

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

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE A CONDITIONAL USE PERMIT (U 2010-02), DESIGN REVIEW (DR 2010-04) AND PRELIMINARY/FINAL PLANNED DEVELOPMENT PLAN (PD 2010-01) FOR THE ENCHANTED RESORTS PROJECT GENERALLY LOCATED AT 515 FOOTHILL BOULEVARD (011-310-031 THROUGH 011-310-041 AND 011-310-044; 011-320-007; 011-320-039 THROUGH 011-312-069; 011-310-024) WITHIN THE “PD 2010-01”, ENCHANTED RESORT AND SPA PLANNED DEVELOPMENT DISTRICT

1
2 **WHEREAS**, on March 31, 2010, an application was submitted by the
3 Enchanted Resorts, Inc., requesting approval of a Conditional Use Permit,
4 Design Review, and a Preliminary/Final Planned Development Plan for the
5 development of the Enchanted Resorts Project featuring 110 resort hotel units
6 (grouped among 36 cottages), 20 residence club units, 13 custom residences,
7 public restaurant and bar, event facilities, spa and swimming pools, and parking
8 and support facilities. Offsite sewer and recycled water improvements would be
9 installed. The property is located at 515 Foothill Boulevard (011-310-031 through
10 011-310-041 and 011-310-044 011-320-007; 011-320-039 through 011-312-069);
11 and
12

13 **WHEREAS**, the Planning Commission pursuant to Resolution PC
14 2012-__ found that the Environmental Impact Report SCH #2010082028
15 adequately assesses the impacts of this Project; and
16

17 **WHEREAS**, the Planning Commission considered the proposed project
18 and associated land use entitlements at its regular meeting on June 20, 2012
19 and _____. Prior to taking action, the Planning Commission received
20 written and oral reports by the staff, and received public testimony; and
21

22 **WHEREAS**, pursuant to Chapter 17.24. __ PD Planned Development
23 District – Article IX. PD 2010-01 (Enchanted Resort and Spa) of the Calistoga
24 Municipal Code, the Planning Commission finds the proposed project, if the
25 conditions of project approval, the Ordinance adopting the Zoning Ordinance
26 Text Amendment to PD 20101, as amended, and the Ordinance adopting the
27 Development Agreement for the project are adopted, is in compliance with all the
28 required provisions of the Planned Development District; and
29

30 **WHEREAS**, the Planning Commission, pursuant to Chapter 17.40.070
31 Findings (Use Permit) has made the following findings for the project:
32

33 The Project’s proposed findings in support of approval a preliminary/final
34 Development Plan/Conditional Use Permit, in conformance with Calistoga
35 Municipal Code (“CMC”) Section 17.40.070, to develop 110 resort hotel units
36 (grouped among 36 cottages), 20 residence club units, 13 custom residences,
37 public restaurant and bar, event facilities, spa and swimming pools, and parking
38 and support facilities and related infrastructure are set forth below:
39

40 1. Finding: The proposed development, together with any provisions for its
41 design and improvement, is consistent with the General Plan, any
42 applicable specific plan and other applicable provisions of this code
43 including the finding that the use as proposed is consistent with the
44 historic, rural, small-town atmosphere of Calistoga.
45

46 Supporting Evidence: The Project is consistent with the General Plan
47 (General Plan Consistency Findings, Exhibit A herein and DEIR Table 3.9-
48 2). The Project is consistent with the historic, rural small town atmosphere
49 of Calistoga because the Project is designed to include a minimum
50 number of residences (13 homes) and resort uses and is largely screened
51 from view from other areas within Calistoga. The Project would maintain
52 the natural topography of the site while retaining forest cover and low
53 profile building design. Collectively, these characteristics respect and
54 enhance Calistoga’s small-town rural character and the natural
55 environment. (DEIR pg. 3.9-16). Therefore, the proposed development,
56 together with any provisions for its design and improvement, is consistent
57 with the General Plan, any applicable specific plan and other applicable
58 provisions of this code including the finding that the use as proposed is
59 consistent with the historic, rural, small-town atmosphere of Calistoga.
60

61 2. Finding: The site is physically suitable for the type and density of
62 development.
63

64 Supporting Evidence: The Project preserves 27 acres of the site as Forest
65 Reserve and employs the use of low profile building design to largely
66 screen the Project from view from other areas within Calistoga. The
67 Project also includes 13 custom homes consistent with the density of the
68 surrounding residential uses (DEIR pg. 3.9-16). The slope density formula
69 for calculating the maximum permitted residential density in the Rural
70 Residential- Hillside land use designation permits a maximum of 35
71 dwelling units on the site. The Project would allow development of 13
72 single family detached dwellings. Also, the establishment of a Planned
73 Development Overlay over the Project site is consistent with General Plan
74 policies because it would not change the currently permitted residential
75 density that is allowed on the Project site (DEIR pg 3.9-24). Biological

76 resources on the site are not significantly impacted by the Project (DEIR
77 pg 3.9-35), and 27 acres of the 88 acre project site will be preserved as
78 forest reserve.

79
80 The Project will maintain the site’s natural topography in order to minimize
81 grading and screen views from surrounding land uses. Additionally, the
82 proposed project would not locate any residential or resort overnight
83 accommodation structures within the small portion of the Project site that
84 is along SR-29/128 and within the 100 year flood plain of the Napa River
85 (DEIR pg 3.9-47). For all of the reasons stated above and others set forth
86 in the DEIR and Design Guidelines, the site is physically suitable for the
87 type and density of development.

88
89 3. Finding: The proposed development has been reviewed in compliance
90 with the CEQA and that the project will not result in detrimental or adverse
91 impacts upon the public resources, wildlife or public health, safety and
92 welfare.

93
94 Supporting Evidence: The DEIR analyzes the potential environmental
95 impacts of the Project on the following Project specific and cumulative
96 impact categories of: Aesthetics, Light and Glare; Agricultural and Forest
97 Resources; Air Quality and Greenhouse Gas Emissions; Biological
98 Resources; Cultural Resources; Geology Soils and Seismicity; Hazards,
99 Hydrology and Water Quality; Land Use; Noise; Public Services and
100 Utilities; and Transportation. The majority of impacts were mitigated to
101 levels of insignificance, and for those few impacts that remained
102 significant after mitigation, a Statement of Overriding Considerations
103 prepared in conjunction with the CEQA Findings establishes that the
104 economic, social, technological and other benefits of the Project will
105 outweigh any unavoidable environmental impacts. Moreover, General
106 Plan Consistency findings have been prepared that confirm the Project’s
107 consistency with the General Plan (General Plan Consistency Findings,
108 Exhibit A herein and DEIR Table 3.9-2). Therefore, the proposed
109 development has been reviewed in compliance with CEQA and the Project
110 will not result in detrimental or adverse impacts upon the public resources,
111 wildlife or public health, safety and welfare.

112
113 4. Finding: Approval of the use permit application will not cause adverse
114 impacts to maintaining an adequate supply of public water and an
115 adequate capacity at the wastewater treatment facility.

116
117 Supporting Evidence: The Project will have an estimated annual water
118 demand of 70.5 acre-feet (DEIR pg 3.11-19) for domestic water demand

119 and an annual irrigation demand of 37.41 for the first year, with a 50%
120 reduction by the third and subsequent years (DEIR 3.11-20). With the
121 inclusion of Mitigation Measures PSU-3a and PSU-3b, overall water
122 demand will not adversely impact City water supplies (DEIR 3.11-21-22).
123

124 The Project will have an estimated 52,460 gpd of wastewater generation
125 with an estimated peak use of 157,379 gpd (DEIR 3.11-20). The
126 Dunaweal Wastewater Treatment Plant has a daily capacity of 0.84 million
127 gallons, and the City’s daily demand is approximately 0.54 million gallons
128 (DEIR 3.11-4). Because of the available capacity at the wastewater
129 treatment plant and the Project’s demand is less than the available
130 capacity, the DEIR concluded that impacts to the wastewater system are
131 less than significant (DEIR 3.11-24). For all of the reasons stated above
132 and others set forth in the DEIR, the Project will not cause adverse
133 impacts to maintaining an adequate supply of public water and an
134 adequate capacity at the wastewater treatment facility.
135

136 5. Finding: Approval of the use permit application shall not cause the
137 extension of service mains greater than 500 feet with the exception of
138 possibly a sewer line.
139

140 Supporting Evidence: The Project will utilize existing, newly upgraded
141 water main infrastructure installed as part of the Diamond Hill Estates
142 subdivision (DEIR 3.11-20), and two offsite improvements to increase flow
143 capacity for the Project (DEIR 3.11-21). No new water main extension
144 greater than 500 feet is required to serve the project. For all of the
145 reasons stated above and others set forth in the DEIR, the project will not
146 cause the extension of service mains greater than 500 feet.
147

148 6. Finding: An allocation for water and/or wastewater service pursuant to
149 Chapter 13.16 CMC (Resource Management System) shall be made prior
150 to project approval.
151

152 Supporting Evidence: The allocation of water and wastewater services has
153 been confirmed in the Project Development Agreement, which provides
154 that the allocations of water and wastewater capacity shall constitute the
155 “will serve” obligation of the City. The “will serve” obligation of the City is
156 vested by the Development Agreement. (Development Agreement
157 Section 4.02).
158

159 7. Finding: The proposed development presents a scale and design which
160 are in harmony with the historical and small-town character of Calistoga.
161

162 Supporting Evidence: The Project will utilize design characteristics and
163 scale that is harmonious with the Project site and surrounding
164 neighborhood by minimizing grading and tree removal, preserving 27
165 acres of Forest Reserve on site, utilizing maximum height requirements
166 and a terraced design to ensure scenic vistas are not significantly
167 impacted, and requiring all buildings, structures, signs, landscape areas,
168 and uses comply with the Enchanted Resorts Design Guidelines (DEIR
169 3.1-15-17). The inclusion of the design characteristics and the Design
170 Guidelines ensures that the Project is in harmony with the historical and
171 small-town character of Calistoga.

