

## Exhibit A

1 **Conditions of Approval** for Use Permit UP 2020-8, Design Review DR 2020-7, and  
2 Tentative Map 2020-3:

### 3 **General**

- 4 1. The improvements and uses hereby permitted shall substantially conform to the  
5 plans received as part of applications UP 2020-8, DR 2020-7, and TM 2020-3 by the  
6 Planning and Building Department, except as noted in the permit conditions.
- 7 2. Minor modifications to the project design that do not generate environmental  
8 impacts may be approved in writing by the Planning and Building Director.
- 9 3. This approval shall be null and void if not used within a year, unless an extension  
10 and/or building permit has been issued for the project prior to the expiration date.
- 11 4. This approval does not abridge or supersede the regulatory powers or permit  
12 requirements of any federal, state or local agency, special district or department  
13 which may retain regulatory or advisory function as specified by statute or  
14 ordinance. Permits shall be obtained as may be required from each authority.

### 15 **Planning Department**

- 16 5. Prior to the installation of any landscaping, a final landscape plan prepared in  
17 accordance with the State Water Efficient Landscape Ordinance (WELO) and all  
18 required documentation pursuant to the WELO shall be submitted for City  
19 approval. Landscaping and irrigation shall be installed prior to project occupancy,  
20 maintained throughout the life of the project, and replaced as necessary.
- 21 6. An exterior lighting plan shall be submitted for review and approval prior to building  
22 permit issuance. All permanent exterior lighting shall be directed and/or shielded  
23 so as not to shine or create glare on any adjacent property in accordance with the  
24 standards contained in Section 17.36 of the Calistoga Municipal Code and the Title  
25 24 Part 6 2007 California Energy Code which limits light and glare, subject to the  
26 review and approval of the Planning and Building Department.
- 27 7. An affordable housing agreement shall be prepared pursuant to the requirements  
28 of Chapter 17.08 of the Calistoga Municipal Code.
- 29 8. The operation of nonresidential uses within live-work units shall not conflict with the  
30 health and safety of residential uses, in aspects that include but are not limited to  
31 lighting, noise, fumes, and hours of operation.
- 32 9. The clear-heart redwood found in the front portion of the building should be  
33 salvaged, per the Historical Survey "A CEQA Review and Evaluation for Historical  
34 and Architectural Significance, Grant Avenue Warehouse 1506 Grant Avenue"  
35 prepared by Clark Historic Resource Consultants, dated May 2007.
- 36 10. The applicant shall review the Phase I Environmental Site Assessment by EBA  
37 Engineering, dated November 1, 2016, and incorporate a Phase I Environmental  
38 Site Assessment and its recommendations into the project.
- 39 11. Subdivision maps, plans, and documents shall be prepared in compliance with the  
40 requirements of Calistoga Municipal Code, Title 16 Subdivisions.

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- 41 12. The applicant shall provide covenants, codes, and restrictions (CC&Rs) to the City  
42 for review and approval prior to recordation of the subdivision map.
- 43 13. The project shall be constructed in compliance with all local, state, and federal  
44 guidelines to minimize environmental impact, including the Bay Area Air Quality  
45 Management District (BAAQMD) Air Quality Guidelines and the City of Calistoga's  
46 Stormwater Runoff Pollution Control Ordinance, Chapter 19.05.

47 **Public Works Department**

48 14. All new utilities within the site, with the exception of backflow preventers and  
49 transformers, shall be placed underground. Existing overhead utilities along the  
50 project frontage are not required to be undergrounded with the granting of  
51 affordable housing density bonus concessions/incentives through California  
52 Government Code Sections 65915-65918.

- 53 15. The project shall address off-site sewer inadequacies by:
- 54 a. Connecting the existing sewer manhole in Arch Way to a new sewer  
55 manhole at the intersection of Arch Way and Grant Street with  
56 approximately 130 linear feet of 8-inch pipe.
- 57 b. Extending the existing sewer line in Grant Street to the new manhole with  
58 approximately 265 linear feet of 8-inch pipe.
- 59 c. Replacing the existing 8-inch clay pipe in Grant Street and Stevenson  
60 Street with approximately 920 linear feet of 8-inch PVC pipe.
- 61 d. Replacing the existing 8-inch clay pipe in Lincoln Avenue from Stevenson  
62 Street to Fair Way with approximately 380 linear feet of 18-inch pipe.  
63 Sewer flow lines shall be as deep and as flat as possible to allow for future  
64 extension to the north and east.
- 65 e. Connecting the sewer system from Lincoln Avenue to Anna Street with  
66 approximately 875 linear feet of 21-inch pipe.

