

RESOLUTION NO. 2012-08

A RESOLUTION APPROVING A PRELIMINARY & FINAL DEVELOPMENT PLAN (PD 2011-01), CONDITIONAL USE PERMIT (U 2011-12) AND DESIGN REVIEW (DR 2011-10) ALLOWING THE BRIAN ARDEN WINERY PROJECT AT 331 SILVERADO TRAIL (APN 011-050-030) WITHIN THE "PD", BRIAN ARDEN WINERY PLANNED DEVELOPMENT DISTRICT.

1 **WHEREAS**, Ronald and Judith Thomas are the owners of the subject
2 property for which this application is proposed; and
3

4 **WHEREAS**, an application was submitted by Burt Harlan on September
5 16, 2011 requesting an amendment to Planned Development Zoning District to
6 allow the Brian Arden Winery Project, a 10,000 case production winery and wine
7 related uses including limited events, administrative offices, retail sales and
8 tasting located at 331 Silverado Trail (APN 011-050-030); and
9

10 **WHEREAS**, the Planning Commission recommended adoption of a
11 Mitigated Negative Declaration (Resolution PC 2012-06) based upon the initial
12 study prepared for this project finding that the proposed project, as amended by
13 mitigation measures agreed to by the applicant, would not have a significant
14 adverse impact on the environment; and
15

16 **WHEREAS**, the Planning Commission reviewed the project during a
17 public hearing at it's regularly scheduled meeting on March 21, 2012. During its
18 review, the Planning Commission considered the public record, including the staff
19 report, findings, and written materials and testimony presented by the applicant
20 and the public during the hearing; and
21

22 **WHEREAS**, the Planning Commission, pursuant to Chapter 17.40.070
23 Findings (Use Permit) has made the following findings for the project:
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25 The Project's proposed findings in support of approval a preliminary/final
26 Development Plan/Conditional Use Permit, in conformance with Calistoga
27 Municipal Code ("CMC") Section 17.40.070, to allow the Brian Arden Winery
28 Project, are set forth below.
29

- 30 1. The proposed development, together with any provisions for its design
31 and improvement, is consistent with the General Plan, any applicable
32 specific plan and other applicable provisions of the Zoning Code including
33 the finding that the use as proposed is consistent with the historic, rural,
34 small-town atmosphere of Calistoga.
35

36 Finding: The property is within the Rural Residential General Plan land
37 use designation. The Rural Residential land use designation allows crop

38 production, vineyards, light agricultural structures, and single family
39 residences. Wineries and visitor accommodations may occur with
40 discretionary approval. The suggested winery use is consistent with the
41 Rural Residential designation. Additionally, the project is consistent with
42 the Entry Corridor and Overlay designations as described in the 2003
43 General Plan Update.

44
45 The proposed Planned Development District would be consistent with the
46 Municipal Code provisions pertaining to purpose and general development
47 principles of the "Planned Development" zoning district. The proposed
48 Planned Development District limits development to specific permitted
49 uses and prohibits all other uses, thereby ensuring that strict parameters
50 are placed on land use activities. In addition, the proposed Planned
51 Development District sets forth development standards that limit the
52 intensity and scale of the development, while also maintaining the rural
53 character of the project site and surroundings, consistent with the purpose
54 of the district.

55
56 2. The site is physically suitable for the type and density of development.

57
58 Finding: The proposed winery use is an appropriate agricultural use on
59 the site and is consistent with General Plan policies and the zoning
60 ordinance provisions. The structures are scaled appropriately with the
61 surrounding developments and natural features.

62
63 3. The proposed development has been reviewed in compliance with the
64 California Environmental Quality Act (CEQA) and the project will not result
65 in detrimental or adverse impacts upon the public resources, wildlife or
66 public health, safety and welfare.

67
68 Finding: The Planning Commission recommended adoption of a Mitigated
69 Negative Declaration based upon the initial study prepared for the project,
70 finding that with the incorporation of mitigation measures, the project will
71 not have a significant adverse impact on the environment.

