

Source: ESRI Aerial Imagery.



Exhibit 2 Local Vicinity Map Aerial Base

CITY OF CALISTOGA PLANNING COMMISSION PC RESOLUTION 2018-XX

ADOPTING AN ADDENDUM TO THE CERTIFIED FINAL ENVIRONMENTAL IMPACT REPORT FOR THE ENCHANTED RESORTS PROJECT FOR THE RELOCATION OF PREVIOUSLY-APPROVED ACCESSORY STRUCTURES AND USES, AND AMENDMENTS TO THE ENCHANTED RESORTS VESTING TENTATIVE MAP

WHEREAS, Calistoga Hills Resort LLC has submitted a use permit application (UP 2018-2) to relocate previously-approved accessory structures and uses associated with the Calistoga Hills Resort (formerly Enchanted Resorts) at 411 and 515 Foothill Boulevard (APN 011-310-046) to an expanded area of the Resort project and amendments to the Enchanted Resorts Vesting Tentative Map; and

WHEREAS, on August 21, 2012, the Calistoga City Council approved Resolution 2012-061, which adopted Findings of Fact, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program, and certified the Final Environmental Impact Report (FEIR) for the Enchanted Resorts Project (SCH #2010082028); and

WHEREAS, pursuant to CEQA Guidelines Section 15164, the City has prepared an Addendum affirming that the analysis contained in the Enchanted Resorts Project FEIR adequately addresses the potential physical impacts associated with the proposed relocation of previously-approved accessory structures and uses ("FEIR Addendum"); and

WHEREAS, the Addendum concluded that none of the conditions described in CEQA Guidelines Section 15162 requiring the preparation of a subsequent EIR or negative declaration exist; and

WHEREAS, the Planning Commission reviewed the Addendum during a public hearing on November 28, 2018, and considered the public record, including written and oral staff reports, written materials, and testimony presented during the hearing.

NOW THEREFORE BE IT RESOLVED by the Planning Commission as follows:

- 1. The Planning Commission hereby finds and determines that the proposed relocation of previously-approved accessory structures and uses, as described in Use Permit UP 2018-2 and the requested vesting tentative map amendment will not require major revisions of the FEIR.
- 2. The Planning Commission further finds that the proposed revisions do not require preparation of a new subsequent or supplemental EIR, because there is no involvement of new significant impacts or a substantial increase in the severity of previously identified significant effects. The proposed relocation and map amendment is consistent with the previous EIR and necessitates only minor changes to the FEIR.
 - 3. The Planning Commission hereby approves and adopts the FEIR Addendum.

PC Resolution No. 2018-XX Enchanted Resorts Project FEIR Addendum Page 2 of 2

APPROVED AND ADOPTED by the City of Calistoga Planning	Commission	at a
meeting held the 28th day of November 2018, by the following vote:		

AYES: NOES: ABSENT: ABSTAIN:		
	Paul Coates, Chair	_
ATTEST:		
Lynn Goldberg, Secretary		
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CITY OF CALISTOGA PLANNING COMMISSION PC RESOLUTION 2018-XX

APPROVING USE PERMIT UP 2018-2 TO ALLOW THE RELOCATION OF PREVIOUSLY-APPROVED ACCESSORY STRUCTURES AND USES FOR THE CALISTOGA HILLS RESORT AND AN AMENDMENT TO VESTING TENTATIVE MAP TTM 2010-01

WHEREAS, Calistoga Hills Resort LLC has submitted a use permit application (UP 2018-2) to relocate previously-approved accessory structures and uses associated with the Calistoga Hills Resort (formerly Enchanted Resorts) to an expanded area of the Resort project at 411 and 515 Foothill Boulevard (APN 011-310-046) and to amend the Enchanted Resorts Vesting Tentative Map ("Project"); and

WHEREAS, the Planning Commission reviewed the requests during a public hearing on November 28, 2018; and

WHEREAS, the Planning Commission adopted an Addendum to the previously certified Final Environmental Impact Report (FEIR) for the Enchanted Resorts Project (PC Resolution 2018-__) based upon the finding that the Addendum demonstrates that none of the conditions described in CEQA Guidelines Section 15162 requiring the preparation of a subsequent or supplemental EIR for the proposed relocations and map amendments exist.