172
173 8. Finding: That the proposed development be consistent with and enhance
174 Calistoga’s history of independent, unique, and single location businesses,
175 thus contributing to the uniqueness of the town, which is necessary to
176 maintain a viable visitor industry in Calistoga and to preserve its economy.

177
178 Supporting Evidence: The Project includes a unique mix of resort hotel
179 units, fractional ownership residences, and custom homes creates a one-
180 of a kind, diverse business concept which will be a source of economic
181 benefit to the Calistoga (Economic & Fiscal Impact Report, 8-9, DEIR 3.9-
182 50). The Project’s cottage design and Forest Preserve setting takes
183 advantage of the unique characteristics of the project site to enhance the
184 visitor industry for Calistoga (DEIR Exhibit 2-7, 3.9-50). For all of the
185 reasons stated above and others set forth in the DEIR, the Project is
186 consistent with and will enhance Calistoga’s history of independent,
187 unique, and single location businesses, thus will contribute to the
188 uniqueness of the town, which is necessary to maintain a viable visitor
189 industry in Calistoga and to preserve its economy.

190
191 9. Finding: The proposed development complements and enhances the
192 architectural integrity and eclectic combination of architectural styles of
193 Calistoga.

194
195 Supporting Evidence: The Project’s layout, architectural design and setting
196 in a Forest Preserve add to, and are consistent with, the eclectic style of
197 Calistoga (DEIR 3.9-10). Additionally, the unique combination of resort
198 hotel units, fractional ownership units, and custom residences, coupled
199 with strong Design Guidelines ensures that the Project will enhance the
200 architectural integrity of the community (DEIR 3.9-11, Design Guidelines
201 at 10). For all the reasons stated above and others set forth in the DEIR,
202 the Project will complement and enhance the architectural integrity and
203 eclectic combination of architectural styles of Calistoga.

204

205 **WHEREAS**, the Planning Commission pursuant to Chapter 17.06.040 of
206 the Calistoga Municipal Code, finds that the development attains the purposes
207 set forth in CMC 17.06.010 and is in compliance with the following Design
208 Review guidelines:

209
210 1. Finding: The proposal is compatible with the existing development pattern
211 with regard to massing, scale, setbacks, color, textures, materials, etc.

212
213 Supporting Evidence: The Project preserves 27 acres of the site as a
214 forest Reserve and employs the use of low profile building design to
215 largely screen the Project from view from other areas within Calistoga.
216 The Project also includes 13 custom homes consistent with the density of
217 the surrounding residential uses.(DEIR pg. 3.9-16) The slope density
218 formula for calculating the maximum permitted residential density in the
219 Rural Residential- Hillside land use designation permits a maximum of 35
220 dwelling units on the site. The Project would allow development of 13
221 single family detached dwellings. Also, the establishment of a Planned
222 Development Overlay over the Project site is consistent with General Plan
223 policies because it would not change the currently permitted residential
224 density that is allowed on the Project site (DEIR pg 3.9-24). Each of these
225 measures, ensure that the Project is compatible with existing development
226 patterns.

227
228 The Project will maintain the site’s natural topography in order to minimize
229 grading and screen views from surrounding land uses. Additionally, the
230 proposed project would not locate any residential or resort overnight
231 accommodation structures within the small portion of the Project site that
232 is along SR-29.128 and within the 100 year flood plain of the Napa River
233 (DEIR pg 3.9-47).

234
235 The proposed Project’s buildings would be required to adhere to the
236 Enchanted Resorts Architectural Design Guidelines (“ADG”) to ensure that
237 architecture is high quality and compatible with its surroundings (DEIR pg
238 3.9-25). Massing, scale, setbacks, color, textures and materials are
239 identified in the ADG Resort Section at pages 23-43 and ADG Non-Resort
240 Section at pages 25 through 56 . The ADG was established to outline and
241 define the development objectives for the Project and to provide direction
242 for the planning, architecture and landscape design of the entire Project.
243 The Project will be of the highest possible standards of character and
244 quality in harmony with the community. The Project has encouraged good
245 design that incorporates and respects community characteristics (DEIR
246 3.9-25), and is compatible with the existing development pattern with
247 regard to massing, scale, setbacks, color, textures, materials, etc (ADG pg

248 10). Therefore, based on the DEIR and the ADG, the Project is compatible
249 with the existing development pattern with regard to massing, scale,
250 setbacks, color, textures, materials, and other similar design criteria in
251 Calistoga.

252
253 2. Finding: The Project design considers site layout, orientation, location of
254 structures, relationship to one another, open spaces and topography.

255
256 Supporting Evidence: The Project design is consistent with community
257 goals of harmonizing new development with the surrounding environment
258 and the town's character (DEIR pg 3.9-11). The use of the ADGs will
259 result in a desirable and consistent structural styles. The entire Project is
260 designed to utilize the natural features of the landscape such as forest
261 cover and slope, clustering development towards the rear of the site,
262 permanently preserving nearly 1/3 of the Project site as forest reserve,
263 and providing open space areas throughout the Project to further preserve
264 trees and screen most of the Project from the City's view. These
265 measures individually and combined, insure that the Project compliments
266 Calistoga's small town rural character (DEIR pg 3.9-11, 3.9-14, 3.9-15).
267 The design theme centers around the evergreen and redwood forest and
268 sloping terrain. Naturalized design elements that include, terracing and
269 low profile building design, natural stone-like materials and textures,
270 earthen colors and warm hues which are common to the region will
271 contribute to the unique identity of the Project and reinforce locally
272 distinctive patterns of development, architectural diversity and landscape
273 (ADG Non-Resort pgs 25-31 and 82-89 and Non-Resort pgs 2-31, 40 and
274 82-89). Design review of the entire Project has been conducted as part of
275 the Project's review and approval. Design review has insured that the
276 Project is aesthetically pleasing, provides buffering between land uses,
277 and retains open space, unique land features and small town rural
278 character.

279
280 The Project's entry frontage consists of a two lane road and terraced
281 landscaping which respects the City's goals of preserving and enhancing
282 the entry corridors to Calistoga and protecting Calistoga's entrance points
283 as important components of local community identity. The Project site is
284 located close to the downtown core which serves as an employment and
285 tourist center in the town. The Project promotes a self contained walkable
286 community close to downtown Calistoga. This reinforces local patterns of
287 development, culture, walkability and neighborhoods.

288
289 Another hallmark of the Project is the Northern Mixed Evergreen Forest
290 and a minimal area of Upland Redwood Forest. The Project includes 27

291 acres of permanent forest preservation area which totals thirty percent
292 (30%) of the entire 88 acre Project site that will be preserved in perpetuity.
293 This environmentally sensitive design will facilitate screening the Project
294 from view of the surrounding land uses. This permanent forested open
295 space area will be visible from many areas within the City.
296

297 A Forest Management Plan will be in place as part of the Project approval
298 as the overarching management plan for all forest resources on the site.
299 Any subsequent Timber Harvest Plan or Tree Removal/Disturbance
300 Permit issued in accordance with the City Tree Removal Ordinance, must
301 be consistent with this Forest Management Plan. Compliance with federal,
302 state and local laws is also mandatory and the Forest Management Plan is
303 as stringent as those laws if not more stringent in some particulars. This
304 tailored management plan will insure continued protection and
305 management of all areas of the forest including those 27 acres to be
306 preserved.
307

308 In conjunction with the preservation and conservation efforts, timber
309 harvesting pursuant to an approved Timber Harvest Plan and consistent
310 with the City Tree Preservation Ordinance, will improve the health of the
311 forest by thinning overgrown areas.
312

313 The Project will maintain the site's natural topography in order to minimize
314 grading and screen views from surrounding land uses. Additionally, the
315 proposed project would not locate any residential or resort overnight
316 accommodation structures within the small portion of the Project site that
317 is along SR-29/128 and within the 100 year flood plain of the Napa River
318 (DEIR pg 3.9-47). Therefore, the Project design considers site layout,
319 orientation, location of structures, relationship to one another, open
320 spaces and topography.
321

322 3. Finding: The Project has harmonized the relationship of character and
323 scale with existing and proposed adjoining development, achieving
324 complementary style while avoiding both excessive variety and
325 monotonous repetition.
326

327 Supporting Evidence: The design theme centers around the evergreen
328 and redwood forest and sloping terrain. Naturalized design elements that
329 include, terracing and low profile building design, natural stone-like
330 materials and textures, earthen colors and warm hues which are common
331 to the region will contribute to the unique identity of the Project and
332 reinforce locally distinctive patterns of development, architectural diversity
333 and landscape (ADG Resort pgs 23-42 and Non-Resort pgs 2-31, 40 and

334 82-89). Design review of the entire Project has been conducted as part of
335 the Project's review and approval. Design review has insured that the
336 Project is aesthetically pleasing, provides buffering between land uses,
337 and retains open space, unique land features and small town rural
338 character.

