

RESOLUTION 2012-___

A RESOLUTION OF THE CITY COUNCIL OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA APPROVING A CONDITIONAL USE PERMIT (U 2011-11) AND DESIGN REVIEW (DR 2011-09) FOR THE RESORT AT INDIAN SPRINGS EXPANSION PROJECT LOCATED AT 1712 LINCOLN AVENUE (APN 011-340-019) WITHIN THE “CC-DD”, COMMUNITY COMMERCIAL – DESIGN DISTRICT

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2 **WHEREAS**, on July 15, 2011, an application was submitted by Paul
3 Coates, on behalf of Resort at Indian Springs, LLC, requesting a Development
4 Agreement associated with the approval of a Conditional Use Permit and Design
5 Review for the expansion of the Resort at Indian Springs by adding 75 guest
6 rooms (i.e. 9 8-unit hotel structures and 3 cottage units), a restaurant, event
7 building, gym & yoga studio and hotel registration building. Landscaping, new
8 parking areas, driveways and pedestrian pathways will also be developed. On
9 and off site water, sewer, recycled water and storm drainage improvements will
10 be installed to serve the project. The off site improvements will include the
11 construction of new sewer and storm drain lines across the adjoining Gliderport
12 property using a subgrade “jack and bore” method. The existing tennis court,
13 several out buildings, trees, and mud ponds will be demolished and/or removed
14 from the property to accommodate the expansion. The property is located at
15 1712 Lincoln Avenue (APN 011-340-019); and
16

17 **WHEREAS**, an Initial Study/Mitigation Negative Declaration (IS/MND) was
18 completed in accordance with applicable CEQA Guidelines, and on October 12,
19 2012, the IS/MND was circulated for public and agency review and comment.
20 Copies of the IS/MND were made available to the public at the Department of
21 Planning and Building on October 12, 2012, and the IS/MND was distributed to
22 interested parties and agencies. On October 12, 2012 and October 29, 2012, a
23 notice of the Planning Commission public hearing of November 14, 2012, to
24 review the IS/MND was published in the local newspaper; and
25

26 **WHEREAS**, the Planning Commission has recommended adoption of a
27 Mitigated Negative Declaration (Resolution PC 2012-25) based upon the initial
28 study prepared for this project finding that the proposed project, as amended by
29 mitigation measures agreed to by the applicant, would not have a significant
30 adverse impact on the environment; and
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32 **WHEREAS**, the City Council adopted Resolution 2012-___ adopting a
33 Mitigated Negative Declaration based upon the initial study prepared for this
34 project finding that the proposed project, as amended by mitigation measures
35 agreed to by the applicant, would not have a significant adverse impact on the
36 environment; and
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WHEREAS, the Planning Commission has reviewed and considered this application at its regular meeting of November 14, 2012 and prior to taking action on the application, the Commission received written and oral reports by the Staff, and received public testimony. After considering the project, the Commission adopted Resolution 2012-26 recommending approval of the Conditional Use Permit and Design Review based upon findings presented in the Staff Report and subject to conditions of approval; and

WHEREAS, the City Council has reviewed and considered the application for the Project at a regular meeting on December 18, 2012 and prior to taking action on the application, the Council received written and oral reports by the Staff, and received public testimony; and

WHEREAS, the City Council finds that approval of the Conditional Use Permit and Design Review will not result in detrimental or adverse impacts upon the public resources, wildlife or public health, safety and welfare if the conditions of project approval proposed are adopted; and

WHEREAS, the City Council, pursuant to Chapter 17.40.070 Findings (Use Permit) has made the following findings for the project:

The Project's proposed findings in support of approval of a Use Permit, in conformance with Calistoga Municipal Code ("CMC") Section 17.40.070 are set forth below:

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

Finding: The proposed expansion to the Resort at Indian Springs has been found consistent with the policies included in the General Plan. The property is within the Community Commercial Land Use Designation. The existing and proposed uses are consistent with allowable uses in the Community Commercial Land Use Designation and the intensity of the project is appropriate to maintain the rural small town character. Upgrading the Resort to meet the changing customer demand while expanding the property's economic activity also achieves the policy direction of contained in the Economic Element of the General Plan. Furthermore, it has been found that the expansion has been designed to

80 preserve Calistoga's rich and varied heritage by celebrating and
81 expanding one of Calistoga's original hot spring resorts.

82

83 The existing and proposed geothermal use has been found to be
84 consistent with the General Plan since it will not have an adverse impact
85 on the longevity of Calistoga's geothermal use, biotic resources,
86 waterways, and the City's sewer treatment plant. Conditions applied to
87 the project will ensure that the discharge of such use into the City's sewer
88 system will be monitored, measured, and reported to the City. Injection
89 back into the system will also be permitted and monitored by the California
90 Department of Conservation, Division of Oil, Gas and Geothermal
91 Resources.

92

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

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95 Finding: The proposed project is an expansion of an existing resort that
96 components of have been in operation since the 1860's. The site is mostly
97 flat with exception to the slopes of Mount Lincoln. The project does not
98 include development on the slopes. The proposed structural development
99 at full buildout would comprise less than 10% of the total 16.6 acre site.
100 The project involves an expansion of guest units and other amenities and
101 services, which all can be adequately accommodated onsite. The site is
102 adequate in size, shape, location, and physical characteristics to
103 accommodate the type of use and level of development proposed.

104

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

109

110 Finding: The City Council adopted Resolution 2012-____ adopting a
111 Mitigated Negative Declaration based upon the initial study prepared for
112 the project, finding that with the incorporation of mitigation measures, the
113 project will not have a significant adverse impact on the environment.

