

**CITY OF CALISTOGA  
PLANNING COMMISSION  
RESOLUTION NO. 2018-23**

**APPROVING USE PERMIT APPLICATION UP 2018-9 AND DESIGN REVIEW APPLICATION DR 2018-7 FOR THE LINCOLN AVENUE APARTMENTS (APN 011-050-044)**

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**WHEREAS**, Anton DevCo proposes to construct 78 apartments and related improvements on Lincoln Avenue (APN 011-050-04); and

**WHEREAS**, the Planning Commission considered the application at its meeting of December 12, 2018, and prior to taking action on the applications, received written and oral staff reports, and public testimony; and

**WHEREAS**, the Lincoln Avenue Apartments project is exempt from the California Environmental Quality Act (CEQA) under Section 15332 of the CEQA Guidelines; and

**WHEREAS**, the Planning Commission hereby finds that the use permit application, pursuant to Calistoga Municipal Code 17.40.030:

1. Is in accord with the General Plan and any applicable planned development.

Supporting Evidence: The proposed uses and designs are consistent with those allowed by the High Density Residential and Community Commercial Designations with a use permit, and the Planning Commission's approval of the project's density bonus will provide conformance with the Designations' allowable density. The project is consistent with the land use and design considerations of the General Plan's Resort Character Area Overlay by providing new rental housing that features a classic design and uses high-quality materials, providing streetscape improvements.

2. Is in accord with all applicable provisions of the Zoning Code.

Supporting Evidence: The proposed use is a permitted use in the Multi-Family Residential/Office (R-3) Zoning District and is allowed with a use permit in the Community Commercial (CC) Zoning District. The Commission's approval of deviations from the Zoning Code's development standards as incentives/concessions allowed by state law for qualifying affordable housing projects will provide conformance with the Zoning Code.

3. Will not substantially impair or interfere with the development, use or enjoyment of other property in the vicinity or the area.

Supporting Evidence: Privacy impacts on neighboring properties would be minimal because adjacent properties are developed with a lodging facility to the north and west, a winery to the north, a one-story commercial property to the south, and a large industrial facility to the east. The project does not include any significant outdoor activity areas that could generate excessive noise. Exterior lighting will be shielded to prevent glare.

4. 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 and promote its economy.

Supporting Evidence: This finding is not applicable to this application.

5. Is resident-serving, in the case of a formula business.

Supporting Evidence: This finding is not applicable to this application.

**WHEREAS**, the Planning Commission hereby finds that the design review application, pursuant to Calistoga Municipal Code 17.41.050:

1. Is in accord with the General Plan and any applicable planned development.

Supporting Evidence: The proposed uses and designs are consistent with those allowed by the High Density Residential and Community Commercial Designations with a use permit, and the Planning Commission's approval of the project's density bonus will provide conformance with the Designations' allowable density. The project is consistent with the land use and design considerations of the General Plan's Resort Character Area Overlay by providing new rental housing that features a classic design and uses high-quality materials and providing streetscape improvements.

2. Is in accord with all applicable provisions of the Zoning Code.

Supporting Evidence: The proposed use is a permitted use in the Multi-Family Residential/Office (R-3) Zoning District and is allowed with a use permit in the Community Commercial (CC) Zoning District. The Commission's approval of deviations from the Zoning Code's development standards as incentives/concessions allowed by state law for qualifying affordable housing projects will provide conformance with the Zoning Code.

3. Is consistent with any adopted design review guidelines to the extent possible.

Supporting Evidence: The project design is consistent with the City's Multi-Family Design Guidelines by providing visual interest, employing a design and materials that are compatible with the neighborhood, and screening mechanical equipment and trash enclosures from public view.

4. Will not impair or interfere with the development, use or enjoyment of other property in the vicinity or the area.

Supporting Evidence: Privacy impacts on neighboring properties would be minimal because adjacent properties are developed with a lodging facility to the north and west, a winery to the north, a one-story commercial property to the south, and a large industrial facility to the east. The project does not include any significant outdoor activity areas that could generate excessive noise. Exterior lighting will be shielded to prevent glare.

**THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning Commission that based on the above findings, design review application DR 2015-10 is approved, subject to the following conditions:

1. Minor modifications to the project design that do not generate environmental impacts may be approved in writing by the Planning and Building Director.
2. This approval shall be null and void if not used within a year, unless an extension and/or building permit has been issued for the project prior to the expiration date.
3. This approval does not abridge or supercede the regulatory powers or permit requirements of any federal, state or local agency, special district or department which may retain regulatory or advisory function as specified by statute or ordinance. Permits shall be obtained as may be required from each authority.