NOW THEREFORE BE IT RESOLVED by the City of Calistoga Planning Commission, having duly considered the public record, including written and oral staff reports and written materials and testimony presented by the applicant and the public before and during the public hearing, as follows:

SECTION 1. Use Permit.

- A. The Planning Commission hereby makes the following findings regarding the subject use permit application pursuant to CMC Chapter 17.40.030(D):
 - 1. <u>Finding:</u> The proposed use is in accord with the General Plan and any applicable planned development.
 - <u>Supporting Evidence:</u> The intended uses of the proposed structures are consistent with the General Plan land use designation of Rural Residential-Hillside, which allows visitor accommodations. The Project would be consistent with the performance standards of the Rural Residential-Hillside designation by preserving an additional 7.9 acres of forested open space and permanently maintaining the scenic vista from Foothill Boulevard. The structures would not be visible from the road due to the significant difference in elevation as well as thick stands of intervening trees that would screen the site.
 - 2. <u>Finding:</u> The proposed use is in accord with all applicable provisions of this title [Title 17, Zoning].
 - <u>Supporting Evidence:</u> Permitted and conditionally-permitted uses in the Rural Residential-Hillside Zoning District include uses, such as religious

institutions, public facilities and contractor storage yards, that would have accessory activities and structures similar to those that are proposed at the Service Center. A condition of approval of the use permit prohibits construction of the accessory structures until after construction has commenced on the property's primary use.

- 3. <u>Finding:</u> The proposed use will not substantially impair or interfere with the development, use or enjoyment of other property in the vicinity.
 - <u>Supporting Evidence:</u> The Addendum to the Enchanted Resorts FEIR prepared for the Project did not identify any long-term negative impacts on properties in the vicinity. There is no evidence that the relocated structures and uses would impair or interfere with the development of other property in the vicinity.
- 4. <u>Finding:</u> The proposed use is consistent with and enhances Calistoga's history of independently-owned businesses, thus contributing to the uniqueness of the town, which is necessary to maintain a viable visitor industry in Calistoga and to preserve its economy.
 - <u>Supporting Evidence</u>: The relocated uses would support the development and operation of a development that includes a unique mix of resort hotel units, fractional ownership residences and custom homes, creating a one-of-a-kind, diverse business concept that will be a source of economic benefit to the city of Calistoga.
- B. Based on the above findings, the Planning Commission hereby approves UP 2018-2 subject to the conditions of approval attached hereto as Exhibit A.

SECTION 2. Amendment to Vesting Tentative Map.

- A. The Planning Commission hereby finds that the following findings made by the Calistoga City Council in approving Vesting Tentative Map TTM 2010-01 pursuant to Calistoga Municipal Code Title 16 Subdivisions, as contained in Resolution No. 2012-63, also apply to the amended Vesting Tentative Map because the only significant change is to expand the map's general boundary and Lot 36, specifically, to reflect the 12.32 acres incorporated into the project through a previously-approved lot line adjustment.
 - 1. <u>Finding</u>: The proposed Project, together with any provisions for its design and improvement, is consistent with the General Plan, any applicable specific plan and other applicable provisions of this code including the finding that the use as proposed is consistent with the historic, rural, small-town atmosphere of Calistoga.
 - <u>Supporting Evidence:</u> The Project is consistent with the General Plan (General Plan Consistency Findings, Exhibit A therein and DEIR Table 3.9-2)

The Project is consistent with the historic, rural small town atmosphere of Calistoga because the Project is designed to include a minimum number of residences (13 homes) and resort uses are largely screened from view

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from other areas within Calistoga. The Project would maintain the natural topography of the site while retaining forest cover and low profile building design. Collectively, these characteristics respect and enhance Calistoga's small-town rural character and the natural environment (DEIR pg. 3.9-16). Therefore, the proposed development, together with any provisions for its design and improvement, is consistent with the General Plan and other applicable provisions of this code including the finding that the use as proposed is consistent with the historic, rural, small-town atmosphere of Calistoga.