339
340 The ADGs were established to outline and define the development
341 objectives for the Project and to provide direction for the planning,
342 architecture and landscape design of the entire Project. The Project will
343 be of the highest possible standards of character and quality in harmony
344 with the community. The Project has encouraged good design that
345 incorporates and respects community characteristics (DEIR 3.9-25), and
346 is compatible with the existing development pattern with regard to
347 massing, scale, setbacks, color, textures, materials, etc. (ADG pg 10).
348

349 Dwellings and structures within the Resort will be designed to provide a
350 variety of massing , scale and proportion within their building envelopes
351 (ADG Resort pgs 31-76 and Non-Resort pgs 32-76). For all the reasons
352 stated herein, the Project has harmonized the relationship of character
353 and scale with existing and proposed adjoining development, achieving
354 complementary style while avoiding both excessive variety and
355 monotonous repetition.
356

357 4. Finding: The Project's building design, materials, colors and textures are
358 compatible and appropriate to Calistoga and the architectural design of
359 structures and their materials and colors are appropriate to the function of
360 the Project.
361

362 Supporting Evidence: The proposed Project's buildings would be required
363 to adhere to the ADGs to ensure that architecture is high quality and
364 compatible with its surroundings. In addition, the Project would largely be
365 screened from view by the forest. The custom residential lots will be sold
366 to individual buyers to develop units on these properties. As such, each
367 owner will pursue a unique design suited to his or her need and therefore
368 will avoid repetitive designs. Like the Resort, the homes would be subject
369 to the provisions of the ADGs to ensure that architecture is high quality
370 and compatible with their surroundings (DEIR pg 3.9-25).
371

372 Throughout the development, strict standards of design and
373 implementation will be mandated. The ADGs outline the development
374 requirements for all home sites, including landscaping. The locations and
375 arrangements of various features, including, but not limited to, driveways,
376 building setbacks, grading, drainage, garage orientations, pool designs,

377 and recreational amenities, will be reviewed to ensure they clearly
378 accentuate adjacent spaces and view sheds (ADG Resort - Pages 14 and
379 22 and Non-Resort pgs 10-25).

380

381 The primary goal of overall architectural design is to create a community
382 that integrates the common buildings, Hotel cottages, Residence Club
383 homes, and Custom Residential Lots into a pleasing, cohesive village.
384 Buildings and homes should exhibit a balance of form, both in massing
385 and scale, reflecting the appropriate architectural style while respecting
386 the environment. The following concepts promote and support these
387 objectives:

388

389 • Harmonious placement of each structure with its surrounding
390 landscape features and adjacent structures.

391 • Visual diversity through creative massing and scaling at the front
392 facades and rear elevations.

393 • Four-sided building articulation, creating a variety of massing and
394 silhouettes.

395 • Balance of structure, either symmetrical or asymmetrical.

396 • Appropriate roof forms as determined by the adopted architectural
397 style, including gabled, hipped, shed, flat or rotundas.

398 • Proper eave detailing consistent with the proposed style of the
399 structure, including length, texture, and finishes, with special attention
400 to gutter and downspout applications.

401 • Strong entry statements, proportional with the overall design.

402 • Sensitivity to multi-story massing as it relates to vertical and horizontal
403 elements of the structures.

404 • Appropriate hillside designs in both Resort and Non-Resort areas.

405 • Use of quality of exterior finish materials in various and appropriate
406 combinations, including transitions and installations.

407 • Thoughtful integration of covered patios/porches, balconies, porte-
408 cocheres, etc.

409 • Quality columns and railings with appropriate proportions, detailings,
410 and materials.

411 • Proportionately positioned windows and doors, appropriate to the
412 architectural style.

413 • Appropriate colors, given the architectural style, with accents on doors,
414 windows, shutters, wrought iron railings, awnings, and trim.

415

416 Every Custom Home Lot is unique in its topography, vegetation, wildlife,
417 view shed, and exposure to neighboring structures. All will be closely
418 scrutinized to determine the ideal building placement and orientation. The

419 quality and impact of materials, proportion of columns, and overall scale of
420 each element will also be closely reviewed.

421
422 Interactive elements such as porches, verandas, porte-cocheres,
423 balconies, loggias, decks, porticos, trellises, arbors, and courtyards may
424 be situated to add charm and curb appeal while providing relief in the
425 exterior elevation(s). Where possible, all structures should contemplate
426 placing at least one interactive element that relates to the street or public
427 walkways. Designs should also take into account the orientation and
428 relationship of indoor living spaces to outdoor spaces.

429
430 The detailing of any building sets both the character and quality of the final
431 structure. Quality design and implementation, accurate historical
432 representation, and authentic quality materials will be required of all
433 proposed buildings and exterior elements. A refined and authentic look
434 will be achieved through careful consideration of proportion and transition
435 between materials.

436
437 A thoughtful blend of acceptable architectural styles will promote a unique
438 village environment that enhances the allure of the forest. A portrayal of
439 such options follows. Development of the Project plan, preservation of the
440 native character of the landscape has been tantamount. The goal of the
441 Landscape Design Standards is to meld the natural with the man-made to
442 create an inviting, environmentally-sensitive resort and custom home
443 community on the forested hillside of Diamond Mountain. (ADG Resort
444 pages 14, 31 and 42 and Non-Resort pgs 10 and 32-42)

445
446 Therefore, the Project incorporates building design, materials, colors and
447 textures that are compatible and appropriate to Calistoga, and the
448 architectural design of structures and their materials and colors are
449 appropriate to the function of the Project.

450
451 5. Finding: The Project is designed to insure the harmony of materials,
452 colors, and composition of those sides of a structure, which are visible
453 simultaneously.

454
455 Supporting Evidence: Same as for Finding 4 above. Therefore, the Project
456 is designed to insure the harmony of materials, colors, and composition of
457 those sides of a structure, which are visible simultaneously.

458
459 6. Finding: The Project insures consistency of composition and treatment.
460

461 Supporting Evidence: Same as for Finding 4 above. Therefore, the Project
462 insures consistency of composition and treatment.
463

464 7. Finding: The Project considers location and type of planting with regard to
465 valley conditions and preserves specimen and landmark trees upon a site,
466 with proper irrigation to insure water conservation and maintenance of all
467 plant materials.
468

469 Supporting Evidence: Community landscaping plays a significant role in
470 the overall design of the Project. While the existing forest around the
471 perimeter of the developed areas remains undisturbed, harmonious
472 landscaping should be introduced within. Native plant and tree species
473 will be primarily used, including black oak, coast live oak, western
474 sycamore, deodar cedar, madrone, California lilac, Manzanita, rosemary,
475 sage, lavender, deer grass and sedge. Plant species in the landscape
476 design should vary in size, color, and texture and will soften the
477 hardscapes along community edges, neighborhood edges, building edges,
478 walls and fences, parks, and common areas. The following will be of
479 utmost consideration in guiding the community landscape plan:
480

- 481 • Conservation of native forest
- 482 • Consideration of plant massing, scale, and proportion appropriate to
483 surrounding contexts
- 484 • Use of texture and color to create visual interest and seasonal impact,
485 such as combining hardscapes or evergreens with deciduous plantings
486 with seasonal color variations
- 487 • Sensitivity to balance and rhythm to unify the formal and informal
488 plantings within the community and to blend the landscaping with the
489 architecture and adjacent forest
- 490 • Attention to landscape edge treatments throughout the community

491
492 To reinforce the rural hillside character of the development and to
493 encourage the use of diverse colors and textures in the landscape, the
494 following design principles for specialty planting are included:
495

- 496 • Maintain the existing forests along the edges of all proposed
497 development areas.
- 498 • Select new plant materials that are native or compatible with native
499 species existing on the site.
- 500 • Select new plant materials that are fire-resistant or drought tolerant,
501 where possible.
- 502 • Protect the existing hillside view sheds.