#### **Planning Department**

4. Prior to the installation of any landscaping, a final landscape plan prepared in accordance with the State Water Efficient Landscape Ordinance shall be submitted for City approval. Landscaping and irrigation shall be installed prior to project occupancy, maintained throughout the life of the project, and replaced as necessary.
5. Exterior signage shall be subject to the approval of the Planning and Building Department.
6. The project's driveways shall not be gated.
7. All new utilities within the site shall be placed underground.
8. All permanent exterior lighting shall be directed and/or shielded so as not to shine or create glare on adjacent properties, subject to the review and approval of the Planning and Building Department.
9. Water and wastewater allocations shall be obtained for the project, subject to the ordinances in place at the time of Building Permit issuance.
10. The London plane trees along the project's Lincoln Avenue frontage shall have a minimum box size of 36 inches.
11. The developer shall submit documented evidence of diligent efforts to work with neighboring properties to secure for project residents an emergency vehicle access to Silverado Trail prior to the issuance of a building permit for the project.

#### **Public Works Department**

12. Prior to project occupancy, the project frontage's sidewalk, curb and gutter shall be replaced where needed, subject to the review and approval of the Public Works Department.
13. Pollutant source control measures shall be implemented for the project in accordance with the Bay Area Stormwater Management Agencies Association's Post-Construction Manual.

14. All new utilities within the site, with the exception of backflow preventers and transformers, shall be placed underground. Existing overhead utilities along the project frontage shall be underground unless an exception is granted by the City Council. Existing overhead utilities on the opposite side of Lincoln Avenue are not a part of this requirement.
15. Developer is responsible to pay all impact and connection fees per the City's Standardized Use Tables and Impact/Connection Fee Schedules in effect at the time of building permit issuance. In no circumstance shall developer's total financial obligation be less than the amount calculated using the most current Standardized Use Tables and Impact/Connection Fee Schedules.
  - a. Developer's payment of Impact Fees, with the exception of School Impact Fees, shall be paid immediately prior to the City issuing either a Temporary or Final Certificate of Occupancy for the project. School Impact Fees must be paid by Developer upon Building Permit issuance.
  - b. Developer will receive Impact Fee Credits for all public improvement work, which are not a specific benefit to the Project, including Vine Trail improvements, public wastewater improvements, and public water improvements. Impact Fee Credits will include the cost to design and construct the improvements, including but not limited to reasonable and industry standard design fees, construction costs, contractor's general conditions, contractor's fee, construction bonds, permit fees, legal fees, any required third party reports, and consent costs, acquisition costs, easement costs or right-of-way costs for any land not owned by Developer. Prior to developer making any financial offers for any right of way or agreeing to consent costs, developer shall provide City with a written summary of the proposed action for City review and approval. Prior to incurring legal expenses associated with the off-site multi-use pathway developer shall provide City with a written summary of the proposed action for City review and approval.
  - c. Applicable Impact Fee Credits will be applied to applicable Developer's Impact Fees prior to payment, thereby reducing the amount of Impact Fees that Developer is required to pay. If the amount of Developer's costs for public wastewater improvements are greater than Developer's Wastewater Impact Fee, then any costs above the Wastewater Impact Fee will be credited against Developer's Water Impact Fee.
  - d. If Developer's costs to complete public improvements are higher than Developer's Impact Fees, the City will pay for the difference in the cost of the public improvements and the Developer's Impact Fees.
16. A tree removal permit shall be obtained prior to the removal of any trees on the project site, and any replacement requirements shall be complied with prior to final occupancy per Calistoga Municipal Code (CMC) Chapter 19.01 and to the satisfaction of the Public Works Department.