72
73 4. Approval of the use permit application will not cause adverse impacts to
74 maintaining an adequate supply of public water and an adequate capacity
75 at the wastewater treatment facility.

76
77 Finding: The project demands 1.13 annual acre feet of domestic water.
78 Adequate supply of public water is available to serve the project. Domestic
79 waste will be treated on site and process wastewater generated from
80 winemaking activities will be off-hauled and therefore not impact the City's
81 wastewater treatment facility.

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5. Approval of the use permit application shall not cause the extension of service mains greater than 500 feet.

Finding: Approval of this use permit application does not cause the extension of a water main greater than 500 feet. The project would result in the extension of a sewer main over 500 feet, however, the sewer upgrades would not constitute a removal of a barrier to growth on the project site. The project site and surrounding properties are intended for development and have been accounted for in the City's sewer system.

6. An allocation for water and/or wastewater service pursuant to Chapter 13.16 CMC (Resource Management System) shall be made prior to project approval. Said allocation shall be valid for one year and shall not be subject to renewal.

Finding: The Planning and Building Manager intends to grant a non-residential Growth Management Allocation (GMA 2011-26) granting 1.13 acre-feet of water and wastewater per year.

7. The proposed development presents a scale and design which are in harmony with the historical and small-town character of Calistoga.

Finding: The project would reserve approximately 40,252 square feet (53% of the developable area) in agricultural production, primarily grape vines. The developable area excludes hillside and access easement. The developable area is approximately 75,780 square feet. The overall lot coverage is less than 16% and the height will approximately 29 feet, which is less than allowed building height.

The design of the buildings was drawn from existing motifs in downtown Calistoga, the surrounding barns and wineries. Nothing in the proposal would conflict with Calistoga's existing architecture, or its desire to maintain its connection with its historical roots. Nothing in the design of the tasting room or winery will be out of character with Calistoga's small town persona.

8. The proposed development is consistent with and will enhance Calistoga's history of independent, unique, and single location businesses, thus contributing to the uniqueness of the town, which is necessary to maintain a viable visitor industry in Calistoga and to preserve its economy.

Finding: Brian Arden Wines is owned by Arden Burt Harlan, Brian Harlan and Stephanie Murphy, not a large winery conglomerate, or a corporation

126 with multiple business enterprises. The independently owned business will
127 complement a viable tourist industry for Calistoga, which is built upon and
128 enhanced by other unique, non-chained, non-branded businesses. Brian
129 Arden Wines will provide a unique winery experience and become an
130 integral part of Calistoga's economic future.

131
132 9. The proposed development complements and enhances the architectural
133 integrity and eclectic combination of architectural styles of Calistoga.

134
135 Finding: The architecture and style, reflects Calistoga's historical and
136 small town character, because it was drawn from Calistoga's eclectic
137 combination of rural designs and historic structures. The rural expression
138 will be showcased by native plants found throughout Calistoga and the
139 Napa Valley.

140
141 Calistoga has many eclectic styles throughout the community. The
142 architectural pallet is varied and rich offering many opportunities for
143 personal and professional expression. Brian Arden Wines did not stray far
144 from the underlying agricultural predominance that is found elsewhere in
145 Calistoga.

146
147 **WHEREAS**, the Planning Commission pursuant to Chapter 17.06.040 of
148 the Calistoga Municipal Code, finds that the development attains the purposes
149 set forth in CMC 17.06.010 and is in compliance with the following Design
150 Review guidelines:

151
152 1. The extent to which the proposal is compatible with the existing
153 development pattern with regard to massing, scale, setbacks, color,
154 textures, materials, etc.