- 503 • Filter potential on-site pollutants naturally through roadside vegetative
504 swales or bio-filtration methods.
- 505 • Control erosion and surface water runoff within each developed area.
- 506 • Use layers of plantings to soften building masses and integrated
507 architectural forms.
- 508 • Establish a strong, clear spatial and thematic concept in landscape
509 plans that works with and is responsive to the site, the existing
510 plantings, and the architecture.
- 511 • Develop a landscape design with consideration for the pedestrian
512 experience.
- 513 • Select plant material forms and heights that are sensitive to the form,
514 scale, and style of the architecture.

515
516 The Timber Harvest Plan (THP), the Forest Management Plan (FMP) and
517 the Wildland Fire Protection Plan (WFPP) contain specific and detailed
518 information on tree protection. These requirements take precedence over
519 any other general design recommendations.

520
521 Water conservation is a vital consideration in the landscape design
522 development. To reduce or eliminate the need for supplemental water,
523 the Project embraces Xeriscape design principles and shall comply with all
524 local and state water use regulations.

525
526 Choosing drought tolerant plant species as recommended in the following
527 guidelines will assist owners and landscape designers in applying
528 Xeriscape design principles to their projects:

- 529
530 • Drought tolerant plant species are encouraged. The Sunset Western
531 Garden Plant Selection Guides, “Native Plants,” “Deer-resistant
532 Plants,” and “Plants for Growing Beneath Oaks,” are recommended as
533 a guideline.
- 534 • All tree, shrub and groundcover choices should be selected with
535 sensitivity to microclimate, water conservation and Xeriscape
536 principles, erosion control appropriateness, compatibility with existing
537 native plantings, and appropriate maintenance considerations.
- 538 • Care shall be taken to minimize the intrusion into the drip-line areas of
539 existing native planting areas, including the use of tree protection
540 barriers. Plant materials for the private landscape zones shall be in
541 harmony with the overall community theme.
- 542 • Consistent with best practice Xeriscape concepts, new planting areas
543 should be grouped by water usage (low, medium and high water use
544 areas) and should separate irrigation zones to apply water at matched

545 rates for the plant water usage. Spray type irrigation systems may only
546 be used in limited turf areas, while all other new planting areas shall
547 use low water usage drip irrigation systems. Irrigation systems should
548 be designed to control irrigation and water runoff within their own
549 planting areas (ADGs Resort pgs 68-73 and Non-Resort pgs 84-91)
550 (DEIR pgs 3.9-37, 3.9-41).
551

552 Therefore, the Project considers location and type of planting with regard
553 to valley conditions and preserves specimen and landmark trees upon a
554 site, with proper irrigation to insure water conservation and maintenance
555 of all plant materials.
556

557 8. Finding: The Project's exterior lighting, design signs and graphics are
558 compatible with the overall design approach and appropriate for the
559 setting.
560

561 Supporting Evidence: The Architectural Design Guidelines were
562 established to outline and define the development objectives for the
563 Project and to provide direction for the planning, architecture and
564 landscape design of the entire Project. The Project will be of the highest
565 possible standards of character and quality in harmony with the
566 community. The Project has encouraged good design that incorporates
567 and respects community characteristics (DEIR 3.9-25).
568

569 Additionally, the Project will install lighting fixtures that are limited to
570 specific illumination levels to prevent unwanted spillage of light and glare
571 onto neighboring properties, and the ADG require the use of non-reflective
572 glass to prevent glare (DEIR pg 3.9-42). Therefore, the Project's exterior
573 lighting, design signs and graphics are compatible with the overall design
574 approach and appropriate for the setting.
575

576 9. Finding: The Project will conform to standards set forth in the DEIR,
577 Design Guidelines, CUP and conditions of approval. There will not be a
578 need for improvement of existing site conditions including but not limited to
579 signage, landscaping, lighting, etc., to achieve closer compliance with
580 current standards.
581

582 Supporting Evidence: The Mitigation Monitoring program and enforcement
583 of the CUP will ensure that the Project will conform to standards set forth
584 in the DEIR, Design Guidelines, CUP and conditions of approval.
585 Consequently, there will not be a need for improvement of existing site
586 conditions including but not limited to signage, landscaping, lighting, etc.,
587 to achieve closer compliance with current standards.

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10. Finding: The Project design promotes a high design standard and utilizes quality materials compatible with the surrounding development consistent with and appropriate for the nature of the proposed use.

Supporting Evidence: Same as for Finding 4 above. Therefore, the Project design promotes a high design standard and utilizes quality materials compatible with the surrounding development consistent with and appropriate for the nature of the proposed use

11. Finding: The Project will responsibly use of natural resources on the site.

Supporting Evidence: The entire Project is designed to utilize the natural features of the landscape such as forest cover and slope, clustering development towards the rear of the site, permanently preserving nearly 1/3 of the Project site as forest reserve, and providing open space areas throughout the Project to further preserve trees and screen most of the Project from the City's view. These measures individually and combined, insure that the Project compliments Calistoga's small town rural character (DEIR pg 3.9-11, 3.9-14, 3.9-15). The design theme centers around the evergreen and redwood forest and sloping terrain. Naturalized design elements that include, terracing and low profile building design, natural stone-like materials and textures, earthen colors and warm hues which are common to the region will contribute to the unique identity of the Project and reinforce locally distinctive patterns of development, architectural diversity and landscape (ADG Resort pgs 23-43 and 68-73 and Non-Resort pgs 2-32, 43 and 84-91). Therefore, the Project will responsibly use of natural resources on the site.

THEREFORE, BE IT RESOLVED by the City of Calistoga Planning Commission that based on the above Findings, the Planning Commission recommends to the City Council approval of the proposed project, subject to the following Conditions of Approval:

Wherever any condition herein requires the review and/or approval of the "City," this shall mean and refer to the review and/or approval by the appropriate department staff, unless otherwise expressly stated.

629 **CONDITIONAL USE PERMIT (U 2010-02), DESIGN REVIEW (DR 2010-04) &**
630 **PRELIMINARY/FINAL DEVELOPMENT PLAN (PD 2010-01)**

631
632 **General Planning Conditions:**
633

- 634 1. This permit authorizes the construction of and operation of a project
635 consisting of 110 resort hotel units (grouped among 36 cottages), 20
636 residence club units, 13 custom single family residences, public restaurant
637 and bar, event facilities, spa and swimming pools, parking and support
638 facilities and related infrastructure consistent with the DEIR Project
639 Description, architectural drawings prepared by SB Architects dated
640 March 2010, the engineered plans prepared by BKF Engineers dated
641 December 6, 2011, (collectively, “the Approved Plans”) and consistent
642 with all other City Ordinances, rules, regulations, and policies. The
643 conditions listed below are particularly pertinent to this permit and shall not
644 be construed to permit violation of other laws and policies not so listed. A
645 minor reduction the number of resort units, residence club units, single
646 family units and a minor modification in structural square footage is
647 allowed provided the Planning and Building Manager determines the
648 modification to be in substantial compliance with the Approved Plans and
649 the Preliminary/Final Development Plan (collectively, “the Development
650 Plan”).
651
- 652 2. The applicant agrees by accepting these conditions herein that any
653 material deviations from the approved Development Plan on file at the
654 City’s Planning and Building Department shall be subject to review and
655 approval by the Planning and Building Manager, or Planning Commission
656 as determined by the Manager, prior to incorporating the changes on the
657 project site. The Planning and Building Manager may approve minor
658 amendments to this permit provided that the permit is still in substantial
659 conformance with the original Development Plan approval.
660
- 661 3. If this approval has either not been used or construction has not begun
662 within the term established by the approved Development Agreement,
663 without further action by the City, this permit shall expire and become null
664 and void. This use permit shall remain valid as long as there is a valid
665 building permit for construction of the use or the use is maintained in
666 continuous operation. If the building permit expires or the use ceases to
667 operate for 24 months, the use permit shall become null and void.
668
- 669 4. Development and use of the property shall substantially conform to the
670 Development Plan.
671

- 672 5. All construction and improvements shall be in accordance with zoning,
673 building, and all other codes, ordinances, standards, policies of the City of
674 Calistoga.
675
- 676 6. All construction activity shall be restricted to the hours of 7:00 a.m. to 7:00
677 p.m., Monday through Saturday. Construction hours may be extended as
678 approved by the Planning and Building Manager if it is determined that
679 special circumstances exist that necessitate extend hours for short periods
680 of time.
681
- 682 7. Upon approval of on site improvement plans for the roadways and utilities,
683 tree removal and/or tree thinning may occur.
684
- 685 8. Construction activity shall stay outside the drip line of any protected tree to
686 the maximum extent feasible. Protective fencing shall be installed subject
687 to the review and approval of the Planning and Building Department in
688 consultation with a City hired certified Arborist (paid by applicant) prior to
689 the issuance of any building or grading permit.
690
- 691 9. Appropriate on site tree mitigation and/or mitigation funds shall be
692 reviewed and approved by the City Engineer prior to any grading permits
693 being released.
694
- 695 10. To assure protection and/or reasonable tree replacement, the applicant
696 shall post a bond (or cash deposit or other security) and/or modify existing
697 performance surety bond. Prior to posting the bond or deposit, a licensed
698 arborist, in conjunction with the City's Engineer, shall assess the value to
699 perform the following work: on site remediation, including without limitation
700 tree preservation and replacement, protective fencing for trees, earthwork,
701 grading, driveway work, erosion control, hydroseeding, and Storm Water
702 Pollution Protection Plan report.
703
- 704 11. Vehicles used in transporting materials shall be limited to City-approved
705 haul routes. No construction staging activity shall occur within the right-of-
706 way of Foothill Boulevard (SR 29/128).
707
- 708 12. All work performed in conjunction with this approval shall be by individuals
709 who possess a valid business license from the City.
710
- 711 13. Any temporary sales office or real estate signage shall require the
712 approval of an administrative use permit, as deemed necessary by the
713 Planning and Building Department.
714