114

115 4. Approval of the use permit application will not cause adverse impacts to
116 maintaining an adequate supply of public water and an adequate capacity
117 at the wastewater treatment facility.

118

119 Finding: The Project will have an estimated annual water demand of 24.1
120 acre-feet for domestic water demand, a 7.7 acre foot increase above the
121 property's current allotment of 16.4 acre-feet. In February 2012, the City of
122 Calistoga conducted an annual review of adequacy of the City's municipal

123 water supply that included anticipated demands from various pending
124 development proposals, including the proposed project. New
125 development is projected to use 110.86 acre-feet of water annually.
126 Currently, the City has 353.80 acre-feet of available water supply, thereby
127 resulting in 243.24 of remaining supply. Adequate water supplies are
128 available to serve the proposed project, as well as existing and future
129 demand.

130
131 The Project is projected to need approximately 25.5 acre-feet of
132 wastewater capacity, 11.2 acre foot below the property's current allotment
133 of 35.1 acre-feet resulting from efficiency measures and changes in
134 geothermal discharge. Because of this reduction and the available
135 capacity at the wastewater treatment plant, the Project will not cause
136 adverse impacts to maintaining an adequate supply of public water and an
137 adequate capacity at the wastewater treatment facility.

138
139 5. Approval of the use permit application shall not cause the extension of
140 service mains greater than 500 feet.

141
142 Finding: Approval of this use permit application does not cause the
143 extension of a public water or sewer main greater than 500 feet. The
144 project would result in the extension of a private 4" sewer force line over
145 500 feet, however, the sewer upgrades would not constitute a removal of
146 a barrier to growth on the project site since surrounding properties while
147 not be allowed to connect to this private main. Additionally, the project
148 site and surrounding properties are intended for development and have
149 been accounted for in the City's sewer system.

150
151 6. An allocation for water and/or wastewater service pursuant to Chapter
152 13.16 CMC (Resource Management System) shall be made prior to
153 project approval. Said allocation shall be valid for one year and shall not
154 be subject to renewal.

155
156 Finding: The allocation of water and wastewater services has been
157 confirmed in the Project Development Agreement, which provides that the
158 allocations of water and wastewater capacity shall constitute the "will
159 serve" obligation of the City. The "will serve" obligation of the City is
160 vested by the Development Agreement. (Development Agreement Section
161 4.02).

162
163 7. The proposed development presents a scale and design which are in
164 harmony with the historical and small-town character of Calistoga.

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166 Finding: The Resort property is near the commercial downtown.
167 Components of the Resort have been in operation since the late 1860's.
168 The existing uses are compatible with and have established the historical
169 and rural character of the area. The proposed project would maintain the
170 existing historical presence and style while providing new complementary
171 structures. The majority of the guest units would wrap around behind
172 Mount Lincoln screening views from Lincoln Avenue. The structures would
173 be further softened by the existing landscaping. As such, it is found that
174 expansion to the Resort will be compatible with and subordinate to the
175 scenic and rural character of the area.
176

177 8. The proposed development is consistent with and will enhance Calistoga's
178 history of independent, unique, and single location businesses, thus
179 contributing to the uniqueness of the town, which is necessary to maintain
180 a viable visitor industry in Calistoga and to preserve its economy.
181

182 Finding: The Indian Springs is an independently owned business. The
183 proposed project will complement a viable tourist industry for Calistoga,
184 which is built upon and enhanced by other unique, non-chained, non-
185 branded businesses. Indian Springs provides a unique guest experience
186 and is integral part of Calistoga's economy.
187

188 9. The proposed development complements and enhances the architectural
189 integrity and eclectic combination of architectural styles of Calistoga.
190

191 Finding: The property is located in a resort/spa district that includes the
192 original octagonal plat and several out buildings associated with the
193 Brannan's Cottage Hot Springs. The construction of new buildings and
194 cottages, does not pose a threat to significant historic resources. The new
195 structures will be somewhat removed from the existing historic structures
196 and will not detract from their historic importance. The new structures
197 have been design to complement rather than replicate the existing historic
198 structures.
199

200 **WHEREAS,** the City Council pursuant to Chapter 17.06.040 of the
201 Calistoga Municipal Code, finds that the development attains the purposes set
202 forth in CMC 17.06.010 and is in compliance with the following Design Review
203 guidelines:
204

205 1. The extent to which the proposal is compatible with the existing
206 development pattern with regard to massing, scale, setbacks, color,
207 textures, materials, etc.
208

209 Finding: The variation among architectural styles between the building
210 styles and the interrelationship of all Project exterior finish materials on the
211 site ensures appropriately complementary styles among the Project's
212 buildings. Lush landscaping and construction materials blend
213 harmoniously with the surrounding landscape and development pattern.
214

215 2. Site layout, orientation, location of structures, relationship to one another,
216 open spaces and topography.
217

218 Finding: The site plan, building elevations, and landscape plan for the
219 expansion of the Resort at Indian Springs was reviewed for compliance
220 with the Design Guidelines. As proposed, the project is designed with a
221 cohesive architectural theme and will vary the use of the same color
222 palette and building materials that will ensure compatibility internally as
223 well as with the surrounding uses while protecting the historical qualities of
224 the site.
225

226 3. Harmonious relationship of character and scale with existing and proposed
227 adjoining development, achieving complementary style while avoiding both
228 excessive variety and monotonous repetition.
229

230 Finding: The expansion of the Resort at Indian Springs has been
231 designed to the same scale and quality as the surrounding uses. Design
232 Review of the project incorporated an in depth review of the City's design
233 guidelines and an analysis of the project's compliance with all applicable
234 design standards. The project includes the use of one architectural style
235 while adding various design elements to create a cohesive internal project
236 design and a development compatible with surrounding neighbors.
237

238 4. Building design, materials, colors and textures that are compatible and
239 appropriate to Calistoga. Whether the architectural design of structures
240 and their materials and colors are appropriate to the function of the
241 project.
242

243 Finding: The historic architecture, spa amenities, mineral pools and lush
244 landscaping throughout the property are compatible and feature
245 Calistoga's unique attributes. The project enhances and compliments the
246 City by providing a historical building styles and exterior finishes that call
247 attention to the function of the project.