155
156 Finding: Aesthetically the architecture draws from the existing rural
157 character of Calistoga's surrounding areas. Materials and colors were
158 selected to blend the buildings with Mt. Washington at the rear. The stone
159 veneer will anchor the lower portion of the buildings to the ground, and
160 vertical western red cedar batten on the upper portions. Not only does this
161 symbolize the wine barrel staves, but it also blends the buildings with the
162 tree trunks covering Mt. Washington. The roof material selected is
163 standing seams metal panels to represent the corrugated metal roofs of
164 the many indigenous barns that are found throughout the Valley. The color
165 selected for the roof material is Zinc Grey to better blend with the tree
166 canopy behind. The combination of massing, scale, over positioning,
167 colors, materials and highly textured palette will result in a blending of the
168 structures that will not take away from Mt. Washington's natural beauty.

- 169 2. Site layout, orientation, location of structures, relationship to one another,
170 open spaces and topography.

171
172 Finding: The proposed buildings are placed on the site tucked back
173 against Mt. Washington, not only to make the building disappear against
174 the large mass of the mountain, but more importantly to keep the conical
175 view of our neighbor to the west, unblocked. By tucking the buildings
176 against the hill, a large open area is maintained at the front of the
177 buildings which will be used for agricultural purpose in the form of a
178 vineyard. The topography of the site presents itself with a gentle slope at
179 the foot of Mt. Washington and then transitions to a relatively flat site
180 toward the east. The vineyard will be planted on the flatter portions of the
181 site. The building pad will be located on the higher portion of the site to
182 promote the required 2% drainage, away from the buildings. The proposed
183 2 buildings are placed one behind the other to minimize the overall mass
184 and the visual impact of the project on the City's Entry Corridor.

- 185
186 3. Harmonious relationship of character and scale with existing and
187 proposed adjoining development, achieving complementary style while
188 avoiding both excessive variety and monotonous repetition.

189
190 Finding: The design is sensitive to Aubert Wine's traditional design to the
191 west, incorporating and expanding upon the traditional barn concept. The
192 two proposed buildings are linked together by a covered, translucent
193 breezeway that will function at times as a Crush Pad, at times for bottling.
194 By overlapping the two buildings we were able to maintain the same
195 proportionate scale as the adjoining development. The materials and
196 architectural treatments adopt a classic recognizable style without being
197 monotonous.

- 198
199 4. Building design, materials, colors and textures that are compatible and
200 appropriate to Calistoga. Whether the architectural design of structures and
201 their materials and colors are appropriate to the function of the project.

202
203 Finding: The buildings blend-in with the surroundings rather than contrast
204 with Mt. Washington. Rather than selecting contrasting colors, materials
205 that would complement the heavily wooded hillside were selected. Placing
206 the buildings against the slopes of Mount Washington reduces the scale of
207 the structure while at the same time harmonizing its relationship with the
208 Mountain.

209 The native stone of the area used at the lower portion of the building (as
210 utilized in many indigenous barns), provide the feet of the buildings,
211 anchoring them to the ground. The Western Red Cedar vertical batten of
212 the upper portion of the buildings, not only recall the barrel staves, but

213 also the heavily wooded slopes behind on Mt. Washington. Ultimately, the
214 design and/or structural form enhance the winery functions.

215 5. Harmony of materials, colors, and composition of those sides of a structure,
216 which are visible simultaneously.

217
218 Finding: The sides of the two buildings, both at the south as well as the
219 north, are mirror images of each other, with a linking translucent, covered
220 breezeway. Both buildings will be treated with the same material creating
221 a very harmonious and attractive facade.

222
223 6. Consistency of composition and treatment.

224
225 Finding: Although the two buildings will maintain their own identity, one
226 being the winemaking facility, the other being the hospitality center, the
227 composition will be consistent throughout the project. Both structures will
228 be treated with the same materials and architectural details promoting
229 coherence.

230
231 7. Location and type of planting with regard to valley conditions. Preservation
232 of specimen and landmark trees upon a site, with proper irrigation to
233 insure water conservation and maintenance of all plant materials.

234
235 Finding: Existing trees are preserved to the maximum extent feasible.
236 Existing specimen and/or protected trees that cannot be preserved in
237 place are transplanted to the maximum extent feasible. Irrigation is
238 provided by a high-efficiency system which irrigates based upon actual
239 evapo-transpiration rates. Implementation of the Project's Tree Protection
240 Plan will increase the health of the existing, preserved trees.