 Finding: Design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision, as described in the State Subdivision Map Act and any City guidelines.

<u>Supporting Evidence:</u> The Project's structures are required to be designed to meet the California's Green Building Code energy efficiency standards (DEIR pg. 3.9-16), which will reduce energy demand in the new residential and commercial buildings through conservation and efficiency (DEIR pgs.3.9-26). The Enchanted Resorts Design Guidelines (Resort, Page 41 and Non-Resort, Page 56) underscore energy efficient technology and products. Also, identified is the potential use of solar and geothermal energy systems (DEIR pgs. 3.9-43). Therefore, the design of the Project provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision, as described in the State Subdivision Map Act and any City guidelines.

3. <u>Finding:</u> The site is physically suitable for the type and density of development.

Supporting Evidence: The proposed Project preserves 27 acres of the site as a Forest Reserve and employs the use of low profile building design to largely screen the Project from view from other areas within Calistoga. The Project also includes 13 custom homes and 20 resort club units consistent with the density of the surrounding residential uses (DEIR pgs. 3.9-16). The slope density formula for calculating the maximum permitted residential density in the Rural Residential-Hillside land use designation permits a maximum of 35 dwelling units on the site. Also, the establishment of a Planned Development Overlay for the Project site is consistent with General Plan policies because it would not change the currently permitted residential density that is allowed on the Project site (DEIR pgs. 3.9-24). Biological resources on the site are not significantly impacted by the Project (DEIR pgs. 3.9-35), and 27 acres of the 88 acre project site will be preserved as forest reserve

The Project will maintain the site's natural topography in order to minimize grading and screen views from surrounding land uses. Additionally, the proposed Project would not locate any residential or resort overnight accommodation structures within the small portion of the Project site that

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is along SR-29.128 and within the 100 year flood plain of the Napa River (DEIR pgs. 3.9-47). For all of the reasons stated above and others set forth in the DEIR and Design Guidelines, the site is physically suitable for the type and density of development.

- 4. <u>Finding</u>: The proposed development has been reviewed in compliance with CEQA and the Project will not result in detrimental or adverse impacts upon the public resources, wildlife or public health, safety and welfare.
 - Supporting Evidence: The DEIR analyzes the potential environmental impacts of the Project on the following Project specific and cumulative impact categories of: Aesthetics, Light and Glare; Agricultural and Forest Resources; Air Quality and Greenhouse Gas Emissions; Biological Resources; Cultural Resources; Geology Soils and Seismicity, Hazards, Hydrology and Water Quality; Land Use; Noise; Public Services and Utilities; and Transportation. The majority of impacts were mitigated to levels of insignificance, and for those few impacts that remained significant after mitigation, a Statement of Overriding Considerations prepared in conjunction with the CEQA Findings establishes the economic, social, technological and other benefits of the Project that outweigh any unavoidable environmental impacts. Moreover, General Plan consistency findings have been prepared that confirm the Project's consistency with the General Plan. Therefore, the proposed development has been reviewed in compliance with CEQA and the Project will not result in detrimental or adverse impacts upon the public resources, wildlife or public health, safety and welfare.
- B. Based on the above findings, the Planning Commission hereby approves the amended Vesting Tentative Map, subject to the conditions of approval attached hereto as Exhibit A. Except as modified herein, Resolution No. 2012-63 remains in full force and effect.

