

RESOLUTION NO. 2012-02

A RESOLUTION OF THE CITY OF CALISTOGA PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT (U 2011-05) AND DESIGN REVIEW (DR 2011-05) ALLOWING THE CONSTRUCTION AND OPERATION OF THE LAVA VINE WINERY, INCLUDING ADMINISTRATIVE OFFICES, FULFILLMENT, BARREL STORAGE, RETAIL SALES AND TASTING AND WINE PRODUCTION AT 963 & 965 SILVERADO TRAIL (APN 011-050-043) WITHIN THE “CC-DD”, COMMUNITY COMMERCIAL DESIGN DISTRICT.

1 **WHEREAS**, Joseph and Jill Cabral are the owners of the subject property
2 for which this application is proposed; and
3

4 **WHEREAS**, on February 13, 2008 the Planning Commission adopted
5 Planning Commission Resolution PC 2008,03 approving Conditional Use Permit
6 (U 2007-08) and Design Review (DR 2007-10) allowing wine related businesses,
7 including administrative offices, fulfillment, barrel storage, retail sales and tasting
8 on the property subject to conditions of approval; and
9

10 **WHEREAS**, on February 21, 2011, Conditional Use Permit (U 2011-05)
11 and Design Review (DR 2011-05) applications were filed requesting a new
12 30,000 gallon (approximately 12,600 cases) per year winery on the subject
13 parcel with the construction of a new 5,214 square feet winery building and
14 associated infrastructure. In addition, the project proposes to add to the
15 available uses a new bicycle rental business on the property located at 963/965
16 Foothill Boulevard within the “CC-DD”, Community Commercial - Design District
17 (APN 011-050-043); and
18

19 **WHEREAS**, on February 22, 2012 Mr. Cabral submitted a letter and
20 supporting revised project description. On March 28, 2012 and April 2, 2012 the
21 Planning and Building Department received a Landscaping Plan and colored
22 renderings prepared by Jack Chandler and Associates; and
23

24 **WHEREAS**, the Planning Commission reviewed the project during a
25 public hearing at it’s regularly scheduled meeting on February 8, 2012 and April
26 25, 2012. During its review, the Planning Commission considered the public
27 record, including the staff report, findings, and written materials and testimony
28 presented by the applicant and the public during the hearing; and
29

30 **WHEREAS**, the Planning Commission adopted a Mitigated Negative
31 Declaration (Resolution PC 2012-01) based upon an initial study prepared for
32 this project finding that the proposed project, as amended by mitigation
33 measures agreed to by the applicant, would not have a significant adverse
34 impact on the environment; and
35

36 **WHEREAS**, the Planning Commission pursuant to Chapter 17.40 has
37 made the following Conditional Use Permit findings for the project:
38

- 39 1. The proposed development, together with any provisions for its design
40 and improvement, is consistent with the General Plan, any applicable
41 specific plan and other applicable provisions of the Zoning Code including
42 the finding that the use as proposed is consistent with the historic, rural,
43 small-town atmosphere of Calistoga.
44

45 Finding: General Plan and Zoning District designations for the site are
46 Community Commercial (CC) and Community Commercial / Design
47 District Overlay (CC-DD) respectively. The proposed uses, “winery and
48 tasting facility” and “bicycle rentals and tours” are enumerated as allowed
49 use within the CC Zoning District (with a use permit). The overlay zoning
50 district is intended to address the added design attention required for the
51 Entry Corridor. As discussed in items 7 and 9 below the project design
52 responds to these requirements.
53

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

56 Finding: The site design is very precisely configured to respond to the
57 projects’ functional requirements along with the various zoning code
58 requirements. The desire to develop a rural winery feel in combination with
59 the storm water and waste disposal requirements results in a proposal
60 with a modest density.
61

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

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

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

76 Finding: The additional water demand of 0.161 annual acre feet is
77 summarized in the Water Use and Wastewater Generation Study
78 prepared by Delta Engineering and included with this application.
79 Adequate supply of public water is available to serve the project. Domestic
80 waste will be treated on site and process wastewater generated from

81 winemaking activities will be off-hauled and therefore not impact the City's
82 wastewater treatment facility.

83

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

86

87 Finding: Approval of this use permit application shall not cause the
88 extension of service mains greater than 500 feet. In the event

89

90 6. An allocation for water and/or wastewater service pursuant to Chapter
91 13.16 CMC (Resource Management System) shall be made prior to
92 project approval. Said allocation shall be valid for one year and shall not
93 be subject to renewal.