241
242 8. Whether exterior lighting, design signs and graphics are compatible with
243 the overall design approach and appropriate for the setting.

244
245 Finding: All the exterior lighting is night sky compliant to avoid any light
246 pollution. Other lighting fixtures themselves, such as signs and graphics
247 for the project, will be selected to have minimal impact and will be subject
248 to City approval prior to installation.

249
250
251 9. The need for improvement of existing site conditions including but not limited
252 to signage, landscaping, lighting, etc., to achieve closer compliance with
253 current standards.

254
255 Finding: The site is vacant and the necessary improvements to establish
256 the winery will occur. Currently there is no signage on the property, the

257 new signage will be minimal and in keeping with the overall design of the
258 project and in compliance with surrounding developments. A sign design
259 is required to be submitted to the City for approval. All exterior lighting will
260 be in compliance with all current codes including night sky compliance.

261
262 10. Whether the design promotes a high design standard and utilizes quality
263 materials compatible with the surrounding development consistent with
264 and appropriate for the nature of the proposed use; and

265
266 Finding: The design as well as selected materials will be of the highest
267 quality. The design will be very much in keeping with surrounding
268 developments, like "Solage" to the north and the existing and proposed
269 "Silver Rose Resort" to the north-east.

270
271 11. Responsible use of natural and reclaimed resources.

272
273 Finding: Renewable materials will be preferred over non renewable ones.
274 Recycled Steel framing will be used where applicable. Passive solar
275 energy will be employed. Rain water from the roof tops will be collected in
276 to two above ground water storage tanks and used for landscaping.

277
278 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning
279 Commission hereby approves Preliminary & Final Development Plan (PD 2011-
280 01), Conditional Use Permit (U 2011-12) and Design Review (DR 2011-10),
281 based on the above Findings and subject to the following Conditions of Approval:

282
283 **GENERAL CONDITIONS**

284
285 1. This permit authorizes the construction of the Brian Arden Winery Project
286 on the site consistent the Architectural Plan Set received November 18,
287 2011 prepared by Di Fede Design Group, Architect and the Engineered
288 Plan Set prepared by James Cassayre dated January 18, 2012 consistent
289 with all other City Ordinances, rules, regulations, and policies. The
290 conditions listed below are particularly pertinent to this permit and shall not
291 be construed to permit violation of other laws and policies not so listed.

292
293 2. This permit authorizes the use of the property consistent with the project
294 description set forth in the Planning Commission Staff Report dated March
295 21, 2012 and consistent with all other City Ordinances, rules, regulations,
296 and policies. Specifically, this use permit allows winery and wine related
297 uses including limited events, administrative offices, retail sales and
298 tasting. Total capacity of the wine production facility authorized on this
299 site shall be limited to a maximum of 10,000 cases per year.

300

- 301 3. Development and use of the property shall conform to all required
302 conditions established herein. If the conditions to the granting of this use
303 permit have not been or are not complied with, or the use which is
304 established by this permit have become detrimental to the public health,
305 safety or general welfare, the Planning Commission may consider an
306 amendment to these conditions or possible revocation of this permit to
307 protect the public health, safety and general welfare of the community, as
308 set forth in the City's Zoning Ordinance. The Planning and Building
309 Department may approve minor amendments to this conditional use
310 permit provided that the amendment is still in substantial conformance
311 with the original approval.
312
- 313 4. Minimum of 75% of the fruit used to make wine produced on-site must be
314 grown within the County of Napa.
315
- 316 5. Wine related special events up to 50 people may be authorized with an
317 Administrative Use Permit provided no more than two events occur within
318 the calendar year and public notices is given to the adjoining properties
319 within a 300 foot radius. Four events of up to 25 people may occur per
320 calendar year without an Administrative Use Permit but upon notification
321 to the Planning and Building Department. Weddings, private parties or
322 other non-wine related events are strictly prohibited.
323
- 324 6. Parking shall be prohibited within the 40-foot access easement, as
325 described in Book 19 of Parcel Maps at Page 82 in the official records of
326 the Napa County Recorder-County Clerk.
327
- 328 7. The term of approval of this permit shall expire three years from the
329 permit's effective date, unless an extension and/or building permit has
330 been issued for the project prior to the expiration date.
331
- 332 8. All work performed in conjunction with this approval shall be by individuals
333 who possess a valid business license from the City of Calistoga.
334
- 335 9. This use permit does not abridge or supercede the regulatory powers or
336 permit requirements of any federal, state or local agency, special district or
337 department which may retain regulatory or advisory function as specified
338 by statue or ordinance. The applicant shall obtain permits as may be
339 required from each agency.
340