APPROVED AND ADOPTED by the Planning Commission of the City of Calistoga at a regular meeting held this 28th day of November 2018, by the following vote:

AYES: NOES: ABSENT: ABSTAIN:	
ATTEST:	Paul Coates, Chair
Lynn Goldberg, Secretary	

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EXHIBIT A

CONDITIONS OF APPROVAL

USE PERMIT 2018-2 CONDITIONS

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- 1. This use permit approval authorizes the relocation of the Calistoga Hills Resort accessory structures and uses consistent with the project narrative and plans prepared by SB Architects and BKF (dated 8.7.18). The conditions listed below are particularly pertinent to this approval and shall not be construed to permit violations of any laws and policies.
- All conditions of approval adopted for Use Permit U 2010-02 by City Council Resolution 2012-064 remain in effect.
- All mitigation measures adopted by City Council Resolution 2012-061 shall be implemented for the project.
- The Enchanted Resorts Timber Harvest Plan shall be amended or a new Plan shall be prepared to cover the expanded project area.
- No construction of the accessory structures or related improvements may occur until construction has commenced on the property's hotel.
- The Planning and Building Department Director may approve minor amendments to this use permit, provided that the amendment is still in substantial conformance with the original approval.

VESTING TENTATIVE MAP AMENDMENT CONDITIONS

- 171 Resolution 2012-063 Condition of Approval No. 21 is deleted and replaced with the following:
- 173 21. Improvements plans shall include an erosion control plan and a post construction BMP plan (i.e., meet all current stormwater quantity and quality requirements; local, state and federal). Follow provisions of BASMAA Post Construction Manual dated July 14, 2014 (www.basmaa.org/BoardandCommittees/PhaseII.aspx click on Library, followed by Projects and Programs; select Post Construction Manual-Design Guidance for Stormwater Treatment and Control and download files)
- The following conditions apply to the Calistoga Hills Resort Vesting Tentative Map prepared by BKF received October 3, 2018 and are in addition to those adopted by City Council Resolution 2012-063.
- Sanitary sewer pipes traversing private property that convey sewage originating from sources other than said property, shall be placed within a private sanitary sewer easement of appropriate width.
- Water distribution pipes traversing private property that convey water originating from sources other than said property, shall be placed within a private water easement of appropriate width.

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188 189 190 26(f) Storm drain pipes traversing private property that convey stormwater originating from sources other than said property, shall be placed within a private storm drain easement of appropriate width.

CALISTOGA HILLS RESORT APPLICATION PACKAGE 411 & 515 Foothill Blvd, Calistoga, California APN 011-310-044

REQUEST FOR ADMINISTRATIVE USE PERMIT FOR RELOCATION OF ACCESSORY STRUCTURES WITHIN APPROVED VESTING TENTATIVE MAP FOR THE CALISTOGA HILLS RESORT AND MINOR VESTING TENTATIVE MAP AMENDMENT FOR THE PREVIOUSLY APPROVED LOT LINE ADJUSTMENT 2015-3.

PERMITS REQUIRED INCLUDE:

ADMINISTRATIVE USE PERMIT and
MINOR VESTING TENTATIVE MAP AMENDMENT TO MEMORIALIZE
PREVIOUSLY APPROVED LOT LINE ADJUSTMENT

Project:

Calistoga Hills Resort Accessory Structures

411 & 515 Foothill Blvd Calistoga, CA 94515

Property Owner:

Calistoga Hills Resort, LLC

c/o CTF Development

1155 Connecticut Ave, N.W. Ste 1200

Washington D.C. 20036

Civil Engineer:

BKF Engineers

200 4th St. #300

Santa Rosa, CA 95401

Architect:

Hornberger & Worstell

170 Maiden Lane

San Francisco, CA 94108

Project Manager:

Aaron Harkin

Project Manager, Design & Construction

CTF Development International

1019 Myrtle Street Calistoga, CA 94515

BACKGROUND

A General Plan Planned Amendment Overlay, Vesting Tentative Map No (TTM 2010-01), a Planned Development District (PD 2010-01), a Use Permit (U 2010-12), Design Review (DR 2010-04) and Preliminary/Final Planned Development Plan (PD 2010-01) including Development Standards and Design Guidelines, were approved by the Calistoga City Council on August 21, 2012 for the Calistoga Hills Resort project, previously entitled Enchanted Resorts Project ("Resort"). The approved Resort includes 110 hotel units, 20 residence club units, 13 custom residences, public restaurant and bar, event facilities, spa and swimming pools, and parking and accessory support facilities.