- 715 14. Prior to issuance of any, demolition permit, building permit or grading
716 permit, a Final Map shall be recorded as authorized pursuant to City
717 Council Resolution.
718
- 719 15. This use shall conform to all required conditions established herein, as
720 approved by the City Council. Failure to comply with these conditions may
721 result in a City-initiated amendment or revocation of the permit if the City
722 finds that the use to which the permit is put is detrimental to the health,
723 safety, comfort or welfare of the public, or causes a nuisance.
724
- 725 16. This use permit does not abridge or supersede the regulatory powers or
726 permit requirements of any federal, state or local agency, special district or
727 department which may retain regulatory or advisory function as specified by
728 statute or ordinance. The applicant shall obtain permits as may be required
729 from each agency prior to the issuance of any grading or building permit.
730
- 731 17. All mitigation measures of the Environmental Impact Report are hereby
732 incorporated as conditions of approval. Permit holder shall be required to
733 comply with the Mitigation Monitoring and Reporting Program contained in
734 City Council Resolution (Final Environmental Impact Report), which are
735 incorporated herein. Where conflict exists between the mitigation
736 measures and the conditions of approval the more stringent shall apply.
737
- 738 18. The applicant shall be allowed to pull separate building permits for each
739 phase of the project, subject to City Planning and Building, Public Works
740 Director and Fire Chief approval of a detailed phasing plan. The phasing
741 plan shall be submitted for review and approval by the City prior the
742 issuance of any building or grading permit and include a plan that
743 identifies the sequence of all structures, uses and amenities, installation of
744 utilities and infrastructure, compliance with project conditions and the
745 submittal of a construction management plan as required in these
746 conditions.
747
- 748 19. Prior to the selling or service of any alcoholic beverages within any portion
749 of the project, the applicant shall obtain a license from the State
750 Department of Alcohol and Beverage Control, and provide a copy of the
751 license to the Planning and Building Department.
752
- 753 20. Prior to the issuance of a building permit for any phase of the project, the
754 applicant shall obtain all necessary permits from the Napa County
755 Department of Environmental Management, as required.
756

- 757 21. Prior to building permit issuance for any commercial structure that
758 includes food or beverage service facilities, the applicant shall comply with
759 the California Uniform Retail Food Facilities Law and Napa County
760 Environmental Health Management Division requirements for food and
761 beverage service to the public. Complete plans and specifications
762 containing equipment layout, finish schedule and plumbing plans for the
763 food and/or beverage facilities and employee restrooms must be
764 submitted directly to the Department of Environmental Management with
765 the appropriate plan review fee. Upon completion of the work and prior to
766 final by this department an annual food permit will also be required.
767
- 768 22. Prior to the issuance of a building permit for demolition of any buildings,
769 the applicant shall provide a declaration to the Building Official that there
770 is no lead paint, asbestos, or other hazardous substances on-site. In the
771 event that a declaration cannot be provided, an investigation shall be
772 required. In the event that toxic substances are on-site, a certified
773 asbestos or toxic control specialist shall monitor the cleanup and/or
774 excavation.
775
- 776 23. Prior to issuance of any demolition permit, building permit or grading
777 permit, the permit holder shall obtain permits from the Bay Area Air Quality
778 Management District (BAAQMD), and shall comply with all permit
779 requirements specified by BAAQMD, as necessary.
780
- 781 24. Prior to the issuance of a Certificate of Occupancy, the applicant shall
782 submit a master sign program that sets forth the sign theme for the project
783 and specifies proposed sign sizes, types, and locations, including wall,
784 canopy, freestanding, directional, and informational signs, including
785 building addressing. The master sign program shall comply with the City's
786 regulations for Formula Visitor Accommodations and shall be subject to
787 review and approval by the Fire Chief, Police Chief and Planning and
788 Building Manager.
789
- 790 25. Prior to building permit issuance, an addressing plan/program shall be
791 submitted for review and approval by the City.
792
- 793 26. The Developer and/or Owner shall permit the City of Calistoga or
794 representative(s) or designee(s) to make periodic inspections at any
795 reasonable time deemed necessary in order to assure that the activity
796 being performed under authority of this permit is in accordance with the
797 terms and conditions prescribed herein upon advance notification.
798

- 799 27. The applicant shall pay for all third party plan check and building
800 inspection service fees required for building permit review and inspection
801 during project construction.
802
- 803 28. Prior to building permit issuance, the applicant shall submit a final
804 landscape improvement plan, including lighting, fencing, ponds, patios,
805 decking, etc. subject to the review and approval of the Planning and
806 Building Department. The Landscape Plan shall show final selection of
807 plant materials, sizes, locations and details of the on site reclaimed (if any)
808 irrigation delivery system. The Landscape Architect shall also include
809 evidence that the landscape specimens will not be affected by the
810 reclaimed water (if any) chemistry and compliance with the local and/or
811 State Water Efficient landscape Ordinance.
812
- 813 29. Utilities within the site shall be placed underground to protect the scenic
814 value of the property.
815
- 816 30. Approval of this Design Review is based on the presentation of materials
817 kept on file in the Planning and Building Department. These materials shall
818 be applied to the buildings as approved and may only be materially
819 changed with the approval of a Design Review application approved by the
820 Planning Commission, through the process established in the City of
821 Calistoga Zoning Ordinance.
822
- 823 31. Prior to building permit issuance, all buildings, structures, signs, landscape
824 areas or uses comply with the Enchanted Resorts Architectural Design
825 Guidelines (“Design Guidelines”), dated January 27, 2012. Any future
826 exterior alterations, expansion or other new construction shall be subject to
827 the Design Guidelines. The property owner agrees to submit an application
828 for Building Permit for all construction of buildings or structures located on
829 the site, not otherwise exempt by the Uniform Building Code or any State or
830 local amendment adopted thereto. Prior to issuance of all building permits,
831 the property owner agrees to pay all fees associated with plan check and
832 building inspections, and associated development fees rightfully established
833 by City Ordinance or Resolution.
834
- 835 32. Prior to building permit issuance by the Planning and Building Department,
836 consistent with the “PD 2010-01”, *Enchanted Resort and Spa Planned*
837 *Development District*, any single family residence, guest house or garage,
838 on an individual lot, the owner, agent or contractor shall provide the
839 following to the Planning and Building Department:
840

- 841 a. A letter from the local architectural review committee (“ARC”)
842 approving or conditionally approving the proposed structure; and
843 b. A complete set of building and plot plans stamped approved by the
844 ARC.
845
- 846 33. Prior to occupancy, ground mounted equipment, such as backflow
847 prevention devices and utility panels, etc. shall be adequately screened
848 from public view and view from adjoining developed parcels subject to
849 review and approval of the City.
850
- 851 34. Prior to building permit issuance, all permanent exterior lighting shall be
852 directed and/or shielded so as not to shine or create glare on any adjacent
853 property in accordance with the standards contained in Section 17.36 of
854 the Calistoga Municipal Code and the Title 24 Part 6 2007 California
855 Energy Code which limits light and glare, subject to the review and
856 approval of the Planning and Building Department.
857
- 858 35. Construction materials that are highly reflective are prohibited.
859 Construction materials that are less reflective shall not be allowed to
860 project glare or light across the property boundaries.
861

862 **Engineering/Public Works Department Conditions:**

863
864 General Conditions
865

- 866 36. The Developer shall provide improvement and warranty, bonding, and
867 security in accordance with CMC 16.18 for public improvements and on
868 site remediation. Developer shall provide cost estimates for City approval
869 from a registered Civil Engineer. Improvement security shall include an
870 additional amount for the estimated cost of restoring the disturbed site
871 should the developer not complete all the improvements.
872
- 873 37. Prior to occupancy, the developer shall provide to the City a
874 signed/stamped letter from the geotechnical engineer of record that all
875 geotechnical related issues were observed, installed, and tested in
876 conformance with the soils reports and design plans and specifications.
877 Cut and graded slopes shall be periodically inspected during grading of
878 those slopes by the engineering geologist or soils engineer with period
879 progress reports and a completion report submitted to the Planning and
880 Building Department.
881
- 882 38. Prior to occupancy, the developer shall provide the City a stamped letter
883 from the civil engineer inspecting site work (by them or their sub) that