341 **PLANNING AND BUILDING CONDITIONS**
342

- 343 10. The property owner shall obtain a Building Permit for construction of all
344 buildings or structures located on the site, not otherwise exempt by the

- 345 California Building Codes or any State or local amendments adopted
346 thereto.
347
- 348 11. Prior to issuance of all building permits, the property owner agrees to pay
349 all fees associated with plan check and building inspections, and
350 associated development impact fees rightfully established by City
351 Ordinance or Resolution, unless otherwise deferred by the Planning and
352 Building Department.
353
- 354 12. Prior to Building Permit issuance, the applicant shall purchase 1.13 acre-
355 feet of water and wastewater subject to the ordinances in place at the time
356 of Building Permit issuance. A reduced amount of resources, if requested
357 by the Applicant shall only be approved upon the review and approval of
358 the Public Works Department.
359
- 360 In the event that during the life of the project, the water/wastewater use
361 exceeds the established baseline of 1.13 acre feet of water and
362 wastewater, the applicant shall obtain additional baseline
363 water/wastewater capacity via application for an additional water and
364 wastewater allocation during the next available Growth Management
365 Allocation process. The applicant shall determine the quantity of additional
366 water and/or wastewater allocation required based upon the submittal of
367 an engineered water study demonstrating/ quantifying the site-specific
368 water usage.
369
- 370 13. Utilities to the site shall be placed underground to protect the scenic value
371 of the property at this important gateway to the community.
372
- 373 14. Prior to issuance of grading or building permits, the developer shall submit
374 for review and approval by the Planning and Building Department, a final
375 design-level soils report that includes appropriate recommendations for
376 the proposed grading and improvements to the site.
377
- 378 15. No signage shall be permitted as a result of this approval. All additional
379 signage shall be subject to the approval of the Planning and Building
380 Director.
381
- 382 16. Prior to occupancy, the applicant shall submit Final Landscaping Plans
383 and specifications to the Planning and Building Department for review and
384 approval. The Landscaping Plans shall comply with State or local water
385 efficient landscaping standards in place at the time the Plans are
386 submitted. Landscaping shall be installed prior to occupancy. All
387 landscaping shall be maintained throughout the life of the project, and shall
388 be replaced as necessary to ensure that the intent of this permit and the

389 policies contained in the Calistoga General Plan is met, which authorizes
390 use of this property primarily for agricultural purposes. Agricultural use
391 (i.e. vineyard or orchard) shall occupy over 40,000 square feet of the
392 property.

393 .
394 17. Prior to building permit issuance, a Lighting Plan shall be reviewed and
395 approved by the Planning and Building Director. Exterior materials and
396 illumination shall be limited to the extent necessary for safety.
397 Architectural materials and lighting visible from the public right-of-way and
398 adjoining developed parcels shall be prohibited and the light source of
399 fixtures shall be limited in wattage or shielded to retain character of the
400 site and surrounding area subject to the review and approval of the
401 Planning and Building Director or Planning Commission.