17. Landscaping along the project frontage shall be in accordance with a final landscaping plan approved by the Public Works and Planning Departments. At the driveway entrances, adequate sight distances must be provided and maintained. Developer shall maintain street trees to a minimum height of seven feet above multi-use pathway.
18. The developer shall prepare and submit improvement plans for the construction of all necessary and required improvements including water, sanitary sewer, storm drain facilities, roadway improvements, curbs, gutters, sidewalks, and streetlights. All design and construction shall conform to the City of Santa Rosa Standard Specifications for Public Improvements, or other adopted City of Calistoga standards, including but not limited to all federal, state and local requirements as applicable.
19. The developer shall provide all required maintenance agreements required by the Public Works Department, including but not limited to: Bio-retention facilities, oil/grease separators, detention/retention, backflow prevention devices, etc.
20. The developer shall design and construct all improvements and facilities shown on the approved plans, and shall comply with the Calistoga Municipal Code and the "Standard Specifications" of the Public Works Department which utilizes the City of Santa Rosa Standards. Approval of plans depicting improvements that do not conform to the CMC or City standards does not constitute approval of exception to the CMC or City standards unless explicitly approved by the City Public Works Department.
21. The developer shall submit a soils investigation/geotechnical report for the project site with the first set of improvement plan check prints. The improvement plans shall incorporate all design and construction criteria specified in the report. The soils engineer shall review the improvement plans and provide a letter to the City stating the plans are consistent with their recommendations.
22. No grading or other construction shall be performed until the improvement plans have been approved and signed by the City Engineer. Encroachment permits and building permits will not be issued prior to the approval of the improvement plans, unless otherwise approved by the City Engineer.
23. Improvement plans shall include an erosion control plan and a NOI/SWPPP.
24. A City encroachment permit is required for any work within the City's right-of-way.
25. A Caltrans encroachment permit is required for any work within the Caltrans right-of-way.
26. The developer shall secure all necessary rights-of-way and/or easements for both on- and off-site improvements. Rights-of-way and easements shall be provided by separate grant deed. The developer shall prepare all necessary legal descriptions and deeds and incur all costs associated with their recordation and/or City peer review costs. If after due diligence, developer is unable to secure rights-of-way

and/or easements for off-site public improvements developer shall advise City in writing that they are unable to secure the necessary rights-of-way and/or easements and request the affected conditions be waived. Any notice to City requesting waiver of condition shall include a description of the actions developer took to secure the rights-of-way and/or easements. City reserves the right to undertake its own effort for acquisition of off-site rights-of-way and/or easements prior to waiving the affected condition.

27. A complete set of electronic (i.e., CAD and PDF) and hard copy record drawings and reproducible record improvement plans showing all constructive changes from the original plans shall be submitted to the Public Works Department prior to City acceptance of the public improvements. The plans shall include sub-centimeter survey grade locations (x,y,z) for all off-site utilities (e.g., manhole locations, water valves, fire hydrants, catch basins) upon completion of installation of the facilities for incorporation into the City's utility infrastructure database.
28. Prior to City acceptance of the work shown on the signed improvement plans, the developer shall provide a written statement signed by the project engineer certifying that they observed the work during construction and that site grading and all private site improvements have been completed in accordance with the improvement plans approved by the City Engineer. The City will not be accepting on-site improvements; the City will approve them based on the project engineer's wet signature certification statement.
29. Prior to City acceptance of the work (see above), the developer shall provide a written statement signed by their geotechnical engineer certifying that they observed the work and reviewed testing results, and that all of the work was performed in accordance with the recommendations included in the soils investigation, geotechnical report or other recommendations necessitated by field conditions.
30. No structures can be built over the 20-foot wide utility easement on the northwest side of the project. Developer shall show easement on all appropriate site and civil plans.

#### Street improvements

31. Developer shall be required to implement all recommendations from the Traffic Study to ensure safe and efficient travel for motorists, bicyclists and pedestrians. Developer shall coordinate recommendations with Caltrans and obtain their approval for improvements or meet further requirements Caltrans may require to serve the new project.
32. Developer shall submit street improvement plans addressing on-site and off-site improvements for review and approval by the Public Works Department.
33. Multi-use pathway: Developer shall provide the following:

- a. Class 1 multi-use pathway from the southerly terminus of the proposed Vine Trail extension on Calistoga Motor Lodge Spa frontage, along the entire project frontage. All costs related to Condition 32.a will be included in the Transportation Impact Fee Credit pursuant to Condition 13.
- b. Class 1 multi-use pathway from Developer's southerly property line across adjacent properties and connect to existing sidewalk/pathway just north of the Brannan Street intersection.
  - 1) The City of Calistoga will assist Developer informing the business and landowners along Lincoln Avenue including the Belcorp AG parcel (APN 011-050-016)), the vacant Nestle parcel (APN 011-050-024) and if applicable the Stevenson Manor parcel (APN 011-103-007), of the pending pathway improvements. The City of Calistoga will also assist in obtaining any necessary temporary construction easements from impacted parties.
  - 2) If after due diligence Developer and City are unable to perfect any required construction approvals from the adjacent properties for the pathway upon 75% completion of Buildings 1, 2 and 4, the Developer may petition City to waive all or an affected portion of the off-site multi-use pathway condition across the adjacent frontages. Petition shall evidence all reasonable efforts to gain the cooperation of adjacent land owners and users. If Condition 31 is waived by the City, developer shall construct a four foot (4') wide asphalt pathway, or approved equivalent, across the adjacent parcel's frontages and connect to the existing pathway just north of Brannan Street.
  - 3) The entire off-site portion of the multi-use pathway or the 4' wide asphalt pathway is subject to an Impact Fee Credit against transportation impact fees in accordance with Condition 13. All costs related to Condition 31, pursuant to Condition b2 will be included in the Impact Fee Credit.
34. The structural section of all road improvements shall be designed based upon a geotechnical investigation that provides the basement soils R-value and expansion pressure test results, or existing structural section whichever is higher.
35. Where new roadway improvements abut existing paving, the existing pavement section shall be reconstructed to provide adequate conforms. The limits of such reconstruction shall be as determined by Caltrans and the Public Works Director.
36. All street lighting shall be designed to meet safety requirements and minimize glare.
37. ADA-compliant ramps or transitions as required for disabled persons shall be provided at all driveways with colonial red truncated domes on each side of driveways. Sidewalk warps shall be provided at back of driveways and as necessary to allow a clear four-foot wide walkway at all locations, including areas where mailboxes, streetlights, and fire hydrants obstruct sidewalks.
38. All internal roads and driveways shall be privately owned and maintained.

Water and sanitary sewer improvements

39. All of the following improvements are subject to a Water and/or Wastewater Impact Fee Credit in accordance with Condition 13. All new sewer main flow lines shall be as deep and as flat as possible to allow for future extension.
  - a. Slip-line 1,200'+ of existing 8" concrete sewer main in Lincoln Avenue starting at the manhole approximately 330' north of the project boundary to the manhole at the intersection of Lincoln Avenue/Brannan Street.
  - b. Construct 18-inch replacement sewer main in Lincoln Avenue from the intersection of Wappo Avenue/Brannan Street/Lincoln Avenue to the intersection of Lincoln Avenue/Fair Way.
  - c. Construct a new 24-inch sewer main in Fair Way from the intersection of Lincoln Avenue/Fair Way to the existing 24" PVC sewer stubbed out at the existing manhole at Anna Street/Fair Way.
  - d. Connect the 12" water main at the intersection of Lincoln Avenue/Brannan Street to the 8" water main across the street at the intersection of Wappo Avenue/Lincoln Avenue with a new 12" ductile iron pipe.
40. Public water and sewer mains must be located in the public right-of-way wherever possible. Where public water and sewer mains must be located on private property, all necessary easement dedications must be made prior to final acceptance of the project by the City.
41. All private storm drains, water, fire line services, sewer laterals, and appurtenances shall be located within the private property and clearly identified as private on the design drawings.
42. Sewer grades shall be designed such that ultimate finished floors are a minimum of 12" above upstream manhole or clean-out rim elevations. Inadequate elevation differentials or grade on private laterals, as determined by the City, must be mitigated by raising finished floor elevation(s).
43. Internal pavement, water, sewer, recycled and storm drain lines shall be privately owned and maintained.
44. The new water service shall be a single new point of connection with a cut-in tee and a minimum of two new valves (minimum one cut into existing main) to serve fire and domestic per Santa Rosa Standard Detail 870.
45. Install backflow prevention devices at all points of connection to the City's public water supply system. Backflow prevention devices shall be installed on the private side of any water meters installed. All water meters shall be compound meters per Public Works requirements.
46. Domestic booster pumping will likely be required to adequately serve the project (per Santa Rosa Standard Water Standards Section XIV).