67 Final design of sewer improvements shall be approved by the Public Works  
68 Department. The cost of these sewer improvements is eligible for reimbursement,  
69 less any proportionate benefit that the current project derives from the  
70 improvements, against the project's wastewater capacity/connection fees.  
71 The project's wastewater connection fees may be utilized to pay for this  
72 improvement because it will be a direct benefit to the community's sewer collection  
73 system. If the amount of Developer's costs for public wastewater improvements  
74 are greater than Developer's Wastewater Impact Fee, then any costs above the  
75 Wastewater Impact Fee will be credited against Developer's Water Impact Fee.

76 16. A tree removal permit shall be obtained prior to the removal of any trees on the  
77 project site, and any replacement requirements shall be complied with prior to final  
78 occupancy per Calistoga Municipal Code (CMC) Chapter 19.01 and to the  
79 satisfaction of the Public Works Department.

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- 80 17. Landscaping along the project frontage shall be limited to groundcover and street  
81 trees that are trimmed and maintained seven feet above grade in order to provide  
82 adequate sight distances from the project driveways.
- 83 18. The developer shall prepare and submit improvement plans for the construction of  
84 all necessary and required improvements including water, sanitary sewer, storm  
85 drain facilities, roadway improvements, curbs, gutters, sidewalks, and streetlights.  
86 All design and construction shall conform to the City of Santa Rosa Standard Plans  
87 and Specifications for Public Improvements, or other adopted City of Calistoga  
88 standards, including but not limited to all federal, state and local requirements as  
89 applicable.
- 90 19. The developer shall design and construct all improvements and facilities shown on  
91 the approved plans, and shall comply with the Calistoga Municipal Code (CMC)  
92 and the "Standard Specifications" of the Public Works Department. Approval of  
93 plans depicting improvements that do not conform to the CMC or City standards  
94 does not constitute approval of exception to the CMC or City standards unless  
95 explicitly stated herein or in another City resolution.
- 96 20. The developer shall submit a soils investigation/geotechnical report for the project  
97 site with the first set of improvement plan check prints. The improvement plans  
98 shall incorporate all design and construction criteria specified in the report. The  
99 soils engineer shall review the improvement plans and provide a letter to the City  
100 stating the plans are consistent with their recommendations.
- 101 21. No grading or other construction shall be performed until the improvement plans  
102 have been approved and signed by the City Engineer. Encroachment permits and  
103 building permits will not be issued prior to the approval of the improvement plans,  
104 unless otherwise approved by the City Engineer.
- 105 22. Improvement plans shall include an erosion control plan and a NOI/SWPPP.
- 106 23. An encroachment permit is required for any work within the City's right-of-way.
- 107 24. The developer shall secure all necessary rights-of-way and easements for both  
108 onsite and off-site improvements. Rights-of-way and easements shall be dedicated  
109 on the project's subdivision map or provided by grant deed. The developer shall  
110 prepare all necessary legal descriptions and deeds and incur all costs associated  
111 with their recordation and/or City peer review costs.
- 112 25. A complete set of electronic (i.e., CAD and PDF) and hard copy as-built and  
113 reproducible record improvement plans showing all constructive changes from the  
114 original plans shall be submitted to the Public Works Department prior to City  
115 acceptance of the public improvements. The plans shall include will require  
116 subcentimeter survey grade locations (x,y,z) for all off-site utilities (e.g., manhole  
117 locations, water valves, fire hydrants, catch basins) upon completion of installation  
118 of the facilities for incorporation into the City's utility infrastructure database.
- 119 26. Prior to City acceptance of the work shown on the signed improvement plans, the  
120 developer shall provide a written statement signed by the project engineer  
121 certifying that they observed the work during construction and that site grading and  
122 all private site improvements have been completed in accordance with the

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123 improvement plans approved by the City Engineer. The City will not be accepting  
124 on-site improvements; the City will approve them based on the project engineer's  
125 wet signature statement.

126 27. Prior to City acceptance of the work (see above), the developer shall provide a  
127 written statement signed by their geotechnical engineer certifying that they  
128 observed the work and reviewed testing results, and that all of the work was  
129 performed in accordance with the recommendations included in the soils  
130 investigation, geotechnical report or other recommendations necessitated by field  
131 conditions.