94

95 Finding: The Planning and Building Department Manager intends to grant
96 a non-residential Growth Management Allocation (GMA 2011-05) allowing
97 an additional 0.161 acre feet of water per year. The total water demand
98 for this project is 0.94 ac-ft/year of water. The project will involve the use
99 of septic systems so no wastewater allocation is necessary at this time.

100

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

103

104 Finding: The site itself is part of a series of parcels that make up the
105 transition from rural country side to 'town' as you enter from the southeast.
106 The immediate surroundings; densely vegetated hill side, vineyards and
107 traditional farmhouses have a character that is more rural the urban. This
108 proposal seeks to develop a small working winery and tasting room that
109 draws from the existing rural character of Calistoga's surrounding areas
110 while beginning to make the transition to town. The proposed development
111 is comprised of two separate structures similar in scale, shape and
112 proportion to the rural farmhouses and barns found along Highway 29.
113 The traditional/contemporary design provides a nice transition from the
114 larger wineries found throughout the County to the unique business/retail
115 uses found in town.

116

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

121

122 Finding: The mixed-use property it self is clearly "independent, unique
123 and single location" and the viability of the proposed use will be linked to
124 the City's viable visitor industry and economy.

125

126 9. The proposed development complements and enhances the architectural
127 integrity and eclectic combination of architectural styles of Calistoga.
128

129 Finding: The existing developments on the property embody Calistoga's
130 heritage. The proposal to add a new winery building on the property will
131 not impede or affect Calistoga's character. The composition and design
132 with the proposed materials and details endeavors to be respectful of the
133 City's architectural past while making a positive addition to the eclectic
134 fabric that is unique to the mixed use neighborhood and the town.
135

136 **WHEREAS,** the Planning Commission pursuant to Chapter 17.06 of the
137 Calistoga Municipal Code has made the following Design Review findings for the
138 project:
139

140 1. The extent to which the proposal is compatible with the existing
141 development pattern with regard to massing, scale, setbacks, color,
142 textures, materials, etc.
143

144 Finding: The proposed development is sized for a small family winery
145 with the intent to have the structure blend in with the surrounding
146 neighbors using soft and lower roof lines to minimize visual impacts. The
147 proposed structure is set back and situated in an area of the property that
148 will be least visible.
149

150 2. Site layout, orientation, location of structures, relationship to one another,
151 open spaces and topography.
152

153 Finding: The property is flat and rectangular in shape so the orientation of
154 the structure is limited as a result of the on site waste disposal system.
155 However, the below ground waste disposal system provides ample open
156 space soften the site layout.
157

158 3. Harmonious relationship of character and scale with existing and
159 proposed adjoining development, achieving complementary style while
160 avoiding both excessive variety and monotonous repetition.
161

162 Finding: The proposed winery will be harmonious and compliant the past
163 and future development in Calistoga and the neighboring parcels. The
164 development will resemble other developments in Calistoga but casual
165 with its own character.
166

167 4. Building design, materials, colors and textures that are compatible and
168 appropriate to Calistoga. Whether the architectural design of structures and
169 their materials and colors are appropriate to the function of the project.
170

171 Finding: The building design will use materials that are natural in texture
172 and color blending well with the surroundings.

173
174 5. Harmony of materials, colors, and composition of those sides of a structure,
175 which are visible simultaneously.

176
177 Finding: Proposed materials, colors and detailing are uniformly applied to
178 corresponding building elements based on design intent and composition,
179 irrespective of the building orientation; there is no “front” elevation with
180 more or different materials.

181
182 6. Consistency of composition and treatment.

183
184 Finding: See items 4 and 5 above.

185
186 7. Location and type of planting with regard to valley conditions. Preservation
187 of specimen and landmark trees upon a site, with proper irrigation to
188 insure water conservation and maintenance of all plant materials.

189
190 Finding: The site contains both large elms and sycamore trees that the
191 proposed construction will not affect. The existing olive trees will be
192 relocated on site and the smaller oak trees will remain. All landscaping is
193 irrigated with drip irrigation.

194
195 8. Whether exterior lighting, design signs and graphics are compatible with
196 the overall design approach and appropriate for the setting.