248 5. Harmony of materials, colors, and composition of those sides of a
249 structure, which are visible simultaneously.
250

251 Finding: All Project buildings utilize consistent and harmonious exterior
252 finish materials on all sides.

253

254 6. Consistency of composition and treatment.

255

256 Finding: The variation among architectural styles between the building
257 styles and the interrelationship of all Project exterior finish materials on the
258 site ensures appropriately complementary styles among the Project's
259 buildings. Lush landscaping and simple design incorporates materials
260 which blend harmoniously with the surrounding landscape.

261

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

265

266 Finding: Existing trees are preserved to the maximum extent feasible.
267 Existing specimen and/or protected trees that cannot be preserved in
268 place are transplanted to the maximum extent feasible. Irrigation is
269 provided by reclaimed water and geothermal water. Implementation of the
270 Project's Tree Protection Plan will increase the health of the existing,
271 preserved trees.

272

273 8. Whether exterior lighting, design signs and graphics are compatible with the
274 overall design approach and appropriate for the setting.

275

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

280

281 9. The need for improvement of existing site conditions including but not
282 limited to signage, landscaping, lighting, etc., to achieve closer compliance
283 with current standards.

284

285 Finding: The Project substantially enhances the existing site conditions
286 with regard to structures, landscaping, lighting, architecture and exterior
287 finishes, which will be in compliance with current codes and regulations.

288

289 10. Whether the design promotes a high design standard and utilizes quality
290 materials compatible with the surrounding development consistent with
291 and appropriate for the nature of the proposed use; and

292

293 Finding: The property is within an area designated for visitor
294 accommodation uses and support facilities. The proposed uses and
295 improvements are compatible with the intended uses for the property and
296 are compatible with other improvements within the vicinity.
297

298 11. Responsible use of natural and reclaimed resources.
299

300 Finding: The project preserves and/or relocates existing trees to the
301 maximum extend feasible. In addition, the Project will integrate and use a
302 closed loop geothermal heat exchange system to heat the mineral pool,
303 which will significantly reduce energy consumption.
304

305 **THEREFORE, BE IT RESOLVED** by the City of Calistoga City Council
306 that based on the above Findings, the City Council approves the proposed
307 project, subject to the following Conditions of Approval:
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309 Wherever any condition herein requires the review and/or approval of the
310 "City," this shall mean and refer to the review and/or approval by the
311 appropriate department staff, unless otherwise expressly stated.
312

313 **CONDITIONAL USE PERMIT (U 2011-11) & DESIGN REVIEW (DR 2011-09)**
314

315 **General Planning Conditions:**
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317 1. This permit authorizes the construction and operation of a project
318 consisting of 116 guest units (the "Lodge" [24 units], the "Hill House", the
319 "Merchant House", 11 cottages [18 units] and 9 8-unit hotel structures [72
320 units]), office building, laundry/storage building, restaurant, event building,
321 spa, swimming pools, massage rooms, parking and support facilities and
322 related infrastructure consistent with the Initial Study Project Description,
323 architectural drawings prepared by Ian Murray Design dated March 2,
324 2012, the engineered plans prepared by BKF Engineers dated July 2012,
325 (collectively, "the Approved Plans") indicating existing and proposed
326 structures consistent with all other City Ordinances, rules, regulations, and
327 policies. The conditions listed below are particularly pertinent to this
328 permit and shall not be construed to permit violation of other laws and
329 policies not so listed. A minor reduction the number of resort units and a
330 minor modification in structural square footage is allowed provided the
331 Planning and Building Manager determines the modification to be in
332 substantial compliance with the Approved Plans (collectively, "the
333 Development Plan").
334

- 335 2. The gym & yoga studio and hotel registration building, as shown the
336 engineered plans prepared by BKF Engineers dated July 2012, shall
337 require an administrative use permit subject to the review and approval by
338 the City prior to issuance of a building permit for their construction.
339
- 340 3. The applicant agrees by accepting these conditions herein that any
341 material deviations from the approved Development Plan on file at the
342 City's Planning and Building Department shall be subject to review and
343 approval by the Planning and Building Manager, or Planning Commission
344 as determined by the Manager, prior to incorporating the changes on the
345 project site. The Planning and Building Manager may approve minor
346 amendments to this permit provided that the permit is still in substantial
347 conformance with the original Development Plan approval, subject to
348 public notification.
349
- 350 4. If this approval has either not been used or construction has not begun
351 within the term established by the approved Development Agreement,
352 without further action by the City, this permit shall expire and become null
353 and void. This use permit shall remain valid as long as there is a valid
354 building permit for construction of the use or the use is maintained in
355 continuous operation. If the building permit expires or the use ceases to
356 operate for 24 months, the use permit shall become null and void.
357
- 358 5. Any and/or all previous land use entitlements existing prior to this approval
359 shall be null and void upon completion of the approved Development Plan.
360 Development and use of the property shall substantially conform to the
361 Development Plan. All existing buildings not conforming as to the
362 development standards of the "CC" Community Commercial shall be
363 considered legal. All new structures and support facilities shall be
364 developed in accordance with the development standards of the "CC",
365 Community Commercial Zoning District, including but not limited to the
366 parking areas and drive aisles that will need to meet the required 10-foot
367 setback from Brannan Street.
368
- 369 6. All construction and improvements shall be in accordance with zoning,
370 building, and all other codes, ordinances, standards, policies of the City of
371 Calistoga.
372
- 373 7. All construction activity shall be restricted to the hours of 7:00 a.m. to 7:00
374 p.m., Monday through Saturday. Construction hours may be extended as
375 approved by the Planning and Building Manager if it is determined that
376 special circumstances exist that necessitate extend hours for short periods
377 of time.