### 132 Street Improvements

133 28. The developer shall submit street improvement plans addressing on-site and off-  
134 site improvements for review and approval by the Public Works Department.

135 29. The structural section of all road improvements shall be designed based upon a  
136 geotechnical investigation that provides the basement soils R-value and expansion  
137 pressure test results.

138 30. The developer shall extend the frontage sidewalk eastward to connect to the  
139 existing sidewalk at Wappo Avenue.

140 31. The developer shall improve the pedestrian route along Stevenson Street to  
141 provide connectivity to Lincoln Avenue. Driveway approaches at 1207 and 1231  
142 Stevenson Street to remain in existing condition.

143 32. Final design of the sidewalk improvements shall be approved by the Public Works  
144 Department. The cost of sidewalk improvements excluding the project's frontage is  
145 eligible for reimbursement against the project's Transportation Fee. Developer  
146 shall provide to the Public Works Department a contractor's quote for sidewalk  
147 improvements outside of the project's frontage. Upon the Public Works Department  
148 accepting the quote, the Developer shall enter into a reimbursement agreement  
149 with the City prior to commencing vertical construction.

150 33. Where new roadway improvements abut existing paving, the existing pavement  
151 section shall be reconstructed to provide adequate conforms. The limits of such  
152 reconstruction shall be as determined by the Public Works Director.

153 34. Pavement markings and signage shall be provided on all streets as necessary and  
154 as required by the City Engineer. Signage restricting parking and red-painted  
155 curbing shall be installed where appropriate. Speed limit signs shall be installed at  
156 locations determined by the City Engineer. A licensed Traffic Engineer shall design  
157 the intersection improvements for this project to ensure safe conveyance of  
158 pedestrians, bicyclists and vehicles. The traffic design shall include pedestrian  
159 crossing and sidewalk connectivity to Lincoln Avenue and to the high school. The  
160 intersection improvements shall be completed to the satisfaction of the Public  
161 Works Department.

162 35. Street and driveway lighting shall be designed to meet safety requirements and  
163 minimize glare.

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164 36. ADA-compliant ramps for disabled persons shall be provided at all intersection  
165 corners adjacent to or across the street from the project. Sidewalk warps shall be  
166 provided as necessary to allow a clear four-foot wide walkway at all locations,  
167 including areas where mailboxes, streetlights, and fire hydrants obstruct sidewalks.

168 37. All internal roads and driveways shall be privately owned and maintained.

169 Water and sanitary sewer improvements

170 38. Public water and sewer mains must be located in the public right-of-way wherever  
171 possible. Where public water and sewer mains must be located on private  
172 property, all necessary easement dedications must be made prior to final  
173 acceptance of the project by the City.

174 39. All private storm drains, water, fire line services, sewer laterals, and  
175 appurtenances, must be located within the private property and clearly identified as  
176 private on the design drawings.

177 40. No oil or grease shall be allowed to enter the sanitary system. Developer/Owner  
178 shall design and install an appropriately sized oil/grease interceptor and provide an  
179 Operation and Maintenance plan. Prior to issuance of the first occupancy  
180 certificate or recordation of the Final Map, whichever comes first, Developer/Owner  
181 or Homeowner's Association (HOA) shall sign and record a Maintenance  
182 Agreement to properly maintain the system. If the Maintenance Agreement is  
183 recorded prior to the formation of an HOA it shall include language that the  
184 Developer/Owner is responsible for ongoing maintenance until such time as the  
185 Maintenance Agreement is dully transferred to the HOA with the approval from the  
186 City and recorded with the Napa County Recorder's Office. Developer/Owner or  
187 HOA as appropriate shall provide the City with an annual summary of maintenance  
188 of this facility to the satisfaction of the Public Works Department. Developer/Owner  
189 or HOA as appropriate shall prepare and sign a maintenance agreement related to  
190 all oil/grease interceptor facilities that require significant modification.