884 certifies infrastructure has been installed and tested per plans and
885 specifications.
886

887 39. The applicant shall design and install all on-site infrastructure
888 improvements including roads, drainage, sewer, and water to the
889 satisfaction of the applicant's engineering team (i.e. geotechnical, civil,
890 structural, electrical, mechanical etc.). Letters shall be submitted by each
891 engineering specialty stating the improvements were installed in
892 substantial conformance with the approved construction documents based
893 on visual observations and contractor as-builts. Letters shall be provided
894 to the City prior to the issuance of any certificates of occupancy. The City
895 is not responsible for on-site infrastructure. Applicant shall include a note
896 on the final map stating that Calistoga is not responsible for any of the on-
897 site infrastructure (e.g. roads, utilities, drainage facilities). On-site
898 infrastructure is the responsibility of the developer, builder and their team
899 of architects and engineers.
900

901 All public infrastructure improvements shall be built to the satisfaction of
902 Calistoga and current Federal, State and local requirements. All
903 improvements shall be installed, properly inspected operational and
904 accepted by the City prior to project occupancy. The developer shall pay
905 for all inspection of this infrastructure.
906

907 40. All new structures shall be required to connect to the appropriate sewer
908 and water service before final inspection.
909

910 41. Prior to any grading or building permit issuance, the developer shall have
911 a Qualified Stormwater Developer (QSD) prepare an approved Storm
912 Water Pollution Prevention Plan (SWPPP) as required by the most recent
913 NPDES Construction General Permit provided by the State Water
914 Resources Control Board. This shall include a Notice of Intent (NOI). The
915 developer will also be responsible for implementing all aspects of the
916 SWPPP throughout construction activities and through Notice of
917 Termination (NOT). The Developer shall hire a person certified as a
918 Qualified Stormwater Practitioner (QSP). The QSP shall provide all the
919 inspecting/testing/training and reporting as required by the Construction
920 General Permit, throughout the duration of the project.
921

922 42. The applicant and/or contractor shall obtain approval of an appropriate
923 temporary security measures (for purposes of securing construction
924 equipment and materials) from the City prior to issuance of any grading or
925 building permit
926

- 927 43. The applicant shall provide a traffic control plan signed by a licensed
928 engineer to control traffic safety throughout all of the construction phases.
929 Plan shall include but not limited to staging areas on the project site and
930 truck movements, cones, signage, flagging, etc. Approval of the plan shall
931 be required from the City prior to issuance of any grading permit or in
932 conjunction with the submittal and approval of a detailed phasing plan.
933
- 934 44. All internal roads, driveways, water, sewer, drainage and reclaimed
935 facilities will be owned and maintained by the developer/managing entity
936 (i.e. City will not own any on-site infrastructure). The owner shall sign a
937 maintenance agreement for all on-site infrastructure to the satisfaction of
938 the City.
939
- 940 45. Owner/managing entity will need to sign and provide appropriate
941 documentation for all required maintenance agreements related to on-site
942 infrastructure.
943
- 944 46. Developer will provide any necessary easements documents required for
945 infrastructure.
946
- 947 47. Developer shall pay any necessary fees related to City peer review costs
948 associated with the review of the design, construction, and inspection of
949 the project.
950

951 Street Improvements and On-Site Circulation
952

- 953 48. Design shall conform to the mitigation measures identified in the EIR.
954
- 955 49. Prior to the issuance of any grading permit, street improvement plans for
956 Madrone Drive, Ponderosa Road, Manzanita Road, cart paths and the
957 EVA shall be submitted and approved by the City Engineer consistent with
958 the BKF, Typical Sections dated December 6, 2011, unless otherwise
959 stated herein. Improvements shall adhere to City standards unless
960 specifically approved by the City Engineer, accompanied by supporting
961 documentation from the applicant.
962
- 963 50. The applicant shall obtain an encroachment permit from the City or
964 Caltrans to cover work within the public ROW and/or work dealing with
965 City owned or maintained utilities. A grading permit will be issued through
966 the Planning and Building Department.
967
968
969

970 Water Service

- 971
- 972 51. Design shall conform to the mitigation measures identified in the EIR.
- 973
- 974 52. Prior to Building Permit issuance, the applicant shall purchase water in
975 accordance with the terms of the approved Development Agreement.
- 976
- 977 53. The water design and improvements shall comply with the City of Santa
978 Rosa Design and Construction Standards, California Building Code and
979 applicable State (e.g. Department of Public Health) Standards.
- 980
- 981 54. All points of connection to existing City system will require appropriate
982 backflow and master metering devices to the satisfaction of Public Works.
- 983
- 984 55. Provide appropriate level of design detail as required by Public Works for
985 any on site water improvements. The water improvements shall be
986 consistent with the Water, Wastewater, and Reclaimed Water Analysis
987 dated September 2011 and the BKF composite utility plans dated
988 December 6, 2011 subject to the review and approval of the City.
- 989
- 990 56. Provide complete fire flow/hydraulic calculations to confirm required fire
991 flow and pressure to the project.
- 992
- 993 57. Prior to building permit issuance, the following improvements shall be
994 done by the developer; 1) at the intersection of Berry and Cedar Streets, a
995 cross connection shall be installed tying the existing 12-inch main to the
996 existing 6-inch main All associated valves shall be part of this work and 2)
997 at the intersection of Cedar Street and Lincoln Avenue, an existing main
998 crossing Lincoln Avenue shall be replaced, including valves, pipes, and a
999 fire hydrant.
- 1000
- 1001 58. Water supply to the Project can be achieved by the City providing 100
1002 gpm for normal daily demands with a maximum flow of 350 gpm following
1003 a fire event. The Project shall install two water meters per City standards
1004 and two on-site pumps, one pump that shall provide 100 gpm for normal
1005 daily demands, and a second pump to only supply an emergency storage
1006 recharge during and immediately following a fire event. Combined, both
1007 pumps shall provide a maximum 350 gpm delivery rate. The emergency
1008 pump shall be controlled via the fire flow meters at the building sites.
- 1009
- 1010 59. Prior to occupancy, fire water supply shall be met with 300,000 gallons of
1011 on-site storage in addition to domestic capacity.

1012

1013 Wastewater Collection and Treatment

1014

1015 60. Design shall conform to the mitigation measures identified in the EIR.

1016

1017 61. The sanitary sewer design and improvements shall comply with the City of
1018 Santa Rosa Design and Construction Standards and applicable state (e.g.
1019 Department of Public Health) standards.

1020 62. Mud separators shall be installed at the spa. No mud shall be allowed into
1021 the sanitary sewer system. Developer shall submit a design for approval
1022 and provide an operations and maintenance plan to the City and shall be
1023 responsible for regular scheduled maintenance of mud separators.
1024 Should the mud separators fail to meet their performance requirements,
1025 the owner shall reconstruct the mud separators at the owner's expense.
1026 The design of mud separators shall be submitted to the Public Works
1027 Department for review and approval prior to the issuance of building
1028 permits.

1029 63. All commercial and restaurant waste shall have adequately sized
1030 oil/grease vaults to separate waste products. No grease shall be allowed
1031 to enter the sanitary system. Developer shall provide O&M plan to the
1032 City along with annual statements showing scheduled maintenance of
1033 facilities.

1034 64. Provide appropriate level of design detail for all off-site sewer
1035 improvements to an appropriate connection point approved by the City,
1036 which has been determined to be the manhole at the north side of State
1037 Route 29/128 (Foothill Boulevard) south of Pine Street. The private sewer
1038 main shall terminate at the sewer man hole on the north side of SR 29/128
1039 where the public sewer main begins. The sewer improvements shall be
1040 consistent with the Water, Wastewater, and Reclaimed Water Analysis
1041 dated September 2011 prepared by Adobe Associates, Inc. and the BKF
1042 composite utility plans dated December 6, 2011.

1043 65. Prior to occupancy, a 24-inch gravity sewer main shall run southeasterly
1044 within the old railroad right-of-way to the north end of the City's Little
1045 League field, where the main alignment shall return to Washington Street
1046 and replace the existing 18-inch pipe with a 27-inch pipe to the WWTP.
1047 The Pine Street lift station shall require minor modifications including,
1048 pump upsizing, controller upgrade, generator upgrade, and an additional
1049 storage wet well with grinder and emergency pump. This public route is

1050 more particularly shown on the exhibit entitled “Washington Street Sewer
1051 Replacement”, in the Adobe Associates, Inc Report.

1052 66. Prior to occupancy, the Developer shall install an additional wet well with a
1053 grinder and an emergency pump subject to the review and approval of the
1054 City. The additional wet well will be sized to accommodate the Project
1055 peak flows and be located adjacent to the existing wet well. The existing
1056 12-inch public main into the Pine Street lift station will be replaced and
1057 upsized to 15-inch, for approximately 40 feet, to mirror the upstream main
1058 size in Pine Street.