- 378
379 8. Construction activity shall stay outside the drip line of any protected tree to
380 the maximum extent feasible. Protective fencing shall be installed subject
381 to the review and approval of the Planning and Building Department in
382 consultation with a City prior to the issuance of any building or grading
383 permit.
384
- 385 9. Prior to any grading permits being released, appropriate on site tree
386 mitigation and/or mitigation funds shall be reviewed and approved by the
387 City Engineer for any trees planned for removal.
388
- 389 10. Vehicles used in transporting materials shall be limited to City-approved
390 haul routes. No construction staging activity shall occur within the right-of-
391 way of Lincoln Avenue (SR 29).
392
- 393 11. All work performed in conjunction with this approval shall be by individuals
394 who possess a valid business license from the City.
395
- 396 12. This use shall conform to all required conditions established herein, as
397 approved by the City Council. Failure to comply with these conditions may
398 result in a City-initiated amendment or revocation of the permit if the City
399 finds that the use to which the permit is put is detrimental to the health,
400 safety, comfort or welfare of the public, or causes a nuisance.
401
- 402 13. This use permit does not abridge or supersede the regulatory powers or
403 permit requirements of any federal, state or local agency, special district or
404 department which may retain regulatory or advisory function as specified by
405 statute or ordinance. The applicant shall obtain permits as may be required
406 from each agency prior to the issuance of any grading or building permit.
407
- 408 14. All mitigation measures of the Negative Declaration are hereby
409 incorporated as conditions of approval. Permit holder shall be required to
410 comply with the Mitigation Monitoring contained in City Council Resolution
411 (Mitigated Negative Declaration), which are incorporated herein. Where
412 conflict exists between the mitigation measures and the conditions of
413 approval the more stringent shall apply.
414
- 415 15. The applicant shall be allowed to pull separate building permits for each
416 phase of the project, subject to the City's approval of a detailed phasing
417 plan. The phasing plan shall be submitted for review and approval by the
418 City prior the issuance of any building or grading permit and shall include
419 a plan that identifies the sequence of all structures, uses and amenities,
420 installation of utilities and infrastructure, compliance with project conditions

- 421 and the submittal of a construction management plan as required in these
422 conditions. Prior to construction of any new structures, all on and off site
423 utility systems (i.e. geothermal discharge, domestic water, fire water,
424 sanitary sewer and storm drainage) shall be installed in substantial
425 conformance with the engineered plans prepared by BKF dated July 2012.
426 Rough grading may occur prior to said utility installation
427
- 428 16. Prior to the selling or service of any alcoholic beverages within any portion
429 of the project, the applicant shall obtain a license from the State
430 Department of Alcohol and Beverage Control, and provide a copy of the
431 license to the Planning and Building Department.
432
- 433 17. Prior to the issuance of a building permit for any phase of the project, the
434 applicant shall obtain all necessary permits from the Napa County
435 Department of Environmental Management, as required.
436
- 437 18. Prior to building permit issuance for any commercial structure that
438 includes food or beverage service facilities, the applicant shall comply with
439 the California Uniform Retail Food Facilities Law and Napa County
440 Environmental Health Management Division requirements for food and
441 beverage service to the public. Complete plans and specifications
442 containing equipment layout, finish schedule and plumbing plans for the
443 food and/or beverage facilities and employee restrooms must be
444 submitted directly to the Department of Environmental Management with
445 the appropriate plan review fee. Upon completion of the work and prior to
446 final by this department an annual food permit will also be required.
447
- 448 19. Prior to the issuance of a building permit for demolition of any buildings,
449 the applicant shall provide a declaration to the Building Official that there
450 is no lead paint, asbestos, or other hazardous substances on-site. In the
451 event that a declaration cannot be provided, an investigation shall be
452 required. In the event that toxic substances are on-site, a certified
453 asbestos or toxic control specialist shall monitor the cleanup and/or
454 excavation.
455
- 456 20. Prior to issuance of any demolition permit, building permit or grading
457 permit, the permit holder shall obtain permits from the Bay Area Air Quality
458 Management District (BAAQMD), and shall comply with all permit
459 requirements specified by BAAQMD, as necessary.
460
- 461 21. Upon issuance of the first building permit, an addressing plan/program
462 shall be submitted for review and approval by the City. The addressing
463 program shall specify size, type, and location of all addressing signage.

