

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2012-12**

A RESOLUTION RECOMMENDING THE CITY COUNCIL ADOPTION OF A 26 PARCEL TENTATIVE SUBDIVISION (TTM 2011-01) ON 22.5 ACRES LOCATED AT 400 SILVERADO TRAIL WITHIN THE PLANNED DEVELOPMENT (PD 2007-1) ZONING DISTRICT (APN #S: 011-050-035; 011-050-036; 011-050-037; 011-050-039; & 011-050-040)

1 **WHEREAS**, Silver Rose Venture LLC, is proposing to develop a resort to
2 include a winery, spa, restaurant, recreational facilities, administrative and
3 meeting spaces, 85 visitor accommodation units, and 21 single-family residential
4 lots on the 22.5 acre property located at the northeast corner of Silverado Trail
5 and Rosedale Road ("Property");
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7 **WHEREAS**, Silver Rose Venture LLC is proposing to subdivide the
8 property such that the net result would be 21 single-family residential lots and 4
9 common parcels on said 22.5 acre property located at the northeast corner of
10 Silverado Trail and Rosedale Road;
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12 **WHEREAS**, the Planning Commission has reviewed and considered this
13 application at its regular meeting on March 28, 2012, and April 18, 2012 and prior
14 to taking action on the application, the Commission received written and oral
15 reports by the Staff, and received public testimony;
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17 **WHEREAS**, An Initial Study/Mitigation Negative Declaration (IS/MND) was
18 completed in accordance with applicable CEQA Guidelines, and on February 27,
19 2012 the IS/MND was circulated for public and agency review and comment.
20 Copies of the IS/MND were made available to the public at the Department of
21 Planning and Building on February 27, 2012, and the IS/MND was distributed to
22 interested parties and agencies. On March 16, 2012, a notice of the Planning
23 Commission public hearing of March 28, 2012 to review the IS/MND was
24 published in the local newspaper;
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26 **WHEREAS**, the Planning Commission pursuant to Calistoga Municipal
27 Code Title 16 Subdivisions has made the following findings for the project:
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- 29 **1. That the proposed development, together with any provisions for its**
30 **design and improvement, is consistent with the General Plan, any**
31 **applicable specific plan and other applicable provisions of this code**
32 **including the finding that the use as proposed is consistent with the**
33 **historic, rural, small-town atmosphere of Calistoga.**

- 34 a. The Project is consistent with General Plan Land Use Objective LU-
35 1, as the Project proposes high-quality, sensitively designed infill

- 36 development, while preserving important rural residential and
37 agricultural open-space values on the site (LU-1 P5).
- 38 b. The Project is consistent with General Plan Land Use Objective LU-
39 1.2 concerning the balance between visitor-oriented and local-
40 serving commercial development, as follows:
- 41 i. The Project minimizes adverse impacts to other segments of
42 the economy and the resident population through significant
43 upgrading in the quality of visitor accommodations, impact
44 fees and exactions paid pursuant to the Development
45 Agreement, and conditions imposed on the Planned
46 Development/Conditional Use Permit (LU-1.2 P1).
- 47 ii. The Project will be analyzed under the California
48 Environmental Quality Act ("CEQA") and all environmental
49 impacts will be mitigated to a level of less than significant
50 (LU-1.2 P2).
- 51 iii. The Project expands existing visitor accommodations (LU-
52 1.2 P3).
- 53 iv. The Project is compatible with the adjacent visitor
54 accommodations, residential and agricultural uses (LU-1.2
55 P4).
- 56 c. The Project is consistent with General Plan Land Use Objective LU-
57 1.3 concerning the preservation of Calistoga's quality of life, as
58 follows:
- 59 i. The Project is designed in an environmentally sensitive
60 manner, is compatible with adjacent visitor accommodation,
61 residential and agricultural uses, meets noise, air, water and
62 wastewater quality standards, and has access to City water,
63 wastewater, fire and police services (LU-1.3 P3 and P4).
- 64 ii. The Project is appropriately landscaped to harmonize with
65 the rural residential nature of the Silverado Trail Downvalley
66 Entry Corridor, provides sufficient on-site parking to serve
67 the expanded uses and is designed to minimize the size and
68 bulk of individual buildings (LU-1.3 P5).
- 69 d. The Project is consistent with General Plan Land Use Objective LU-
70 2.1 P1 concerning conformance with the Rural Residential land use
71 designation of the site, as follows:

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- i. Visitor accommodation and winery uses are allowed in the Rural Residential land use designation pursuant to a discretionary permit, such as a Planned Development or Conditional Use Permit (LU-14).
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- ii. The Project clusters structural development to minimize visual monotony, preserve and enhance on-site agricultural open space, maintain a vineyard buffer at the entrance to the site and maintain the scenic vista of the site from the Silverado Trail public right-of-way and adjacent private development (LU-14 and LU-17).
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- iii. The Project preserves existing trees native to the Napa Valley to the maximum extent feasible, thereby preserving natural resources important to the community (LU-17).
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- iv. The Project's site and architectural design, including: the use of deep, covered porches, hip and gabled zinc metal roofs, and double- and triple-hung windows in the Lodge buildings; the organization of the Lodge buildings in an orthogonal and diagonal rhythm to define courtyards and gardens; and the clustering and physical integration of the Clubhouse, Winery, Culinary Center and Restaurant buildings, preserves the site's rural, agricultural scale and character (LU-17).
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- e. The Project is consistent with General Plan Land Use Objective LU-2.1 P2 concerning conformance with the Entry Corridor 2: Downvalley Silverado Trail overlay designation of the site, as follows:
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- i. Vineyards are preserved and enhanced along the Silverado Trail, providing a wide, agricultural open-space buffer (LU-32 and LU-34).
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- ii. Walls and fences incorporate stone and wood materials which blend harmoniously with the surrounding landscape (LU-32).
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- iii. Existing mature trees are preserved to the maximum extent feasible (LU-32).
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- iv. The proposed hotel, villas, winery, restaurant and single-family homes are designed to preserve the low-rise, understated rural residential and agricultural qualities of the site and adjacent properties (LU-33).

- 109 v. The site and landscape design screens the surface parking
110 lot from the Silverado Trail to the maximum extent feasible
111 (LU-33).
- 112 vi. The Project is subject to Design Review (LU-33).
- 113 vii. The Project, as a destination resort and spa which includes a
114 winery and single-family homes, complements, rather than
115 competes, with the City's downtown commercial core (LU-
116 33).
- 117 f. The Project is consistent with General Plan Land Use Objective LU-
118 2.1 P2 regarding conformance with the Visitor Accommodations
119 overlay designation of the site, as visitor accommodations are
120 allowed in the Rural Residential land use designation pursuant to a
121 discretionary permit, such as a Planned Development or
122 Conditional Use Permit (LU-14).
- 123 g. The Project is consistent with General Plan Land Use Objective LU-
124 3.1 regarding the physical suitability of lands for the development
125 proposed, as follows:
- 126 i. The Project upgrades and expands existing development
127 (LU-3.1 P1).
- 128 ii. The Project, including the impact fees and exactions paid
129 pursuant to the Development Agreement, is coordinated with
130 the provision of infrastructure and public services required to
131 meet Project needs (LU-3.1 P3).
- 132 iii. Clustering and interconnection of the Winery, Hotel,
133 Restaurant and Single-family homes facilitates the maximum
134 feasible preservation of vineyard and agricultural open space
135 on-site (LU-3.1 P5).
- 136 h. The Project is consistent with General Plan Land Use Objective LU-
137 3.2 regarding respect for Calistoga's small town rural character and
138 the avoidance environmental impacts, as follows:
- 139 i. The Project's site and architectural design, including: the use
140 of deep, covered porches, hip and gabled metal roofs, and
141 the organization of the buildings and vineyards preserves the
142 site's rural, agricultural scale and character (LU-3.2 P1).
- 143 i. The Project is consistent with General Plan Geothermal Objective
144 G-1.2, as the establishment of an on-site, closed-loop geothermal

145 heating and/or cooling system, in which all geothermal water
146 pumped is re-injected, will not have an adverse impact on the
147 longevity of the geothermal resource, will not impact biotic
148 resources or waterways, and will not produce any effluent to be
149 treated or disposed of (G1.2 P3).

150 j. The Project is consistent with General Plan Economic Development
151 Objective ED-1.1 P1, regarding support for the lodging industry, as
152 the Project significantly upgrades existing visitor accommodations
153 and spa facilities to serve a luxury, health and wellness oriented
154 market segment.

155 k. The Project is consistent with PD 2011-02, as follows in that the
156 Tentative Map allows for both residential and resort uses within an
157 integrated development.