47. Provide final fire flow/sprinkler calculations that include existing city pressure/flows at main and account for all losses due to new service line, backflow devices/meters/minor losses and elevation losses to the project. Additional fire pumping will likely be required to adequately serve the project.
48. The subject parcel does not have a water baseline entitlement. The City agrees to provide the project an additional baseline annual allocation of seventeen and fifty-seven hundredths (17.57) acre feet of domestic water as defined under the Resource Management System to service all project uses, subject to payment of the Water Service Connection Fee in effect at the time of building permit issuance. The total water baseline for the project after purchase will be 17.57 acre feet per year, less any credit given in accordance with Condition 13.
49. The subject parcel does not have a wastewater baseline entitlement. The City agrees to provide the project an additional baseline annual allocation of nine and seventy-nine hundredths (9.79) acre feet of wastewater as defined under the Resource Management System to service all project uses, subject to payment of the Wastewater Service Connection Fee in effect at the time of building permit issuance, less any credit given in accordance with Condition 13. The total wastewater baseline for the project after purchase will be 9.79 acre feet per year.
50. The development shall not utilize geothermal water or discharge any geothermal water to the City's sewer collection system.
51. Developer shall consult with Public Works Department on reasonable methods to reduce grease discharge into the public sewer collection system. This includes investigation and evaluation of combination interceptors and installation if determined to be appropriate. For purposes of defining reasonable methods, the construction cost to implement this condition shall be in an amount not to exceed \$35,000. In the event it is determined that there are no standard interceptors, or other devices available, the Public Works Director shall have the authority to require means to monitor, prevent or remove grease build-up from the project in the on-site collection system and public sewer main. This may include, but is not limited to, the developer implementing a tenant education and household grease diversion plan or entering into a monitoring agreement for conducting, or have conducted periodic inspection and cleaning of the on-site collection system and lateral together with proper disposal of any collected grease, or other reasonable method for monitoring and maintaining the sewer system.

#### Drainage Improvements

52. Drainage improvements shall be designed by a civil engineer in accordance with the Napa County Design Criteria and any other applicable City standards. Off-site grading and drainage improvements shall be design per Caltrans Standards and shown on the improvement plans.
53. Project hydrology shall be designed to retain the 100-year, 24-hour storm event to ensure the post-project improvements' peak stormwater discharge is not higher

than existing conditions. The project will be required to retain/detain this volume at a minimum.


54. A final drainage study and stormwater control report (per BASMAA standards) is required prior to improvement plans approval.
55. The developer's engineer shall include a site grading plan that conforms to the requirements of CMC 19.08 as part of the required improvement drawings.
56. All drainage inlets shall be permanently marked "No Dumping-Flows to River" with City-provided markers. Stenciling is not acceptable.
57. All internal drainage improvements shall be privately owned and maintained.
58. Developer shall notify adjacent property owners of its proposed drainage discharge and planned discharge locations.

#### Cultural Resources

59. The project proponent shall note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources including prehistoric Native American burials. Any archaeological site information concerning P-28-001011 (CA-NAP-943/H) supplied to the Contractor shall be considered confidential.
60. The project proponent shall retain a Professional Archaeologist to develop an ALERT Sheet outlining the potential for the discovery of unexpected archaeological resources and protocols to deal with a discovery. The Professional Archaeologist shall provide the Contractor's construction crew "tool box" sensitivity training to present the ALERT Sheet and protocols to supervisors, foreman, project managers, and non-supervisory contractor personnel. The Contractor is responsible for ensuring that all workers requiring training are in attendance.
61. The project proponent shall retain a Professional Archaeologist on an "on-call" basis during ground disturbing construction to review, identify and evaluate cultural resources that may be inadvertently exposed during construction. The archaeologist shall review and evaluate any discoveries to determine if they are historical resource(s) and/or unique archaeological resources under CEQA.
62. If the Professional Archaeologist determines that any cultural resources exposed during construction constitute a historical resource and/or unique archaeological resource under CEQA, he/she shall notify the project proponent and other appropriate parties of the evaluation and recommend mitigation measures to mitigate to a less-than significant impact in accordance with California Public Resources Code Section 15064.5.
63. A Monitoring Closure Report shall be filed with the project proponent at the conclusion of ground disturbing construction if archaeological and Native American monitoring of excavation was undertaken.

**PASSED AND ADOPTED** on December 12, 2018 by the following vote of the Calistoga Planning Commission:

AYES: Coates, Wilkes, McNair, Abernathy  
NOES: None  
ABSENT: Cooper  
ABSTAIN: None

  
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Paul Coates, Chair

ATTEST:   
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Lynn Goldberg, Secretary