- 464
465 22. The Developer and/or Owner shall permit the City of Calistoga or
466 representative(s) or designee(s) to make periodic inspections at any
467 reasonable time deemed necessary in order to assure that the activity
468 being performed under authority of this permit is in accordance with the
469 terms and conditions prescribed herein upon advance notification.
470
471 23. The applicant shall pay for all plan check and building inspection service
472 fees required for building permit review and inspection during project
473 construction.
474
475 24. Upon issuance of the first building permit, the applicant shall submit a final
476 landscape improvement plan, including lighting, fencing, ponds, patios,
477 decking, etc. subject to the review and approval of the Planning and
478 Building Department. The Landscape Plan shall show final selection of
479 plant materials, sizes, locations and details of the on site reclaimed (if any)
480 irrigation delivery system. The Landscape Architect shall also include
481 evidence that the landscape specimens will not be affected by the
482 reclaimed water (if any) chemistry and compliance with the local and/or
483 State Water Efficient landscape Ordinance. Landscaping and irrigation
484 shall be installed prior to occupancy, unless authorized by the Planning
485 and Building Department or as conditioned herein.
486
487 25. Upon issuance of the first building permit, a solid 8-foot perimeter fence
488 shall be constructed along the common property boundary shared with the
489 Calistoga Springs Mobile Home Park subject to the review and approval of
490 the City.
491
492 26. All new utilities within the site shall be placed underground to protect the
493 scenic value of the property.
494
495 27. Prior to occupancy, ground mounted equipment, such as backflow
496 prevention devices and utility panels, etc. shall be adequately screened
497 from public view and view from adjoining developed parcels subject to
498 review and approval of the City.
499
500 28. All permanent exterior lighting shall be directed and/or shielded so as not
501 to shine or create glare on any adjacent property in accordance with the
502 standards contained in Section 17.36 of the Calistoga Municipal Code and
503 the Title 24 Part 6 2007 California Energy Code which limits light and
504 glare, subject to the review and approval of the Planning and Building
505 Department.
506

- 507 29. Construction materials that are highly reflective are prohibited.
508 Construction materials that are less reflective shall not be allowed to
509 project glare or light across the property boundaries.
510

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

512 General Conditions

- 513
514
515 30. The Developer shall provide improvement and warranty, bonding, and
516 security in accordance with CMC 16.18 for public improvements.
517 Developer shall provide cost estimates for City approval from a registered
518 Civil Engineer. Improvement security shall include an additional amount
519 for the estimated cost of restoring the disturbed site should the developer
520 not complete all the improvements.
521
522 31. Prior to occupancy, the developer shall provide to the City a
523 signed/stamped letter from the geotechnical engineer of record that all
524 geotechnical related issues were observed, installed, and tested in
525 conformance with the soils reports and design plans and specifications.
526 Excavated and embankment areas shall be adequately tested and
527 inspected by the geologist or soils engineer during grading work.
528 Summary reports of the testing shall be submitted to the Planning and
529 Building Department.
530
531 32. Prior to occupancy, the developer shall provide the City a stamped letter
532 from the civil engineer inspecting site work (by them or their sub or
533 contractor) that certifies infrastructure has been installed and tested per
534 plans and specifications. Critical grades for overland release of the storm
535 detention pump system shall be confirmed by a licensed land surveyor.
536
537 33. The applicant shall have their engineering team (i.e. geotechnical, civil,
538 structural, electrical, mechanical etc.) of licensed professionals design and
539 confirm, through inspection, that the installation of all on-site infrastructure
540 improvements including roads, drainage, sewer, and water meet the plan
541 and specification requirements . Letters shall be submitted by each
542 engineering specialty stating the improvements were installed in
543 substantial conformance with the approved construction documents based
544 on visual observations and contractor as-builts. Electronic (i.e. AutoCAD &
545 PDF) and hardcopy as-builts shall be submitted to the City. Letters shall
546 be provided to the City prior to the issuance of any certificates of
547 occupancy. The City is not responsible for on-site infrastructure. On-site
548 infrastructure is the responsibility of the developer, builder and their team
549 of architects and engineers.

- 550
551 All public infrastructure improvements shall be built to the satisfaction of
552 Calistoga and current Federal, State and local requirements. All
553 improvements shall be installed, properly inspected operational and
554 accepted by the City prior to project occupancy. The developer shall pay
555 for all inspection of this infrastructure.
556
- 557 34. All new structures shall be required to connect to the appropriate sewer
558 and water service before final inspection, unless otherwise permitted
559 herein.
560
- 561 35. Prior to any grading or building permit issuance, the developer shall have
562 a Qualified Stormwater Developer (QSD) prepare an approved Storm
563 Water Pollution Prevention Plan (SWPPP) as required by the most recent
564 NPDES Construction General Permit provided by the State Water
565 Resources Control Board. This shall include a Notice of Intent (NOI). The
566 developer will also be responsible for implementing all aspects of the
567 SWPPP throughout construction activities and through Notice of
568 Termination (Contractor shall provide NOT). The Developer shall hire a
569 person certified as a Qualified Stormwater Practitioner (QSP). The QSP
570 shall provide all the inspecting/testing/training and reporting as required by
571 the Construction General Permit, throughout the duration of the project.
572 Violations and fines are the sole responsibility of the developer.
573
- 574 36. The applicant and/or contractor shall obtain approval of an appropriate
575 temporary security measures (for purposes of securing construction
576 equipment and materials) from the City prior to issuance of any grading or
577 building permit
578
- 579 37. The applicant shall provide a traffic control plan signed by a licensed
580 engineer to control traffic safety throughout all of the construction phases.
581 Plan shall include but not limited to staging areas on the project site and
582 truck movements, cones, signage, flagging, etc. Approval of the plan shall
583 be required from the City prior to issuance of any grading permit or in
584 conjunction with the submittal and approval of a detailed phasing plan.
585
- 586 38. All internal roads, driveways, water, sewer, drainage and reclaimed
587 facilities will be owned and maintained by the developer/managing entity
588 (i.e. City will not own any on-site infrastructure or off-site infrastructure
589 located on private property). The owner shall sign a maintenance
590 agreement for all on-site infrastructure to the satisfaction of the City.
591