The Resort owner, Calistoga Hills Resort LLC, seeks to relocate unconstructed accessory structures originally intended to be located on the ridgeline of APN 011-310-044, to a remote corner of said parcel. Accessory structures include a parking facility, water tanking systems, cave, cart shed, landscape yard, and commissary/office building. The Resort owner further seeks to conform the Vesting Tentative Map to the previously approved lot line adjustment for APN 011-310-044 (collectively "Project").

EXISTING CONDITIONS

The 12.32 acre Project site is located on a remote corner of APN-011- 310-044, and is accessed by the primary Resort entry road. The Project has a 3-4 acre footprint and it is located on a hillside that will be screened from view by the public pursuant to the Design Guidelines approved for the Resort. It is accessed from Madrone Road for the approved Resort via an already constructed utility bridge which provides connectivity to the Resort's emergency secondary access.

Since the approval of the Resort, development of the Resort use has included installation of roadway and utility infrastructure. (See **Exhibit A**, Current Construction Map.)

PROJECT DESCRIPTION

A. Project Objectives

The Project seeks to further enhance the approved Resort's environmental character and circulation by relocating unconstructed accessory structures and associated uses to a remote area of the Resort property. Both employees and visitors will benefit from the revised internal circulation in terms of noise, air quality and visual appeal. As with the primary Resort uses, the City will not be burdened with viewing any of these accessory facilities and uses, even in the relocated area.

These structures were originally intended to be located on the northern ridgeline of the Resort area, and the proposed Project will move these structures and uses to 12.32 acres within a remote southern corner of the Resort parcel. The applicant recently acquired a 12.32-acre portion of a neighboring property (DeGuarda). A Lot Line Adjustment (LLA 2015-3) approved on May 12, 2015 incorporated these 12.32 acres into the Resort (APN-001-310-044.) Accessory structures include a parking facility, water tanking systems, cave, cart shed and other equipment storage, landscape yard and commissary/office building. The environmental benefits to the relocated activities and structures include reduced vehicular traffic to the top of the project site, and overall improved onsite circulation by redirecting deliveries and parking away from the ridgeline. It is estimated that approximately 7.9 acres of additional forest land will be added to the Resort as compared to the Resort ridgeline.

As part of the Project, the Resort owner further seeks to conform the Vesting Tentative Map ("VTM") to the previously approved lot line adjustment for APN 011-310-044 by requesting a Minor Modification to the VTM.

B. CEQA, General Plan and Zoning

The Project site is designated Rural Residential in the General Plan and is zoned Rural Residential Hillside (RR–H). The Project site was formerly part of APN 011-310-043, until a lot line adjustment (LLA 2015-3) moved the lot line of APN 011- 310-044 to encompass this acreage. The certified Environmental Impact Report SCH # 2010082028 for the Resort ("EIR") analyzed the impacts of off-site infrastructure placement and access on the Project site.

C. Proposed Changes

The proposed Project consists of a request for an Administrative Use Permit pursuant to Section 17.15.030 (C) (3) of the Calistoga Municipal Code; and a Minor Amendment to the Vesting Tentative Map (TTM 2010-01) approved on August 31, 2012 pursuant to Section 16.12.010 of the Calistoga Municipal Code for the lot line adjustment (LLA 2015-3) previously approved by the City on May 12, 2015.

The Administrative Use Permit component of the Project includes a parking facility and accessory use structures that were approved for the Resort. The accessory structures include parking facility, water tanking systems, cave, laundry facilities, cart shed, landscape yard, and commissary/office building, all to support the approved primary Resort use. Deliveries (garbage, food, supplies, etc.) storage, engineering, maintenance, office, laundry, staff lockers, cafeteria, and housekeeping, and cart shed charging and cleaning station, landscape yard, and general storage are part of the accessory uses. The parking facility is intended to be serviced by valet with staff parking intertwined. The water tanks will be upgraded with additional capacity for adjacent structures located in the County to be

serviced in case of an emergency. Caves are intended to be used as ancillary structures as opposed to a traditional vertical building in order to minimize impacting the hillside.