1059 67. Prior to occupancy, the existing 12-inch gravity lateral from the Napa River
1060 to the Washington Street trunk line will be replaced with a 12-inch force
1061 main that will be extended to the proposed 24-inch sewer main in the Fair
1062 Way extension right-of-way paralleling Washington Street. The proposed
1063 main size will increase to a 27-inch main at the intersection of the 24-inch
1064 main with the existing 18-inch main in Washington Street, to the WWTP.

1065
1066 Drainage
1067

1068 68. The applicant shall submit for review and approval by the City Public
1069 Works Director a Final Storm Drainage Study prior to the issuance of
1070 grading and/or building permits. The Final Drainage Study shall be based
1071 upon the BKF drainage reports dated November 2004, modified in 2008
1072 and the BKF technical memorandums dated March 2010 and November
1073 3, 2010. The applicant shall construct drainage improvements as outlined
1074 in the Final Storm Drainage Study as required to serve the project. Such
1075 improvements shall be complete and operational, subject to City
1076 inspection and approval, prior to occupancy of any component of the
1077 project.

1078
1079 69. Storm drainage design shall meet all current federal, state, and local
1080 requirements.

1081
1082 70. Storm drainage post construction runoff, low impact development (LID)
1083 improvements shall be designed in compliance with the most current
1084 County requirements, Regional Water Quality Control Board standards
1085 and the California Stormwater Quality Association (CASQA) Handbook of
1086 Best Management Practices.

1087
1088 71. Developer shall maintain all existing stormwater facilities on or
1089 immediately adjacent to the property. Should any facilities fail to meet their

- 1090 drainage performance requirements, the owner shall reconstruct them at
1091 the owner's expense.
1092
- 1093 72. Developer shall maintain all stormwater culverts and headwalls under
1094 access driveways. Should the stormwater culverts and headwalls fail
1095 structurally, the owner shall reconstruct stormwater culverts and headwalls
1096 at the owner's expense.
1097
- 1098 73. Prior to grading permit issuance, the Developer shall provide a permeable
1099 pavement maintenance plan to the City prior subject to the review and
1100 approval of the City. Developer shall be responsible for maintaining
1101 permeable pavements to maintain drainage performance requirements.
1102 Should the permeable pavements fail to meet their drainage performance
1103 requirements, then the owner shall reconstruct the permeable pavements
1104 at the owner's expense.
1105
- 1106 74. Prior to occupancy, Developer shall provide an operations and
1107 maintenance plan to the City and shall be responsible for regular
1108 scheduled maintenance of all project detention basins and other storm
1109 drain facilities. Should the project detention basins fail to meet their
1110 drainage detention performance requirements, then the owner shall
1111 reconstruct the detention basins at the owner's expense.
1112
- 1113 75. Developer shall address in final drainage study how they have mitigated
1114 an increase in runoff with designed LID facilities (i.e. meet water balance
1115 SWPPP requirements and/or other local requirements). Include
1116 calculations and details of water quality device sizing proposed to be
1117 used.
1118
- 1119 76. To minimize any possible increased runoff, the detention pond/outlet
1120 structure shall be designed so peak flows for the 2, 10, and 100 year, 24
1121 hour events, are no greater than existing peak flows as required by State
1122 law.
1123
- 1124 77. Developer's engineer shall provide a minimum of 1-foot of freeboard in all
1125 detention ponds from the maximum calculated water height.
1126
- 1127 Reclaimed Water
1128
- 1129 78. If City reclaimed water is used, connectivity to the City's reclaimed water
1130 main can be achieved through two routes: 1) by following the public route
1131 of the "Washington Street Sewer Replacement" of the proposed
1132 wastewater alignment noted above, or 2) a private route that crosses

1133 State Highway 29 through neighboring property owners and the Napa
1134 River and the City spray fields as more particularly shown on the “Private
1135 Reclaimed Water Alignment” exhibit in the Adobe Associates, Inc. report.
1136 This Private Route has been examined by the City’s Environmental Impact
1137 Report consultant to confirm that the alignment is mitigated to a level of
1138 insignificance.

1139
1140 79. Owner will have to comply with Calistoga reclaim water requirements
1141 through design and construction.
1142

1143 **Police and Fire Department Conditions:**
1144

1145 80. The applicant shall develop an on-site security protocol for project
1146 construction and operation, which shall be approved by the Calistoga
1147 Police Department prior to issuance of any building permit.
1148

1149 81. Prior to the issuance of a Certificate of Occupancy, instructions on the 911
1150 emergency telephone system shall be available in all guest units. The
1151 dial-out 911 connection shall be direct from all public and private phones
1152 and not be routed through a central resort switchboard.
1153

1154 82. Given that cell phones and/or Fire/Police communication systems do not
1155 work underground an intercom or other similar communication system
1156 shall be installed within underground locations as required by Appendix J
1157 of the Fire Code. Said system shall be shown on the construction plans for
1158 the wine caves and installed and tested as operational prior to occupancy
1159 of the cave.
1160

1161 83. Security entrance gates shall be equipped with either an electronic gate
1162 control (i.e. OPTICAM, or similar) or key box (Knox Box System).
1163

1164 84. The applicant shall demonstrate to the satisfaction of the Calistoga Fire
1165 Department that all structures are accessible to emergency services as
1166 required by Section 902.1, Appendix D standards of the California Fire
1167 Code. The project shall comply with the Resort Emergency Vehicle
1168 Access Plan and Fire Access Plan dated February 2011 and the Roadway
1169 / Fire Hydrant Clearance Exhibit dated April 2011. The proposed EVA
1170 road section shall be validated with the City for fire apparatus imposed
1171 loads to ensure road section(s) meet City design standards. Roadway
1172 slopes 16 percent or greater along the emergency vehicle access shall
1173 require pavement-scoring treatment. Cart paths fronting a 3-story unit
1174 shall be developed or widened to no less than 10 feet in width.
1175

- 1176 85. Prior to grading permit issuance, roadway and access improvements (curb
1177 height(s), stem walls, retaining walls, etc.) shall be reviewed and approved
1178 by the City to ensure that the fire engine would safely make the turns with
1179 adequate bumper and overhang clearances.
1180
- 1181 86. Emergency vehicle access shall be maintained in a manner acceptable to
1182 the City including, but not limited to, the required vertical and horizontal
1183 tree clearance and surface condition.
1184
- 1185 87. Fireplaces, fire pits, open burning fire pits, or other open flame warming or
1186 entertainment devices shall be subject to the review and approval of the
1187 Fire Department. If allowed by the Fire Chief the following performance
1188 criteria shall apply:
1189
- 1190 a. Outdoor BBQs and propane patio heaters are open flame devices,
1191 these devices shall meet current listing agency safety requirements
1192 (such as the State Fire Marshal, UL etc.).
1193
- 1194 b. Fireplaces shall be natural gas decorative types only. Burning of
1195 wood, charcoal or similar combustible material is strictly prohibited,
1196 unless authorized by the Fire Chief. Chimneys shall have spark
1197 arrestors with a mesh opening of no less than $\frac{3}{8}$ inch to contain
1198 small embers that could be blown into adjacent trees / vegetation in
1199 high wind / low humidity conditions. Clearances from chimneys to
1200 vegetation/trees shall be subject to the review of the Fire Chief.
1201
- 1202 88. Prior to the issuance of any building or grading permit, a Wildland Fire
1203 Protection Plan in compliance with the Calistoga Urban-Wildland Interface
1204 Ordinance and consistent with the Forest Management Plan shall be
1205 reviewed and approved by the Fire and Planning and Building
1206 Department. In order to comply with the detailed requirements of the
1207 WFPP, the applicant is best advised to hire a California licensed forester.
1208 This firm/person(s) can evaluate the best approach to manage the open
1209 spaces, and design the ideal landscaping alternatives that a landscape
1210 architect can use within prescribed areas of the Project. Such a plan will
1211 discuss architectural issues with the Project architect to mitigate the City
1212 code requirements. The Wildland Fire Protection Plan shall be
1213 implemented for the life of the project within all areas of the project
1214 including but not limited to, a defensible space of 100 feet, unless
1215 otherwise stated or modified upon mutual agreement.
1216
- 1217 89. Prior to issuance of any temporary or final certificate of occupancy for any
1218 phase of the development, project water system and fire hydrant facilities