402
403 18. Prior to building permit issuance, all necessary permits shall be obtained
404 with the Napa County Department of Environmental Management.
405 Evidence of these permits shall be provided to the Planning and Building
406 Department

407
408 **FIRE DEPARTMENT CONDITIONS**

409
410 19. Prior to building permit issuance, an automated fire sprinkler system
411 including any necessary mechanical devices such as booster pumps,
412 and/or valves shall be reviewed and approved by the Fire, Public Works
413 and Planning and Building Departments. The fire sprinkler design
414 submittal shall be supported by a flow analysis indicating code compliance
415 prepared by a qualified individual or firm acceptable to the City. A deferred
416 fire sprinkler plan submittal is not permitted, unless otherwise acceptable
417 to the Fire Chief.

418
419 20. Prior to occupancy, a hire hydrant shall be installed at the driveway
420 entrance at Silverado Trail subject to the review and approval of the Fire
421 Department.

422
423 21. Prior to building permit issuance, all improvements shall comply with the
424 California Fire Code subject to the review and approval of the Fire
425 Department.

426
427 22. The property shall have illuminated address numbers that are clearly
428 visible to the street day and night.

429

430 **PUBLIC SERVICES**

431

432 23. Complete plans and specifications containing equipment layout, finish
433 schedule and plumbing plans for the food and/or beverage facilities and
434 employee restrooms must also be submitted directly to the Department of
435 Environmental Management with the appropriate plan review fee. These
436 plans must be reviewed and approved prior to issuance of any building
437 clearance or building permit for said areas.

438

439 24. Pursuant to Chapter 6.5 & 6.95 of the California Health and Safety Code,
440 businesses that generate hazardous waste and/or store hazardous
441 materials above threshold amounts shall file a Hazardous Waste
442 Generator Application and/or Hazardous Materials Business Plan with the
443 Department of Environmental Management within 30 days of said
444 activities. All businesses must submit the required Business Activities
445 Form which can be obtained from the Department of Environmental
446 Management.

447

448 25. Prior to occupancy, a refuse enclosure/area shall be reviewed and approved
449 by the Planning and Building Department. Adequate area must be provided
450 for collection of recyclables. The applicant must contact Upper Valley
451 Disposal in order to determine the area and the access needed for this
452 refuse area.

453

454 26. During the construction, demolition, or renovation period of the project the
455 applicant should use Upper Valley Disposal for all wastes generated
456 during project development, unless applicant transports their own waste.
457 If the applicant transports their own waste, they must use the appropriate
458 landfill or solid waste transfer station for the service area in which the
459 project is located.

460

461 27. Applicant shall obtain a license from the State Department of Alcoholic
462 Beverage Control prior to operation.

463

464 **PUBLIC WORKS CONDITIONS**

465

466 **A. General**

467

468 28. Developer shall design and construct all improvements and facilities shown
469 on any site plan, or other documents submitted for permit approval, all
470 representations made by Developer, and with the plans and specifications
471 submitted to and approved by City, to comply with the General Plan, the

472 Calistoga Municipal Code (CMC), and the "Standard Specifications" of the
473 Public Works Department. Approval of a site plan depicting improvements
474 that do not conform to the CMC or City standards does not constitute
475 approval of exception to the CMC or City standards unless explicitly stated
476 herein or in another City resolution.

477
478 29. The developer shall be responsible for all City plan check and inspection
479 costs. The developer shall deposit funds into a City Developer Deposit
480 Account upon the initiation of plan check services. The amount of the
481 initial deposit shall be determined by the City Engineer. Additional funds
482 may be required based upon actual plan check costs. Prior to approval of
483 the improvement plans the developer shall pay any outstanding balance
484 for plan checking services and shall deposit an additional amount based
485 upon the City's estimate of inspection costs.

486
487 **B. Improvement Plan Conditions:**

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489 30. The developer shall prepare and submit improvement plans for the
490 construction of all necessary and required improvements including water,
491 sanitary sewer, storm drain facilities, roadway improvements, as required.
492 The improvement plans shall include elevations, striping plans, profiles
493 and pavement sections shall as deemed necessary by the City Engineer.
494 All design and construction shall conform to the City of Santa Rosa
495 Standard Specifications for Public Improvements, or other adopted City of
496 Calistoga standards as applicable.