- 592 39. Owner/managing entity will need to sign and provide appropriate
593 documentation for all required maintenance agreements related to on-site
594 infrastructure.
595
- 596 40. Developer will provide any necessary easements documents required for
597 infrastructure.
598
- 599 41. Developer shall pay any necessary fees related to City peer review costs
600 associated with the review of the design, construction, and inspection of
601 the project.
602
- 603 42. All design shall meet the most recent requirements of the Americans with
604 Disabilities Act codes (ADA).
605

606 On-Site Circulation
607

- 608 43. Prior to the issuance of a grading permit, improvement plans for the on
609 site circulation shall be submitted and approved by the City Engineer
610 consistent with the BKF, Site Plan dated July 2012, unless otherwise
611 stated herein. Improvements shall adhere to City standards unless
612 specifically approved by the City Engineer, accompanied by supporting
613 documentation from the applicant.
614
- 615 44. The applicant shall obtain an encroachment permit from the City or
616 Caltrans to cover work within the public ROW and/or work dealing with
617 City owned or maintained utilities. A grading permit will be issued through
618 the Planning and Building Department.
619
- 620 45. Upon the issuance of the first building permit, vegetation at the corner of
621 Brannan Street shall be removed and/or trimmed 30-feet from the corner
622 to the satisfaction of the City. For the life of the project, the Developer
623 shall maintain clear sight lines at driveway entries, along the frontage and
624 at the intersection of Brannan Street to the satisfaction of the City.
625
- 626 46. Provide adequate paved (non decomposed granite) surface along
627 driveway exit to prevent wheel tracking onto Lincoln Avenue.
628
- 629 47. Upon issuance of the first building permit for structural improvements:
630
- 631 A. The existing public sidewalk along Lincoln Avenue from the existing
632 Garden Building to the southern access driveway shall be
633 reconstructed to Caltrans/City standards. A new curb ramp shall be
634 installed the driveway.

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- B. A new sidewalk shall be constructed between the southern driveway and the northern driveway. New curb ramps shall be installed at the crossing and the curb and gutter repair, as necessary.
- C. A new 8-foot wide Class I, multi-use pathway shall be constructed on-site from the northern access driveway to Brannan Street. An unrestricted access easement in favor of the City shall be recorded to permit access over and across those portions of the property designated as a pathway.
- D. Traffic calming measures (e.g. curb extension or pedestrian bulbout) shall be installed on the southern side of Brannan Street at the corner of Lincoln Avenue subject to the review and approval of the City.

Water Service

- 48. Upon issuance of the first building permit, the applicant shall purchase water in accordance with the terms of the approved Development Agreement.
- 49. The water design and improvements shall comply with the City of Santa Rosa Design and Construction Standards, California Building Code and applicable State (e.g. Department of Public Health) Standards.
- 50. All points of connection to existing City system will require appropriate backflow and master metering devices to the satisfaction of Public Works.
- 51. Provide appropriate level of design detail as required by Public Works for any on site water improvements. Applicant shall amend the Domestic & Irrigation Demand Analysis (water study) and Fire Flow Analysis dated July 2012 and the BKF Preliminary Utility Plan dated July 2012 to the satisfaction of the City.
- 52. Provide complete fire flow/hydraulic calculations to confirm required fire flow and pressure to the project.

Wastewater Collection and Treatment

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

- 678 54. Lift stations shall be designed, built, operated/maintained in accordance
679 with all federal, state, and local regulations. Backup power will be required
680 for all sewer lift stations.
- 681 55. Upon issuance of the first building permit, mud separators shall be
682 installed. No mud shall be allowed into the sanitary sewer system.
683 Developer shall submit a design for approval and provide an operations
684 and maintenance plan to the City and shall be responsible for regular
685 scheduled maintenance of mud separators. Should the mud separators
686 fail to meet their performance requirements, the owner shall reconstruct
687 the mud separators at the owner's expense. The design of mud
688 separators shall be submitted to the City for review and approval prior to
689 the issuance of building permits.
- 690 56. All commercial and restaurant waste shall have adequately sized
691 oil/grease vaults to separate waste products. No grease shall be allowed
692 to enter the sanitary system. Developer shall provide O&M plan to the
693 City along with annual statements showing scheduled maintenance of
694 facilities.
- 695 57. Developer shall sign a maintenance agreement related to all sewer
696 facilities that require significant maintenance (e.g. lift stations, mud
697 separators, and oil/grease interceptors).
- 698 58. Provide appropriate level of design detail for all off-site sewer
699 improvements to an appropriate connection point approved by the City.
700 The connection point may be the manhole at the end of Anna Street or
701 other acceptable connection point approved by the City. Applicant shall
702 amend the Sanitary Sewer Study dated July 2012 prepared by BKF and
703 the BKF Preliminary Utility Plan dated July 2012 to the satisfaction of the
704 City prior to any connection. Design sewer discharge shall not negatively
705 impact the existing 6-inch main in Anna or other main near the proposed
706 point of connection.
- 707 59. Developer shall provide sewer monitoring manholes to the satisfaction of
708 the Director of Public Works at each domestic sewer discharge location
709 (near city point of connection). Owner will allow City access to these
710 manholes to test for constituents in domestic sewer flow at any time.
711
- 712 Geothermal Use and Discharge
713
- 714 60. This use permit authorizes the use of geothermal water extracted from
715 three (3) existing geothermal wells contained on the property, as provided
716 herein. Upon the issuance of the first building permit, all inactive wells

