immediately. We implore the City Planning Commission to please follow the recommendations of City Staff and help us regain our "right to quiet enjoyment" of our homes.

The "David and Goliath" story rears its ugly head frequently. The ultra-rich, out-of-towners often are inconsiderate of long-time, not-so-rich local homeowners. Hopefully, in this case David will prevail again!

CONCLUSION:

We seniors depend on and need the might of the City to protect us.

We are counting on the sound judgement and authority of our City officials to protect us and our town.

Thank you for your kind attention to this serious matter.

Sincerely,



Lorry Hood
924 Champagne North
Calistoga, CA 94515
lhood3000@comcast.net

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City of Calistoga

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PETITION TO OBJECT TO REQUESTED USE PERMIT AMENDMENT UP 2021-9, and Design Review DR 2021-2 for 345 Silverado Trail, Calistoga (APN 01-050-032)

We, the undersigned, are home owners at the Chateau Calistoga Mobile Home Park. We respectfully object to the request by the owner of our neighboring property at 345 Silverado Trail, to continue many of the illegal and unpermitted activities happening there, including: (I) the incessant loud, shrieking noises from the 12+ peacocks (7 days a week), (II) loud sounds from 20-25 ducks, numerous geese, and other non-native species, (III) the loud music and voices emanating from frequent parties, (IV) the frequent noise from loud motorized vehicles (including motorcycles and quad bikes), and (V) the installation of a very high, 20' looming fence netting, which protects the birds and obstructs our views. This is all going on less than 50' from senior homes.

The subject property is WITHIN THE CITY LIMITS, for which there are many City Ordinances regarding (1) "Activities objectionable by reason of noise..." and (2) rules about the number and types of animals allowed and 3) a restriction regarding fence position and height (6 ft height allowed).

The current owner of this property is violating many of the above, which are adversely affecting our health and our right to the quiet enjoyment of our homes. This is a human issue, a senior issue, it is a health issue.

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We respectfully request that the City:

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- (A) Deny the request of the owner of 345 Silverado Trail to change or amend or be exempt from the current City Ordinances, which he is currently in violation of,
- (B) Have the owner immediately remove all peafowl, geese, and other noisy animals / birds,
- (C) Have the owner reduce the number of ducks (now 20-25) to no more than 5, to be in conformity with the number of chickens per property, currently permitted by City Ordinance,
- (D) Amend the existing City ordinances to prohibit the housing of peafowl and other noisy animals / birds within the City Limits,
- (E) Amend the existing City ordinances to prohibit the use of loud motorized vehicles such as motorcycles and quad bikes within the City Limits.

Many of us in the Chateau Calistoga Mobile Home Park have lived here for many years and we have a right to continue to live the peaceful quiet life we have enjoyed here in Calistoga.

PETITION TO OBJECT TO REQUESTED USE PERMIT AMENDMENT UP 2021-9,
 AND DESIGN REVIEW DR 2021-2 for 345 Silverado Trail, Calistoga (APN 01-050-032)

DATE	NAME (printed)	SIGNATURE	ADDRESS
10-9-21	Cebreena Oliver	Cebreena Oliver	301 Chablis South
10-9-21	Michael Oliver	Michael Oliver	" " "
10-9-21	Joe Soudan	Joe Soudan	" " "
10-9-21	Olga Quintana	Olga Quintana	307 Chablis South
10/9/21	Jeanne Lavarta	Jeanne Lavarta	311 Chablis South
10/9/21	Jerome Lavarta	Jerome Lavarta	311 Chablis South
10/9/21	Lowell White-Alwell	Lowell White-Alwell	315 Chablis South
10/9/21	Valerie A. Randall Alwell	Valerie A. Randall Alwell	315 CHABLIS S.
10/9/21	LEE HODGES	Lee R. Hodges	
10-9-21	Mark Obachec	Mark Obachec	401 BOGARDY S
10-09-2021	Maryl's Gilmore	Maryl's Gilmore	923 Champagne South
10-9	Janie Toohy	Janie Toohy	927 CHAMPAGNE S.
10-9	Anna Paula	Anna Paula	" " "
10/9	Joan Albright	Joan Albright	601 Port South
10-9	Jeremiah Holland	Jeremiah Holland	214 CHAMPAGNE WEST
10/9	MaryAnn Salinger	MaryAnn Salinger	814 Champagne Cor E.
10/9	Jessica Marshall	Jessica Marshall	800 Champagne E
10/9	Kim McCover	Kim McCover	944 Champagne N.
10-9	Margarita Ramirez	Margarita Ramirez	700 Chablis
10-9	Silvia Ramirez	Silvia Ramirez	700 Chablis
10-9	FIDEL BUENO	Fidel Bueno	303 Champagne E

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DATE	NAME (printed)	SIGNATURE	ADDRESS
10/10/21	BROCE Johnson		710 CHAREST W
10/10/21	Patricia Carey	Patricia Carey	938 Champagne N
10/10/21	Richard Anderson		" "
10/10/21	Janel Watkins	Janal Watton	942 Champagne N CA
OCTOBER 10, 2021	ROBIN BORDOW	R B Borden	942 CHAMPAGNE NORTH
10/10/21	Diana Kukustkin	Diana	934 Champagne North
10/10/21	Lydia Crowell	Lydia	935 Champagne North
10/10/21	Margaret	Margaret	600 Park North
10/10/21	Wm + Patsy Hahn	Wm + Patsy Hahn	614 LORT W. PATSY HAHN
"	"	"	"
10/10/21	Sandra Sue Harper		937 Champagne So Sandra Sue Harper
10/10	Ann Hathcock	" "	" "
10/11	Cynthia Jung		208 Champagne West
10/11	Sue Bradford		204 Champagne West
10/11	SUE KUHN	Sue Kuhn	224 CHAMPAGNE WEST
10/11	BOB KUHN	Bob Kuhn	224 CHAMPAGNE WEST
10/11	TERRAN BOYD	Terran Boyd	205 CHAMPAGNE WEST
10/11	Dick Kuykendall	Dick Kuykendall	905 Champagne South
10/11	DIANE KUYKENDALL	Diane Kuykendall	905 CHAMPAGNE S
10/11	ANDEE Beresini	Andee Beresini	507 Sherry So
10/11	ROBERT MICHALK	Robert Michalk	