497
498 31. The developer shall prepare a Soils Investigation/Geotechnical Report. The
499 improvement plans shall incorporate all design and construction criteria
500 specified in the report.

501
502 32. No grading or other construction shall be performed until the improvement
503 plans have been approved and signed by the City Engineer. Building
504 Permits will not be issued prior to the approval of the improvement plans
505 unless otherwise approved by the Public Works and Planning and Building
506 Departments.

507
508 33. Prior to grading and/or building permit issuance, a revised Arborist's
509 Report shall be submitted for review and approval of the Planning and
510 Building and Public Works Departments. The Arborist's Report shall
511 include, but shall not be limited to, a complete list of existing trees on the
512 site or adjoining the site that can be cross referenced to the applicable
513 Architectural and Engineer's site plans. All sizes and species shall be
514 indicated with elevation at crown of tree. The Arborist Report shall also
515 include recommendations and mitigation measures related to the

516 proposed activities, including but not limited to, utility installation(s),
517 proposed grading and drainage improvements and driveway
518 improvements. The Arborist Report should provide reference to the plans
519 or documents reviewed to which these conclusions are drawn.
520

521 34. Water and Sanitary Sewer Improvements:

522
523 a. Any structure in which plumbing is to be installed shall be connected to
524 the City's water and sewer systems unless an exception has been
525 explicitly granted in accordance with the provisions of the CMC.
526

527 b. All private storm drains, water, fire line services, sewer laterals, and
528 appurtenances, must be located within the private property and clearly
529 identified as private on the design drawings.
530

531 c. Sewer grades must be designed such that ultimate finished floors are a
532 minimum of 12" above upstream manhole or clean-out rim elevations.
533 Inadequate elevation differentials or grade on private laterals, as
534 determined by the City, must be mitigated by either raising finished floor
535 elevation(s) or installing privately owned and operated on site sewer lift
536 station(s) with grinder/ejector pump(s).
537

538 35. Drainage Improvements:

539
540 a. All project related flooding impacts shall be mitigated by the project
541 developer. Drainage improvements shall be designed by a civil engineer
542 in accordance with the Napa County Design Criteria. Site grading and
543 drainage improvements shall be shown on the improvement plans.
544

545 **C. Dedications**

546
547 36. All necessary rights of way and easements shall be dedicated by grant
548 deed. The developer shall prepare all necessary legal descriptions and
549 deeds.
550

551 **D. Project Final and/or Release of Securities Conditions**

552
553 37. All improvements shown on the Improvement Plans shall be completed
554 and accepted by the City. A certificate of occupancy shall not be issued
555 for any structure until required improvements are completed to the
556 satisfaction of the City Engineer.
557

- 558 38. A complete set of *As-Built* or Record improvement plans showing all
559 constructive changes from the original plans shall be submitted to the
560 Public Works Department prior to acceptance of the public improvements.
561
- 562 39. Prior to acceptance of the work, the developer shall provide a written
563 statement signed by his or her engineer certifying that they observed the
564 work during construction and that site grading and all private site
565 improvements have been completed in accordance with the improvement
566 plans approved by the City Engineer. Reference
567
- 568 40. Prior to acceptance of the work, the developer shall provide a written
569 statement signed by his or her geotechnical engineer certifying that they
570 observed the work and reviewed testing results, and that all of work was
571 performed in accordance with the recommendations included in the Soils
572 Investigation/Geotechnical Report or other recommendations necessitated
573 by field conditions.
574

575 **PASSED, APPROVED, AND ADOPTED** by the Planning Commission of
576 the City of Calistoga at a regular meeting held this **12th day of March 2012**, by
577 the following vote:

578
579 **AYES:** KITE, BUSH AND KUSENER
580 **NOES:** NONE
581 **ABSENT:** MANFREDI
582 **ABSTAIN:** COATES
583
584

585 
586 _____
587 NICHOLAS KITE, Commissioner

588
589 ATTEST:

590 
591 _____
592 KENNETH G. MACNAB, Planning Commission Secretary