- 717 shall be capped in accordance with State and local regulations with
718 exception to Well R, which may be used for reinjection. Geothermal
719 construction and operation authorized by this permit may only be
720 expanded or changed with the approval of an amendment to the Use
721 Permit application approved by the Planning Commission, through the
722 process established in the City of Calistoga Zoning Ordinance.
723
- 724 61. The applicant shall physically demolish and permanently seal (with
725 cement grout or similar means) the property's inactive geysers and wells.
726 Such demolition and capping shall be in accordance with all regulatory
727 requirements (state, county, etc.), and the applicant shall provide timely
728 notice to the City for all well abandonment activities so that the City has
729 the opportunity to witness the work.
730
- 731 62. All required permits from the Department of Conservation, Division of Oil,
732 Gas and Geothermal Resources shall be obtained by the Applicant and
733 evidence of such permit(s) shall be submitted to the Director of the
734 Planning and Building Department.
735
- 736 63. Upon issuance of the first building permit, all existing wells must be
737 properly protected from contamination and all existing wells must be
738 properly protected with an approved backflow prevention device subject to
739 the review and approval of the City.
740
- 741 64. Upon issuance of the first building permit, the Applicant shall develop and
742 submit an Operations, Maintenance, and Monitoring Plan (OMMP) to the
743 City of Calistoga. The OMMP shall be reviewed and approved by the
744 City's Public Works Director prior to issuance of said permits and/or use of
745 the facilities. The OMMP shall include a detailed description of the
746 methods and procedures for monitoring, measuring, and reporting
747 geothermal use on the project, in order to ensure that such use is
748 consistent with the project description and Conditions of Approval.
- 749 65. Prior to issuance of the first building permit, all geothermal waste that has
750 human contact shall be routed through a geothermal meter as indicated
751 on the Preliminary Utility Plan prepared by BKF dated July 2012. No
752 unmetered geothermal discharge is allowed into the cities sewer system
753 for Indian Springs. Design of the metering facility will need to be approved
754 by the Cities Engineer.
- 755 66. Upon issuance of the first building permit, a heat exchanger shall be
756 installed for use by the large mineral pool subject to the review and
757 approval of the City. The geothermal discharge from this system shall be

758 reviewed and approved by the City and/or the necessary regulatory
759 agencies. Any non-closed loop geothermal/pool discharge shall be routed
760 to the geothermal meter system (includes filter backwash).

761 67. The City will own, operate and maintain the geothermal meter. The owner
762 shall provide access to the City for reading and maintaining the meter
763 even if ownership changes.

764 68. Upon issuance of the first building permit, all showers, stream rooms and
765 laundry facilities shall be re-plumbed. The City encourages use of the
766 City's domestic water, as practicable.

767 69. Hydraulic analysis is required for geothermal discharged to adjacent MHP
768 storm drainage (non body contact geothermal) pipe to ensure flows are
769 not increased and negatively impact downstream capacity.

770 70. Upon issuance of the first building permit, monitoring manholes shall be
771 installed.

772 71. Upon issuance of the first building permit, an easement shall be recorded
773 granting the City on site access to monitor and measure geothermal and
774 sanitary sewer discharge.
775

776 Drainage
777

778 72. The applicant shall submit for review and approval by the City Public
779 Works Director a Final Storm Drainage Study prior to the issuance of
780 grading and/or building permits. The Final Drainage Study shall be based
781 upon the BKF drainage reports and Preliminary Utility Plan dated July
782 2012. The applicant shall construct drainage improvements as outlined in
783 the Final Storm Drainage Study as required to serve the project. Such
784 improvements shall be complete and operational, subject to City
785 inspection and approval, upon issuance of the first building permit.
786

787 73. Storm drainage shall be designed, built, operated/maintained in
788 accordance with all current federal, state, and local requirements. Backup
789 power will be required for the storm drainage pump station.
790

791 74. Storm drainage post construction runoff, low impact development (LID)
792 improvements shall be designed in compliance with the most current
793 County requirements, Regional Water Quality Control Board standards
794 and the California Stormwater Quality Association (CASQA) Handbook of
795 Best Management Practices.
796

- 797 75. Developer shall maintain all existing stormwater facilities on or
798 immediately adjacent to the property. Should any facilities fail to meet their
799 drainage performance requirements, the owner shall reconstruct them at
800 the owner's expense.
801
- 802 76. Prior to occupancy, Developer shall provide an operations and
803 maintenance plan to the City and shall be responsible for regular
804 scheduled maintenance of all project detention basins and other on- and
805 off-site storm drain facilities. Should the project detention/retention basins
806 fail to meet their drainage detention performance requirements, then the
807 owner shall reconstruct the detention/retention basins at the owner's
808 expense.
- 809 77. Developer shall sign a maintenance agreement related to all storm drain
810 facilities that require significant maintenance (e.g. pump stations, LID
811 improvements, underground storage, etc.).
812
- 813 78. The final drainage study shall address how increased runoff has been
814 mitigated with designed LID facilities (i.e. meet water balance SWPPP
815 requirements and/or other local requirements). Calculations and details of
816 water quality device sizing proposed to be used should be included in the
817 final drainage study.
818
- 819 79. To minimize any possible increase in peak runoff, the detention
820 pond/outlet structure shall be designed so peak flows for the 2, 10, and
821 100 year, 24 hour events, are no greater than existing peak flows as
822 required by State law.
823
- 824 80. The storm drainage pump station shall be designed to allow for overland
825 release in event of failure and design of conveyance shall ensure there is
826 no negative impact (i.e. flooding) to adjacent parcels/property owners.
827

828 Reclaimed Water
829

- 830 81. If City reclaimed water is used, connection to the City's reclaimed water
831 main can be achieved by connecting to the public route along Brannan
832 Street, subject to the review and approval of the City.
833
- 834 82. Prior to issuance of the first building permit, the Developer shall remove
835 the existing irrigation water meter and service line located near the Lodge
836 to the satisfaction of the City.
837