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DATE	NAME (printed)	SIGNATURE	ADDRESS
10/10	Regina Penna	Regina Penna	520 Sherry North
10/10	Patricia Jane Vossler	PATRICIA JANE VOSSLER	418 Burgundy N
10/10	Jeri Hansen	Jeri Hansen	418 Burgundy N.
10/10	Mike Jamison	Mike Jamison	410 Burgundy N
10/10	David Lomax	David Lomax	410 Burgundy N
10/10	CHARLES d'ONORAIN	Charles H. d'Onorain	605 PORT SOUTH
10/10	Neli Rodica	Neli R. Rodica	605 PORT SOUTH
10/11	Mary Ann Durcan	Mary Ann Durcan	406 Burgundy N 94515
10/11	Susan Channess	Susan Channess	405 Burgundy So. Calistoga CA
10/10	Lois Fanzone	Lois Fanzone	318 Charlis N. Calistoga Ca.
10/10	CAROL CLAIR	Carol Clair	408 Burgundy N CALISTOGA
10/10	Jerome Clair	Jerome Clair	408 Burgundy N. CALISTOGA
10/10	ERIKA PUSEY	Erika Pusey	306 CHARLIS N. CALISTOGA CA 94515
10/13	Sarah Pusey	Sarah Pusey	306 Charlis N
10/13	Arin Barrios	Arin Barrios	312 Charlis N. Calistoga Calif 94515
10-13	John A. Barrios	John A. Barrios	312 CHARLIS N CALISTOGA 94515
10-13	Pamela S. McCullagh	Pamela S. McCullagh	202 Champagne W. Calistoga 94515
10/13/21	Rose Keller	Rose Keller	210 Champagne W Calistoga 94515
10/13/21	Paul Johnston	Paul Johnston	210 Champagne W 94515
10/13	Margaret Joan Bruno	Margaret Joan Bruno	212 Champagne W. 94515
10/13	FRANK L. BRUNO	Frank L. Bruno	212 CHAMPAGNE W 94515

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DATE	NAME (printed)	SIGNATURE	ADDRESS
10/9/21	SUSAN KEITER	[Signature]	702 Claret N.
10/9/21	WILLIAM GRAY	[Signature]	710 CLARET North
10/9/21	BARBARA LE MIEUX	[Signature]	708 Claret N.
10/9/21	Lynette Price	[Signature]	704 claret N.
10/9/21	GEORGE L. SULLIVAN	[Signature]	936 CHAMPAGNE N.
10-9-21	KAYANN	[Signature]	936 Champagne N.
10/9/21	Cynthia Cooper	[Signature]	932 Claypage N.
10/9/21	Suzanne Baker	[Signature]	926 Champagne N.
10/9/21	LORRAINE HOOD	[Signature]	924 Claypage N.
10/10/21	ARK ETIN	[Signature]	502 Sherry N.
10/10/21	TRINA Etina	[Signature]	502 Sherry n
10/10/21	John Gauant	[Signature]	518 Sherry north
10/10/21	Deb Dawson	[Signature]	518 Sherry north
10/10/21	Robin Richardson	[Signature]	716 Claret No.
10/10/21	Susan Scurto	[Signature]	721 Claret S.
10/10/21	Teresa Knoblich	[Signature]	823 Champagne E
10/10/21	STEVE Greenfield	[Signature]	823 CHAMPAGNE EAST
10/10/21	[Signature]	[Signature]	821 Champagne E.
10/10/21	Jon Salinger	[Signature]	814 Champagne E. Calistoga CA 94515
10/10/21	Eugene Fedyaashov	[Signature]	806 Champagne E Calistoga CA
10/10/21	Erika Fedyaashov	[Signature]	806 Champagne E Calistoga CA

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10/10/21	LANA YELVIN	<i>Lana Yelvin</i>	922 CHAMPAGNE NORTH
10/10/21	ALEX YELVIN	<i>Alex Yelvin</i>	922 CHAMPAGNE N
10/10/21	RICK TAYLOR	<i>Rick Taylor</i>	504 SHERRY ROAD
10/11/21	ADAM LMS	<i>Adam Lms</i>	918 CHAMPAGNE N., CALISTOGA CA 94515
10/11/21	Debbie Fischer	<i>Debbie Fischer</i>	514 Sherry N Calistoga, CA
10/11/21	CIVIC RICHARDSON	<i>Civic Richardson</i>	718 CLARET ROAD
10-11-21	BILL BROCK	<i>Bill Brock</i>	520 SHERRY CAL
10-11-21	JENELE SAUNDERS	<i>Jenele Saunders</i>	506 Sherry North cal.
10-12-21	JAMES T GOYDER	<i>James T. Goyder</i>	Box 85 ^{601 Port S.} _{Port S.}
10-13-21	Shellie Stevens	<i>Shellie Stevens</i>	508 Champagne E
10-13-21	STEW JOHNSTON	<i>Stew Johnston</i>	508 champagne east