- 1219 shall be installed and accepted by the City Engineer and City Fire Chief as
1220 operational and sufficient to provide adequate water flow and pressure.
1221 Placement and clearance of fire hydrants shall also be subject to the
1222 review and approval of the Fire Chief.
1223
- 1224 90. Prior to plan approval, a complete fire flow hydraulic analysis will be
1225 required. Results shall be acceptable to City Fire Chief and City Engineer.
1226
- 1227 91. Prior to the issuance of any building permit, a fire suppression sprinkler
1228 system plan for each building shall be submitted to the Planning and
1229 Building Department for review and approval by the Fire Department or
1230 other authorized party. To meet Calistoga Municipal Code specifications in
1231 Wildland Interface, all fire sprinkler design densities were recommended to
1232 be increased by a minimum of 25 percent for residential occupancies and
1233 30 percent for all other occupancies above the NFPA 13 and NFPA 13-D
1234 and Fire Code minimums. Additionally, sprinkler design standards shall
1235 apply, as follows:
1236
- 1237 a. Hotel Units (Cottages). The maximum fire sprinkler design would
1238 include all fire sprinklers within a design area (Hotel Cottage) up to
1239 eight (8) fire sprinklers. The design shall be no less than six (6) fire
1240 sprinklers if a design area has less than six (6) fire sprinklers within
1241 the design area (i.e., attic, deck, etc.).
- 1242 b. Main Public Buildings (including assorted maintenance and
1243 accessory buildings). The minimum fire sprinkler design shall be no
1244 less than 0.21 gpm with a minimum design area of 3,000 square
1245 feet.
- 1246 c. Residence Club Units. The maximum fire sprinkler design would be
1247 all fire sprinklers within a design area (hotel cottage) up to eight (8)
1248 fire sprinklers. The design shall be no less than six (6) fire
1249 sprinklers if a design area has less than six (6) fire sprinklers (i.e.,
1250 attic, deck, etc.). Residence club units shall be fully sprinklered
1251 including, but not limited to, closets, bathrooms, pantries, attics,
1252 dead space under units, and areas under decks and porches.
1253
- 1254 d. Custom Residential Units. The minimum fire sprinkler design shall
1255 be six (6) fire sprinklers for any design area, or for the largest
1256 design area(s), should a design area require more than (6)
1257 residential fire sprinklers.
1258

- 1259 92. Prior to the issuance of a Certificate of Occupancy, any hotel or residence
1260 club unit containing cooking or kitchen facilities shall have a ten (10) lb.
1261 ABC fire extinguisher, with instruction placard.
1262
- 1263 93. Prior to the issuance of a Certificate of Occupancy smoke detectors shall
1264 be installed in compliance with applicable codes. A log of the smoke
1265 detector maintenance shall be kept on file in the maintenance building and
1266 open for inspection to the Fire Department.
1267
- 1268 94. Dead space located understory shall not be accessible for use and/or
1269 storage and shall be constructed of non-combustible materials or
1270 approved fire resistive materials acceptable to the City. All openings shall
1271 be protected with fine wire mesh. These spaces shall be protected with
1272 automatic fire sprinklers as part of the overall building fire sprinkler
1273 systems.
1274
- 1275 95. Prior to issuance of any building permit, adjoining building sides of 100
1276 feet or less shall be constructed of low combustibility/high fire resistance
1277 materials. The fuel clearance along the north/northeast side of the
1278 ballroom or terrace side of the building shall have a 125 foot fuel
1279 clearance, unless otherwise determined to require fewer than 125 feet by
1280 the Wildland Fire Protection Plan or the City of Calistoga Fire Chief .
1281
- 1282 96. Prior to issuance of any building permit, occupant and fire ingress/egress
1283 shall comply or exceed the California Building Code requirements subject
1284 to the review and approval by the City. Exterior staircase or exit capable
1285 window with landing shall be provided to any inhabited room at the
1286 basement level.
1287
- 1288 97. The function-special events building (“ballroom”) shall be designed to
1289 meet or exceed the California Building Code requirements and shall be
1290 restricted as follows:
1291
- 1292 a. The maximum capacity of the ballroom shall be determined based
1293 upon the occupant load count of the dining-banquet use / theatre-
1294 exhibition use space(s). The terrace or other outside areas
1295 gathering areas shall not be used to increase the occupant load.
1296
- 1297 b. The ballroom shall not exceed two-stories (e.g. one floor above and
1298 one floor below grade)
1299
- 1300 c. All stairs, landings and elevators (service elevator included) shall
1301 be ambulance gurney accessible subject to the review and

1302 approval of the City. Building plans shall clearly identify the “exit
1303 plan” for this building to the approved public way.

1304
1305 d. The ballroom shall be constructed of non-combustible or fire
1306 resistive materials including the terrace deck and support structures
1307 subject to the review and approval of the City.

1308
1309 e. A clearly defined smoking kiosk area(s) shall be provided

1310
1311 **Resort, Residence Club and Single Family Residence Ownership and**
1312 **Operation:**

1313
1314 98. The owner of the Resort shall maintain sufficient control over the entire
1315 Project to operate the Property as an integrated commercial resort. The
1316 creation and conveyance of the resort properties, 20 residence club units,
1317 the 13 single-family dwellings and all common areas, shall be subject to
1318 the following provisions, which shall be incorporated, to the satisfaction of
1319 the Planning and Building Manager into one or more Declaration(s) and
1320 Shared Facilities Covenant(s), recorded against the Property:

1321
1322 a. The Resort Owner shall have the right and duty to manage the
1323 Property, subject only to the rights of individual Owners with
1324 respect to their single family dwellings and the rights of the owners
1325 of the Residence Club Units. The Resort Owner shall have the
1326 right to contract with a third-party entity for operation of the Project
1327 (the “Resort Operator”).

1328
1329 b. Transient lodging use of the 20 residence club and/or 13 single
1330 family residences shall be managed by the Resort Owner’s
1331 managing entity, or an entity hired and approved by the Resort
1332 Owner and the name and contact information of the manager will
1333 be provided to the City.

1334
1335 c. The resort shall be operated in conformance with the City’s
1336 regulations for Formula Visitor Accommodations. Any variation
1337 from these regulations is subject to review and approval by the
1338 Planning and Building Manager, or Planning Commission as
1339 determined by the Planning and Building Manager, prior to
1340 incorporating the changes on the project site. Upon reasonable
1341 advance notice to Resort Owner and Member Owners, City shall
1342 have the right to inspect Visitor Accommodation Units to ensure
1343 compliance with the Applicable Law.

1344

- 1345 d. City shall have the right, upon reasonable notice to Resort Owner
1346 or operator, to inspect the records of Resort Owner which pertain to
1347 the collection and payment of Transient Occupancy Tax for
1348 transient occupancies to ensure compliance with applicable laws
1349 and the operating conditional use permit.
1350
- 1351 e. The Resort Owner or Operator shall have the right and
1352 responsibility to manage parking for: the resort and amenities;
1353 residence club and amenities; and for owners, guests and renters
1354 of the single-family residences.
1355
- 1356 99. Any modification of the provisions of the CC&Rs implementing these
1357 conditions shall be subject to the prior written consent of City's Planning
1358 and Building Manager, which consent shall not be unreasonably withheld.
1359
- 1360 100. Amplified/live music is permitted for outdoor events provided the maximum
1361 average noise level does not exceed 60 db at the exterior of the nearest
1362 residential receptor (on site or off site). Outdoor events shall end no later
1363 than 10 PM Friday and Saturday and no later than 9 PM Sunday though
1364 Thursday. Outdoor events may transition to indoor venues and continue
1365 passed the curfews listed. In the event that substantiated complainants
1366 are received the Planning and Building and/or Police Departments may
1367 reduce the frequency or duration of amplified/live music.
1368
- 1369 101. This Conditional Use Permit only allows for events that are by invitation.
1370 Events open to the General Public require an individual City permit and
1371 parking management/shuttle plan.
1372
- 1373 102. Prior to the issuance of building or grading permits for the resort or
1374 residence club, a parking plan shall be submitted for review and approval
1375 by the Planning and Building Department. The plan shall include the
1376 following requirements:
1377
- 1378 a. 358 resort parking spaces and 35 residence club parking spaces
1379 for a total of 393 parking spaces shall be provided on-site, unless
1380 otherwise stipulated in a parking study prepared by a professional
1381 traffic consultant subject to the review and approval of the City.
1382
- 1383 b. Handicapped spaces and compact car stalls shall be appropriately
1384 identified.
1385

1386 c. Parking shall be designed in accordance with the design
1387 requirements provided in Section 17.36.090 of the Calistoga
1388 Municipal Code.

1389
1390 103. Prior to occupancy, a Parking Management Plan for managing resort
1391 parking during events shall be submitted to the Planning and Building
1392 Department for review and approval.

1393
1394 104. The Project shall remain, at all times, in compliance with the City of
1395 Calistoga Municipal Code Chapter 3.16, Transient Occupancy Tax and be
1396 current on collection of, reporting to and payment of all transient
1397 occupancy taxes to the City.

1398
1399 **PASSED, APPROVED, AND ADOPTED** on June 20, 2012, by the
1400 following vote of the Calistoga Planning Commission:

1401
1402 AYES:
1403 NOES:
1404 ABSTAIN: MANFREDI, KITE
1405 ABSENT:

1406
1407 _____
1408 PAUL COATES, VICE CHAIR

1409
1410
1411 ATTEST: _____
1412 KENNETH G. MACNAB, Secretary to the Planning Commission
1413