- 838 83. Owner will have to comply with Calistoga (follow Santa Rosa standards)
839 reclaim water requirements through design and construction. Design of
840 reclaimed must meet all current codes (i.e. AWWA cross connection,
841 purple pipe, etc.).
842
- 843 84. Owner must enter into a Reclaimed Water User's Agreement with the City.
844
- 845 85. Metering and reduced pressure backflow devices required for all services
846
- 847 **Police and Fire Department Conditions:**
848
- 849 86. The applicant shall develop an on-site security protocol for project
850 construction and operation, which shall be approved by the Calistoga
851 Police Department prior to issuance of any building permit.
852
- 853 87. Prior to the issuance of a Certificate of Occupancy, instructions on the 911
854 emergency telephone system shall be available in all guest units. The
855 dial-out 911 connection shall be direct from all public and private phones
856 and not be routed through a central resort switchboard.
857
- 858 88. Security entrance gates shall be equipped with either an electronic gate
859 control (i.e. OPTICAM, or similar) or key box (Knox Box System).
860
- 861 89. The applicant shall demonstrate to the satisfaction of the Calistoga Fire
862 Department that all structures are accessible to emergency services as
863 required by Section 902.1, Appendix D standards of the California Fire
864 Code.
865
- 866 90. Emergency vehicle access shall be maintained in a manner acceptable to
867 the City including, but not limited to, the required vertical and horizontal
868 tree clearance and surface condition.
869
- 870 91. Fireplaces, fire pits, open burning fire pits, or other open flame warming or
871 entertainment devices shall be subject to the review and approval of the
872 Fire Department. If allowed by the Fire Chief the following performance
873 criteria shall apply:
874
- 875 a. Outdoor BBQs and propane patio heaters are open flame devices,
876 these devices shall meet current listing agency safety requirements
877 (such as the State Fire Marshal, UL etc.).
878

- 879 b. Fireplaces shall be natural gas decorative types only. Burning of
880 wood, charcoal or similar combustible material is strictly prohibited,
881 unless authorized by the Fire Chief.
882
- 883 92. Upon issuance of the first building permit, project water system and fire
884 hydrant facilities shall be installed and accepted by the City Engineer and
885 City Fire Chief as operational and sufficient to provide adequate water flow
886 and pressure. Placement and clearance of fire hydrants shall also be
887 subject to the review and approval of the Fire Chief.
888
- 889 93. Prior to issuance of the first building permit, a complete fire flow hydraulic
890 analysis will be required. Results shall be acceptable to City Fire Chief
891 and City Engineer.
892
- 893 94. Prior to the issuance of any building permit, a fire suppression sprinkler
894 system plan for each new structure shall be submitted to the Planning and
895 Building Department for review and approval by the Fire Department or
896 other authorized party.
897
- 898 95. Prior to the issuance of a Certificate of Occupancy, units containing
899 cooking or kitchen facilities shall have a ten (10) lb. ABC fire extinguisher,
900 with instruction placard.
901
- 902 96. Prior to the issuance of a Certificate of Occupancy, smoke detectors shall
903 be installed in compliance with applicable codes. A log of the smoke
904 detector maintenance shall be kept on file in the maintenance building and
905 open for inspection to the Fire Department.
906
- 907 97. Prior to issuance of any building permit, occupant and fire ingress/egress
908 shall comply or exceed the California Building Code requirements subject
909 to the review and approval by the City.
910
- 911 98. Amplified/live music is permitted for outdoor events provided the maximum
912 average noise level does not exceed 60 db at the exterior of the nearest
913 residential receptor (on site or off site). Outdoor events shall end no later
914 than 10 PM Friday and Saturday and no later than 9 PM Sunday though
915 Thursday. Outdoor events may transition to indoor venues and continue
916 passed the curfews listed. In the event that substantiated complainants
917 are received the Planning and Building and/or Police Departments may
918 reduce the frequency or duration of amplified/live music.
919

- 920 99. This Conditional Use Permit only allows for events that are by invitation.
921 Events open to the General Public require an individual City permit and
922 parking management/shuttle plan.
923
- 924 100. Upon issuance of the first building permit, a parking plan shall be
925 submitted for review and approval by the Planning and Building
926 Department. The plan shall include the following requirements:
927
- 928 a. A total of 256 parking spaces shall be provided on-site, unless
929 otherwise stipulated in a parking study prepared by a professional
930 traffic consultant subject to the review and approval of the City.
931
- 932 b. Handicapped spaces and compact car stalls shall be appropriately
933 identified.
934
- 935 c. Parking shall be designed in accordance with the design
936 requirements provided in Section 17.36.090 of the Calistoga
937 Municipal Code.
938
- 939 101. Prior to occupancy, a Parking Management Plan for managing resort
940 parking during events shall be submitted to the Planning and Building
941 Department for review and approval.
942
- 943 102. The Project shall remain, at all times, in compliance with the City of
944 Calistoga Municipal Code Chapter 3.16, Transient Occupancy Tax and be
945 current on collection of, reporting to and payment of all transient
946 occupancy taxes to the City.
947

948 **PASSED, APPROVED, AND ADOPTED** by the City Council of the City
949 Calistoga at a regular meeting held this **18th day of December, 2012**, by the
950 following vote:
951

952 **AYES:**

953 **NOES:**

954 **ABSENT:**

955 **ABSTAIN:**

956
957 _____
958 **CHRIS CANNING, Mayor**

959 **ATTEST:**

960
961 _____
962 **AMANDA DAVIS, Deputy City Clerk**