197
198 Finding: Exterior lighting will be minimal “barn –style” down lights located
199 on the buildings and trellis as necessary to facilitate pedestrian movement
200 to and from the structure.

201
202 9. The need for improvement of existing site conditions including but not limited
203 to signage, landscaping, lighting, etc., to achieve closer compliance with
204 current standards.

205
206 Finding: The existing site conditions should be adequate for the proposed
207 structure. The proposed structure will be new construction used for wine
208 making, events and wine barrel storage. Most site upgrades have been
209 completed for existing tasting rooms.

210
211 10. Whether the design promotes a high design standard and utilizes quality
212 materials compatible with the surrounding development consistent with
213 and appropriate for the nature of the proposed use; and

214

215 Finding: From the outset one of the design objectives for this project has
216 been to creatively utilize high quality materials in innovative ways that are
217 respectful of the historical context while presenting a clean contemporary
218 aesthetic representative of the wine brand it represents.
219

220 11. Responsible use of natural and reclaimed resources.

221
222 Finding: The project is designed to use solar panels on the south facing
223 roof. Reclaimed water will be used when available and the barrel room will
224 be constructed in a way that will be use minimal energy for cooling.
225

226 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning
227 Commission hereby approves Conditional Use Permit (U 2011-05) and Design
228 Review (DR 2011-05), based on the above Findings and subject to the following
229 Conditions of Approval:

230
231 **GENERAL CONDITIONS**

232
233 1. This permit authorizes the construction of the Lava Vine Winery on the site
234 consistent the Architectural Plan Set received December 8, 2011 prepared
235 by John David Rulon, Architect and the Engineered Plan Set prepared by
236 Delta Engineering received December 6, 2011 consistent with all other
237 City Ordinances, rules, regulations, and policies. The project shall also be
238 consistent with the Applicant's letter and supporting revised project
239 description dated February 22, 2012 and the Landscaping Plan and
240 colored renderings prepared by Jack Chandler and Associates received
241 March 28, 2012 and April 2, 2012 by the Planning and Building
242 Department. The conditions listed below are particularly pertinent to this
243 permit and shall not be construed to permit violation of other laws and
244 policies not so listed.

245
246 2. This permit authorizes the use of the property consistent with the project
247 description set forth in the Planning Commission Staff Report dated
248 February 8, 2012 and April 25, 2012 and consistent with all other City
249 Ordinances, rules, regulations, and policies. Specifically, this use permit
250 allows bicycle rentals and tours and wine related businesses, including
251 administrative offices, wine production, fulfillment, barrel storage, retail sales
252 and wine tasting.

253
254 3. Any and/or all previous land use entitlements existing prior to this
255 approval shall be null and void, including conditional use permit (U 2007-
256 08) and design review (DR 2007-10). Leasable office space within the
257 historic residence may remain until such time that the wine processing
258 facility (i.e. winery and barrel storage) has been built and receives an
259 occupancy permit from the Planning and Building Department. Offices in

- 260 association with the on site winery are permissible. Wine fulfillment is
261 permissible in the basement/ground floor of the historic residence.
262
- 263 4. Development and use of the property shall conform to all required
264 conditions established herein. If the conditions to the granting of this use
265 permit have not been or are not complied with, or the use which is
266 established by this permit have become detrimental to the public health,
267 safety or general welfare, the Planning Commission may consider an
268 amendment to these conditions or possible revocation of this permit to
269 protect the public health, safety and general welfare of the community, as
270 set forth in the City's Zoning Ordinance. The Planning and Building
271 Department may approve minor amendments to this conditional use
272 permit provided that the amendment is still in substantial conformance
273 with the original approval.
274
- 275 5. This Conditional Use Permit authorizes wine related events up to 25
276 people. Wine related events in excess of 25 people may be authorized
277 with an Administrative Use Permit provided no more than four events
278 occur within the calendar year and public notices is given to the adjoining
279 properties within a 300 foot radius. Weddings, private parties or other
280 non-wine related events are strictly prohibited.
281
- 282 6. The term of approval of this permit shall expire three years from the
283 permit's effective date, unless an extension and/or building permit has
284 been issued for the project prior to the expiration date.
285
- 286 7. All work performed in conjunction with this approval shall be by individuals
287 who possess a valid business license from the City of Calistoga.
288
- 289 8. This use permit does not abridge or supercede the regulatory powers or
290 permit requirements of any federal, state or local agency, special district or
291 department which may retain regulatory or advisory function as specified
292 by statute or ordinance. The applicant shall obtain permits as may be
293 required from each agency.
294