158 **2. Design of the proposed subdivision provides, to the extent feasible,**
159 **for future passive or natural heating or cooling opportunities in the**
160 **subdivision, as described in the State Subdivision Map Act and any**
161 **City guidelines.**

162 a. The new buildings proposed for the site, to the extent feasible, have
163 been located to take advantage of passive or natural heating or
164 cooling opportunities. The villas and residences have been
165 oriented to take advantage of winter sun angles for passive heating
166 and landscaping is proposed to provide passive cooling during
167 summer months.

170 **3. That the site is physically suitable for the type and density of**
171 **development.**

172 a. The Project's site and architectural design, preserves the site's
173 rural, agricultural scale and character.

174 b. The approximately 22.5 acres of the site, with its variegated
175 topography, is highly suitable to the Project's mixed-use, integrated
176 visitor accommodations, spa, restaurant, vineyards and winery
177 uses.

178 c. The Project's design allows the physical integration of the Winery,
179 Hotel, Restaurant and residences, thereby facilitating clustered
180 development and the preservation of on-site vineyard and
181 agricultural open space.

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185 **4. That the proposed development has been reviewed in compliance**
186 **with the CEQA and that the project will not result in detrimental or**
187 **adverse impacts upon the public resources, wildlife or public health,**
188 **safety and welfare.**

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190 a. The Project will be analyzed under CEQA and all environmental
191 impacts will be mitigated to a level of less than significant.

192 b. The impact fees and exactions paid pursuant to the Development
193 Agreement, and the conditions imposed under the Planned
194 Development/Conditional Use Permit ensure that the Project has
195 no adverse impacts on public health, safety and welfare.

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197 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning
198 Commission that based on the above Findings, the Planning Commission
199 recommends to the City Council approval of the proposed Subdivision Map,
200 subject to the following Conditions of Approval:

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202 **A. General Conditions**

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204 1. The configuration of the Final Subdivision Map may include minor
205 amendments, provided that all proposed parcels comply with the Zoning
206 Ordinance and General Plan, and the modification does not result in any
207 increased environmental impact. Any modification shall be subject to
208 approval by the Planning and Building Manager and the Department of
209 Public Works Director.

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211 2. This Tentative Subdivision Map shall expire 24 months after its approval
212 unless an extension has been granted consistent with the Calistoga
213 Subdivision Ordinance and the Subdivision Map Act. The 24 month initial
214 approval period may be extended as approved by City Development
215 Agreement.

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217 3. Prior to the recordation of the Final Subdivision Map, all parcel corners
218 and angle points, and all right-of-way curve points shall be monumented,
219 subject to the approval of the City Engineer. If approved by the City
220 Engineer, interior lot line monumentation may be completed after
221 completion of construction to limit damage related to construction.

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223 4. Prior to the recordation of the Final Subdivision Map, all current and
224 estimated taxes due for this property shall be paid to the County Tax
225 Collector's office.

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- 227 5. Developer shall design and construct all improvements and facilities shown
228 on this approved Tentative Subdivision Map, site plan, or other documents
229 submitted for permit approval, all representations made by Developer, and
230 with the plans and specifications submitted to and approved by City, to
231 comply with the General Plan, the Calistoga Municipal Code (CMC), the
232 "Standard Specifications" of the Public Works Department. Approval of a
233 tentative map depicting improvements that do not conform to the CMC or
234 City standards does not constitute approval of exception to the CMC or City
235 standards unless explicitly stated herein or in another City resolution. To
236 the extent these conditions conflict with the provisions of the approved
237 Development Agreement for the Project, the Development Agreement shall
238 control.
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- 240 6. Developer shall be responsible for all City plan check, map check and
241 inspection costs. Developer shall deposit funds into a City Developer
242 Deposit Account upon the initiation of plan check services. The amount of
243 the initial deposit shall be determined by the City Engineer. Additional
244 funds may be required based upon actual plan check costs. Prior to
245 approval of the improvement plans Developer shall pay any outstanding
246 balance for plan checking services and shall deposit an additional amount
247 based upon the City's estimate of inspection costs.
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- 249 7. In the event that the City is forced to condemn or acquire off-site property
250 interest in connection with required off-site improvements, Developer shall
251 fund the cost of condemnation or acquisition, including but not limited to
252 the amounts necessary to purchase the easement or fee simple interest,
253 document preparation, and severance or other damages payable to the
254 owners of the land upon which the improvements are to be located, the
255 actual cost and acquisition and all fees, including attorney's fee and/or
256 other expenses necessary to prosecute the condemnation action,
257 including expert witness and appraisal fees.
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- 259 In the event that the City elects to proceed with acquisition or
260 condemnation pursuant to Government Code Section 66462.5, the
261 developer shall, within 60 days of written notice by the City, deposit with
262 the City, as an advance, the full estimated cost of such acquisition or
263 condemnation. Developer shall prepare any easements or deeds
264 necessary for off-site improvements.
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- 266 8. With the exception of those wells approved for continued use on the
267 Property, all existing wells, septic tanks and/or underground fuel storage
268 tanks shall be abandoned under permit and inspection of Napa County
269 Environmental Management or other designated agency. If there are
270 none, the project engineer shall provide a letter describing the scope of
271 the search done to make this determination.