The EIR reviewed and analyzed these accessory uses on the top of the ridgeline in a portion of APN 011-310-044. The Project seeks to relocate these approved elements from the top of the hillside down to a remote corner of APN 011-310-044, a location originally intended only for access. (See **Exhibit B**, Sheets 1-4.) The approved Development Standards and Design Guidelines will be adhered to as part of the Project.

The Minor Amendment to the Tentative Map (TTM 2010-01) component of the Project memorializes the prior approved lot line adjustment (LLA 2015-3) that brings 12.32 acres into APN 011-310-044.

D. Required Use Permit Findings

In order to approve a Use Permit, the deciding body must make the following findings pursuant to Zoning Code Section 17.40.030(D). Please supply written statements in support of these findings.

1. The proposed use is in accord with the Calistoga General Plan and any applicable planned development.

The Project is consistent with the General Plan. The Project is consistent with the historic, rural, small town atmosphere of Calistoga because the Project is designed to include a minimum number of uses and will be completely screened from view from other areas within Calistoga. The Project will maintain the natural topography of the site while retaining forest cover and low profile building design. The Project is consistent with the approved Resort which has been found to be consistent with the General Plan. Therefore, the proposed Project is consistent with the General Plan and any applicable planned development and other applicable provisions of the Municipal Code, including the finding that the use as proposed is consistent with the historic, rural, small town atmosphere of Calistoga.

The proposed use is in accord with all applicable provisions of the Calistoga Zoning Code (Title 17).

The Project is consistent with the Calistoga Zoning Code in that the applicable Rural Residential Hillside (RR-H) zoning district rules allow the proposed uses. Section 17.15.030 (C) allows the establishment of accessory buildings or structures of 400 feet or more on a parcel that is already developed with the primary use with the approval of an Administrative Use Permit. The Resort is the primary use and this application is requesting the shifting of previously approved accessory uses to another location on the same legal parcel as the Resort. Therefore, the proposed uses are in accord with all applicable provisions of the Calistoga Zoning Code (Title 17).

3. The proposed use will not substantially impair or interfere with the development, use or enjoyment of other property in the vicinity.

The proposed shifting of the accessory uses from the ridgeline to the remote area of APN 011-310-044 will not substantially impair or interfere with the development, use or enjoyment of other property in the vicinity. The Project location was previously intended to be used primarily for additional Resort access and utility infrastructure. For the shifting of these accessory uses, the site layout, orientation, location of structures in relationship to another one another, open spaces and topography will be harmonized with the surrounding environment utilizing the natural features of the landscape such as forest cover and slope, and will be screened from the City's and neighbors' view. The site's natural topography and the Project's design, will ensure that any noise and lighting will similarly be screened so that there will be no impact to the neighboring landowners. The Project will maintain the

existing forest along the edges of all proposed development areas. Based on all of the foregoing, the proposed use will not substantially impair or interfere with other property in the vicinity.

4. The proposed use will be consistent with and enhance Calistoga's history of independently-owned businesses, thus contributing to the uniqueness of the town, which is necessary to maintain a viable visitor industry in Calistoga and to preserve its economy.

The proposed shifting of the accessory uses from the ridgeline to the remote area of APN 011-310-044, will be consistent with and enhance Calistoga's history of independently owned businesses. The proposed Project does not add any new businesses to the City of Calistoga and instead it fulfills the need of an already approved business, the Resort, by completing accessory uses in a location that will result in fewer environmental impacts. This shifting of accessory uses will have no impact on Calistoga's businesses and instead will enhance the efficiency of the Resort, an already approved visitor industry use in Calistoga.