295 **PLANNING AND BUILDING CONDITIONS**

- 296
- 297 9. The property owner shall obtain a Building Permit for construction of all
298 buildings or structures located on the site, not otherwise exempt by the
299 Uniform Building Code or any State or local amendment adopted thereto.
300
- 301 10. Prior to issuance of all building permits, the property owner agrees to pay
302 all fees associated with plan check and building inspections, and
303 associated development impact fees rightfully established by City

- 304 Ordinance or Resolution, unless otherwise deferred by the Planning and
305 building Department.
306
- 307 11. Prior to Building Permit issuance, the applicant shall purchase 0.161 acre-
308 feet of water subject to the ordinances in place at the time of Building
309 Permit issuance. A reduced amount of resources, if requested by the
310 Applicant shall only be approved upon the review and approval of the
311 Public Works Department.
312
- 313 In the event that during the life of the project, the water/wastewater use
314 exceeds the established baselines of 0.94 ac/ft of water or is required to
315 connect to the City's wastewater system, the applicant shall obtain
316 additional baseline water/wastewater capacity via application for an
317 additional water and wastewater allocation during the next available
318 Growth Management Allocation process. The applicant shall determine
319 the quantity of additional water and/or wastewater allocation required
320 based upon the submittal of an engineered water study demonstrating/
321 quantifying the site-specific water usage.
322
- 323 12. Prior to issuance of grading or building permits, the developer shall submit
324 for review and approval by the Planning and Building Department, a soils
325 report that includes appropriate recommendations for the proposed
326 grading and improvements to the site.
327
- 328 13. No signage shall be permitted as a result of this approval. All additional
329 signage shall be subject to the approval of the Planning and Building
330 Director.
331
- 332 14. No outdoor storage of wine barrels, wine cases, pallets, cardboard boxes or
333 miscellaneous products shall be permitted.
334
- 335 15. Prior to occupancy, the applicant shall submit Landscaping Plans and
336 specifications to the Planning and Building Department for review and
337 approval including appropriate natural landscape parking lot screening.
338 The Landscaping Plans shall comply with State or local water efficient
339 landscaping standards in place at the time the Plans are submitted.
340 Landscaping shall be installed prior to occupancy. All landscaping shall be
341 maintained throughout the life of the project, and shall be replaced as
342 necessary.
343
- 344 16. Prior to building permit issuance, a Lighting Plan shall be reviewed and
345 approved by the Planning and Building Director. Exterior materials and
346 illumination shall be limited to the extent necessary for safety.
347 Architectural materials and lighting visible from the public right-of-way and
348 adjoining developed parcels shall be prohibited and the light source of

349 fixtures shall be limited in wattage or shielded to retain character of the
350 site and surrounding area subject to the review and approval of the
351 Planning and Building Director or Planning Commission.
352

353 17. Prior to building permit issuance, all necessary permits shall be obtained
354 with the Napa County Department of Environmental Management.
355 Evidence of these permits shall be provided to the Planning and Building
356 Department
357

358 18. During bottling the winery shall be closed to public tasting, tours and
359 events.
360

361 **FIRE DEPARTMENT CONDITIONS**

362

363 19. Prior to building permit issuance, an automated fire sprinkler system
364 including any necessary mechanical devices such as booster pumps,
365 hydrants and/or valves shall be reviewed and approved by the Fire, Public
366 Works and Planning and Building Departments. The fire sprinkler design
367 submittal shall be supported by a flow analysis indicating code compliance
368 prepared by a qualified individual or firm acceptable to the City. A deferred
369 fire sprinkler plan submittal is not permitted, unless otherwise acceptable
370 to the Fire Chief.
371

372 20. The property shall have illuminated address numbers that are clearly
373 visible to the street day and night.