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9. Parcel A only allows for a future airspace condominium map to allow separate ownership of the hotel use from the winery use. Individual sale of hotel units or other uses within Parcel A is not proposed and has not been approved as a part of this tentative subdivision map. All hotel-condominiums require conditional use permit approval per Chapter 32 of the CMC. There can be no union of utilities between the winery and hotel that would prohibit the City from billing independently if one entity is sold at a later date.

10. Parcels B, C, D shall be owned and maintained by the Homeowners Association created for the 21 single-family residential as shown on Silver Rose Venture Tentative Map. Sale or transfer to another entity other than the Silver Rose Resort owner is not permitted.

11. Prior to recordation of the Final Subdivision Map, a copy of the project's Covenants, Conditions and Restrictions (CC&R's), and right to farm disclosure shall be submitted to the Planning and Building Department and City Attorney for review and approval.

12. All conditions of approval contained in U 2011-14 DR 2011-12, and PD 2011-02 Resolutions are hereby incorporated into this Tentative Subdivision Map Resolution by reference.

B. Improvement Plan Conditions

13. Developer shall prepare and submit improvement plans for the construction of all necessary and required improvements including water, sanitary sewer, storm drain facilities, roadway improvements, curbs, gutters, sidewalks, and streetlights. All design and construction shall conform to the City of Santa Rosa Standard Specifications for Public Improvements, or other adopted City of Calistoga standards, including but not limited to all federal, state and local requirements as applicable.

14. Developer shall prepare a Soils Investigation/Geotechnical Report. The improvement plans shall incorporate all design and construction criteria specified in the report.

15. No grading or other construction shall be performed until the improvement plans have been approved and signed by the City Engineer. Encroachment Permits and Building Permits will not be issued prior to the approval of the improvement plans, subject to the development timing and phasing provisions of the Development Agreement unless otherwise approved by the City Engineer. An Encroachment Permit is required for any work within the City's and/or County's rights of way.

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16. Improvements plans shall include an erosion control plan and a post construction BMP plan.

17. Tree preservation measures shall be incorporated into the design of the improvements and shown on the improvement plans in accordance with the City's Tree Preservation Ordinance (CMC 19.01) and the project arborist's recommendations. Subject to review and approval of the City contracted arborist.

18. Roadway Improvements:

a. The structural section of all road improvements shall be designed based upon a geotechnical investigation that provides the basement soils R-value and expansion pressure test results. A copy of the geotechnical report shall also be submitted with the first set of improvement plan check-prints.

b. Where new roadway improvements abut existing paving, the existing pavement section shall be reconstructed to provide adequate conforms. The limits of such reconstruction shall be as determined by the Public Works Director.

c. Pavement markings and signage shall be provided on all streets as necessary and as required by the City Engineer. Signage restricting parking and red painted curbing shall be installed where appropriate. Speed limit signs shall be installed at locations determined by the City Engineer.

d. Street/driveway lighting shall be designed to meet safety requirements and minimize glare.

e. Ramps for disable persons shall be provided at all intersections and at the limits of the improvements where they do not adjoin existing sidewalk improvements. Sidewalk warps shall be provided as necessary to allow a clear four-foot wide walkway at all locations, including areas where mailboxes, streetlights, and fire hydrants obstruct sidewalks.

f. Developer shall submit street improvement plans addressing on site and off site improvements for review and approval by the Public Works Department.

g. All internal roads and driveways shall be privately owned and maintained.