374 **PUBLIC SERVICES**

375

376 21. Complete plans and specifications containing equipment layout, finish
377 schedule and plumbing plans for the food and/or beverage facilities and
378 employee restrooms must also be submitted directly to the Department of
379 Environmental Management with the appropriate plan review fee. These
380 plans must be reviewed and approved prior to issuance of any building
381 clearance or building permit for said areas.
382

383 22. Pursuant to Chapter 6.5 & 6.95 of the California Health and Safety Code,
384 businesses that generate hazardous waste and/or store hazardous
385 materials above threshold amounts shall file a Hazardous Waste
386 Generator Application and/or Hazardous Materials Business Plan with the
387 Department of Environmental Management within 30 days of said
388 activities. All businesses must submit the required Business Activities
389 Form which can be obtained from the Department of Environmental
390 Management.
391

- 392 23. Prior to occupancy, a refuse enclosure/area shall be reviewed and approved
393 by the Planning and Building Department. Adequate area must be provided
394 for collection of recyclables. The applicant must contact Upper Valley
395 Disposal in order to determine the area and the access needed for this
396 refuse area.
397
- 398 24. During the construction, demolition, or renovation period of the project the
399 applicant should use Upper Valley Disposal for all wastes generated
400 during project development, unless applicant transports their own waste.
401 If the applicant transports their own waste, they must use the appropriate
402 landfill or solid waste transfer station for the service area in which the
403 project is located.
404
- 405 25. Applicant shall obtain a license from the State Department of Alcoholic
406 Beverage Control prior to operation.
407
408

409 **PUBLIC WORKS CONDITIONS**

410 **A. General**

- 411
- 412
- 413 26. Developer shall design and construct all improvements and facilities shown
414 on any site plan, or other documents submitted for permit approval, all
415 representations made by Developer, and with the plans and specifications
416 submitted to and approved by City, to comply with the General Plan, the
417 Calistoga Municipal Code (CMC), and the "Standard Specifications" of the
418 Public Works Department. Approval of a site plan depicting improvements
419 that do not conform to the CMC or City standards does not constitute
420 approval of exception to the CMC or City standards unless explicitly stated
421 herein or in another City resolution.
422
- 423 27. The developer shall be responsible for all City plan check and inspection
424 costs. The developer shall deposit funds into a City Developer Deposit
425 Account upon the initiation of plan check services. The amount of the
426 initial deposit shall be determined by the City Engineer. Additional funds
427 may be required based upon actual plan check costs. Prior to approval of
428 the improvement plans the developer shall pay any outstanding balance
429 for plan checking services and shall deposit an additional amount based
430 upon the City's estimate of inspection costs.
431

432 **B. Improvement Plan Conditions:**

- 433
- 434 28. The developer shall prepare and submit improvement plans for the
435 construction of all necessary and required improvements including water,
436 sanitary sewer, storm drain facilities, roadway improvements, curbs,

- 437 gutters and sidewalks, as required. The improvement plans shall include
438 elevations, striping plans, profiles and pavement sections shall as deemed
439 necessary by the City Engineer. All design and construction shall
440 conform to the City of Santa Rosa Standard Specifications for Public
441 Improvements, or other adopted Napa County or City of Calistoga
442 standards as applicable.
443
- 444 29. The developer shall prepare a Soils Investigation/Geotechnical Report. The
445 improvement plans shall incorporate all design and construction criteria
446 specified in the report.
447
- 448 30. No grading or other construction shall be performed until the improvement
449 plans have been approved and signed by the City Engineer. Building
450 Permits will not be issued prior to the approval of the improvement plans
451 unless otherwise approved by the Public Works and Planning and Building
452 Departments.
453
- 454 31. Prior to grading and/or building permit issuance, a tree permit shall be
455 removed and approval by the Department of Public Works for the removal
456 of the existing elm tree.
457
- 458 32. Water and Sanitary Sewer Improvements:
459
- 460 a. Any structure in which plumbing is to be installed shall be connected to
461 the City's water unless an exception has been explicitly granted in
462 accordance with the provisions of the CMC.
463
- 464 b. All private storm drains, water, fire line services and appurtenances,
465 must be located within the private property and clearly identified as
466 private on the design drawings.
467
- 468 c. A permit for the installation of the engineered septic system must be
469 secured from the Department of Environmental Management prior to
470 issuance of a Building Permit.
471
- 472 d. Prior to building permit issuance, a will serve letter shall be issued by the
473 City of Calistoga indicating the City will provide sewer service in the
474 future as necessary. In the event of failure of the combined (domestic
475 and winery waste water) septic system, the winery waste will need to be
476 separately hold and hauled off site or pre-treated (i.e. wine waste to
477 facility outside city limits and domestic waste to city waste water plant).
478 Any hold and haul waste water must be hauled to other permitted
479 treatment facilities. Additionally, the owner may not extend public sewer
480 main to the property, but may extend a private sewer lateral to public
481 sewer main. A sewer monitoring hole on the sewer lateral will be

482 required in the public right-of-way just prior to discharge into public
483 sewer. Sewer line improvements should be considered as part of this
484 project and shown on the conceptual use plans. Sewer connection fees
485 would apply.
486

487 e. In the event the Solage local benefit district is in effect at the time of
488 building permit issuance, this property may be subject to reimbursement
489 of proportional sewer and drainage off-site improvement costs.
490

491 33. Drainage Improvements:
492

493 a. All project related flooding impacts shall be mitigated by the project
494 developer. Drainage improvements shall be designed by a civil engineer
495 in accordance with the Napa County Design Criteria. Site grading and
496 drainage improvements shall be shown on the improvement plans.
497

498 b. Prior to issuance of grading or building permits, the developer shall
499 submit for review and approval by the Planning and Building
500 Department, a Maintenance Agreement for stormwater quality/detention
501 devices)
502

503 c. Prior to issuance of grading or building permits, the crush pad shall be
504 graded so that all spilled juice goes into the drain and/or the entire crush
505 pad shall drain towards the proposed trench drain. The crush pad area
506 shall be covered to preclude rainwater.
507

508 d. Prior to building permit issuance, a revised Hydrological Report shall be
509 submitted indicating/addressing the following:

- 510 • A watershed map for pre and post conditions
- 511 • Santa Rosa Hydrologic design parameters (i.e. time of
512 concentration of 7 minutes, minimum 10yr. 24 hour storm, run
513 pre/post peak as rational method as well and analyze detention
514 w/SCS),
- 515 • Provide finish grades to accommodate overland release if
516 infiltrator trench overflows
- 517 • Provide rainfall depth reference
- 518 • Need to show in hydrology report that the pre vs. post runoff
519 draining to the south is less
- 520 • State that the project is not in the 100-year floodplain (per
521 appropriately referenced FEMA map)
522

523 e. Prior to building permit issuance, vegetative swale detention time meets
524 the minimum as required by CASQA or water quality can be treated with
525 mechanical inlet (e.g. contech stormfilter catch basin or equivalent).
526

- 527 34. Roadway Improvements
528
529 a. Prior to building permit issuance, an encroachment permit shall be
530 obtained from the Napa County Department of Public Works for “No
531 Parking” signage along Silverado Trail, and the restriping Silverado Trail
532 removing the painted median (two sets of double yellow lines).
533
534 b. Pavement markings and signage shall be provided on all streets as
535 necessary and as required by the City Engineer. Signage restricting
536 parking and red painted curbing shall be installed where appropriate.
537 Speed limit signs shall be installed at locations determined by the City
538 Engineer.
539
540 c. Prior to building permit issuance, an encroachment permit shall be
541 obtained from the Napa County Department of Public Works to install a
542 left-turn lane or lesser improvement, as warranted.
543
- 544 **C. Dedications**
545
- 546 35. All necessary rights of way and easements shall be dedicated by grant
547 deed. The developer shall prepare all necessary legal descriptions and
548 deeds.
549
- 550 **D. Project Final and/or Release of Securities Conditions**
551
- 552 36. All improvements shown on the Improvement Plans shall be completed
553 and accepted by the City, as appropriate. A certificate of occupancy shall
554 not be issued for any structure until required improvements are completed
555 to the satisfaction of the City Engineer.
556
- 557 37. A complete set of *As-Built* or Record improvement plans showing all
558 constructive changes from the original plans shall be submitted to the
559 Public Works Department prior to acceptance of the public improvements,
560 as appropriate.
561
- 562 38. 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, as appropriate.
567
- 568 39. 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, as appropriate.

574
575 **PASSED, APPROVED, AND ADOPTED** by the Planning Commission of
576 the City of Calistoga at a regular meeting held this **25th day of April 2012**, by
577 the following vote:

578
579 **AYES:**
580 **NOES:**
581 **ABSENT:**
582 **ABSTAIN:**

583

584

585 _____
JEFF MANFREDI, Chairman

586

587 ATTEST:

588

589

590 _____
KENNETH G. MACNAB, Planning Commission Secretary