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19. Water and Sanitary Sewer Improvements:

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- a. Any structure in which plumbing is to be installed shall be connected to the City's water and sewer systems unless an exception has been explicitly granted in accordance with the provisions of the CMC. Unserved facilities, served by on-site wells (e.g. winery, pools, irrigation) will require council exemption at the time the tentative map is acted on by the City Council.

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- b. All public water and sewer mains must be located in public right-of-way wherever possible. Where public water and sewer mains must be located on private property, all necessary easement dedications must be made prior to final acceptance of the project by the City.

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- c. All private storm drains, water, fire line services, sewer laterals, and appurtenances, must be located within the private property and clearly identified as private on the design drawings.

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

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- e. Internal water and sewer lines shall be privately owned and maintained.

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- f. One public master meter is required for Parcel A and one public master meter is required for the residential portion of the project. Individual private meters are allowed to meter individual uses within the project.

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20. Drainage Improvements:

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- a. All project related flooding impacts shall be mitigated by Developer. Drainage improvements shall be designed by a civil engineer in accordance with the Napa County Design Criteria and any applicable standards. Off-site grading and drainage improvements, if any, shall be shown on the improvement plans.

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- b. Developer's engineer shall include a site-grading plan that conforms to the requirements of CMC 19.08 as part of the required improvement drawings. Lots shall be generally designed to drain to

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407 the street, unless otherwise approved in the interest of tree
408 preservation or other unusual circumstances.

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410 c. All drainage inlets shall be permanently marked "No Dumping-
411 Flows to River" with City provided markers. Stenciling is not
412 acceptable.

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414 d. All internal drainage improvements shall be privately owned and
415 maintained.

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417 **C. Final Map Conditions**

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419 21. Developer shall secure all necessary rights-of-way and easements for
420 both onsite and offsite improvements. Rights-of-way and easements shall
421 be dedicated on the map or provided by grant deed. Developer shall
422 prepare all necessary legal descriptions and deeds and incur al cost
423 associated with their recordation and /or City peer review costs.

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425 22. The Final Subdivision Map shall not be approved prior to approval of the
426 improvement plans.

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428 23. Prior to approval of the Final Subdivision Map, the developer shall either
429 complete required construction as shown on the signed improvement
430 plans, or enter into an Improvement Agreement in accordance with
431 Calistoga Municipal Code Section 16.18.070. A certificate of occupancy
432 shall not be issued for any structure until required improvements are
433 completed to the satisfaction of the City Engineer, subject to the
434 development/timing phasing provisions of the Development Agreement.

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436 24. A note shall be added to the Final Subdivision Map indicating that the
437 property owners are responsible for the maintenance of all landscaping,
438 infrastructure and roadway/driveway improvements.

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440 25. A Final Subdivision Map, as defined in the State Subdivision Map Act and
441 prepared by a licensed surveyor or civil engineer, showing all parcels,
442 rights-of-way, and easement(s) shall be filed with the City Engineers
443 Office. Upon recording of the Final Subdivision Map, the subdivision is
444 valid.

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446 **D. Subdivision Final and/or Release of Securities Conditions**

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448 26. All improvements shown on the Improvement Plans shall be completed
449 and accepted by the City.

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- 451 27. A complete set of electronic (i.e.CAD & PDF) and hard copy *As-Built* and
452 reproducible Record improvement plans showing all constructive changes
453 from the original plans shall be submitted to the Public Works Department
454 prior to acceptance of the public improvements.
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- 456 28. Prior to acceptance (the City will not be accepting on-site improvements.
457 The City will approve them based on the project engineer's wet signature
458 statement) of the work, Developer shall provide a written statement signed
459 by his or her engineer certifying that they observed the work during
460 construction and that site grading and all private site improvements have
461 been completed in accordance with the improvement plans approved by
462 the City Engineer.
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- 464 29. Prior to acceptance (see above) of the work, Developer shall provide a
465 written statement signed by his or her geotechnical engineer certifying that
466 they observed the work and reviewed testing results, and that all of work
467 was performed in accordance with the recommendations included in the
468 Soils Investigation/Geotechnical Report or other recommendations
469 necessitated by field conditions.
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471 **PASSED, APPROVED AND ADOPTED** on April 18, 2012, by the
472 following vote of the Calistoga Planning Commission:
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474 AYES:

475 NOES:

476 ABSENT/ABSTAIN:
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JEFF MANFREDI, Chairman

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480 ATTEST: _____

481 KENNETH G. MACNAB, Secretary to the Planning Commission