191 41. Any on-site greywater systems shall be designed/installed and maintained to be  
192 compliant with all current regulations. Developer/Owner shall prepare an Operation  
193 and Maintenance Plan. Prior to issuance of the first occupancy certificate or  
194 recordation of the Final Map, whichever comes first, Developer/Owner or HOA  
195 shall sign and record a Maintenance Agreement to properly maintain the system. If  
196 the Maintenance Agreement is recorded prior to the formation of an HOA, it shall  
197 include language that the Developer/Owner is responsible for ongoing  
198 maintenance until such time as the Maintenance Agreement is dully transferred to  
199 the HOA with approval from the City and recorded with the Napa County  
200 Recorder's Office. Developer/Owner or HOA, as appropriate, shall provide the City  
201 with an annual summary of maintenance of the greywater system to the  
202 satisfaction of the Public Works Department. Developer/Owner or HOA, as  
203 appropriate, shall prepare and sign a maintenance agreement related to all  
204 greywater facilities that require significant modification.

205 42. Sewer grades must be designed such that ultimate finished floors are a minimum  
206 of 12" above upstream manhole or clean-out rim elevations. Inadequate elevation

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207 differentials or grade on private laterals, as determined by the City, must be  
208 mitigated by raising finished floor elevation(s).

209 43. Internal water and sewer lines shall be privately owned and maintained.

210 44. The new water service shall be a single new point of connection to serve fire and  
211 domestic, similar to Santa Rosa Standard Detail 870.

212 45. All existing water valves at the Stevenson/Grant intersection shall be replaced by  
213 the project to the satisfaction of the Public Works Department.

214 46. Domestic booster pumping will likely be required to adequately serve the project  
215 (per Santa Rosa Standard Water Standards Section XIV).

216 47. A 15-foot wide access easement shall be provided to the City from Grant Street to  
217 the sanitary sewer main on the adjoining property (APN 011-072-001), and a  
218 double gate shall be provided at the easement's terminus at the property line.

219 48. Provide final fire flow/sprinkler calculations that include existing city pressure/flows  
220 at main and account for all losses due to new service line, backflow  
221 devices/meters/minor losses and elevation losses to the project. Additional fire  
222 pumping will likely be required to adequately serve the project.

223 49. The total existing water baseline is 1.33 acre feet per year for the project area,  
224 which includes Assessor Parcel Numbers 011-101-001 and 011-101-009, which  
225 will be merged into a single parcel by the project. The City agrees to provide the  
226 project an additional baseline annual allocation of 11.12 acre feet of domestic  
227 water as defined under the Resource Management System to service all project  
228 uses, subject to payment of the Water Service Connection Fee in effect at the time  
229 of building permit issuance. The total water baseline for the project after purchase  
230 will be 12.45 acre feet per year.

231 Promptly following three years after full project occupancy, the City and project  
232 owner shall review the project's last three years of water use. The maximum usage  
233 year out of the three will be used to compare against the total annual project  
234 baseline of 12.45 acre feet and developer/owner will be responsible to pay for  
235 additional baseline (within 90 days) if actual usage exceeds baseline. If actual  
236 usage is less than the purchased baseline, the City will not reimburse the  
237 owner/developer.

238 50. The total existing wastewater baseline is 1.20 acre feet per year for the project  
239 area, which includes Assessor Parcel Numbers 011-101-001 and 011-101-009,  
240 which will be merged into a single parcel by the project. The City agrees to provide  
241 the project an additional baseline annual allocation of 6.10 acre feet of wastewater  
242 as defined under the Resource Management System to service all project uses,  
243 subject to payment of the Wastewater Service Connection Fee in effect at the time  
244 of building permit issuance. The total wastewater baseline for the project after  
245 purchase will be 7.30 acre feet per year.

246 Promptly following three years after full project occupancy, the City and Developer  
247 shall review the project's last three years of water use. The maximum water usage  
248 year out of the three shall be used to compare against the total project baseline of

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249 7.30 acre feet annually and developer/owner will be responsible to pay for  
250 additional wastewater baseline (within 90 days) if actual water usage exceeds  
251 baseline. The additional purchase of wastewater baseline will be calculated as  
252 follows:

253 a. [Highest actual annual water use in last three years of operation in afy] – [12.45  
254 afy]

255 b. If this is a positive number, this value will be multiplied by 90% and will be the  
256 amount due for additional wastewater baseline.

257 For example, if the highest actual annual water use is 13.0 afy, the purchase of  
258 an additional 0.49 afy of wastewater baseline shall be purchased at current City  
259 rate (see sample calculation below):

260  $13.0 \text{ afy} - 12.45 \text{ afy} = 0.55 \text{ afy}$ ;  $0.55 \text{ afy} * 0.90 = 0.49 \text{ afy}$  of additional  
261 wastewater baseline shall be purchased

262 If actual water usage is less than the purchased baseline, the City will not  
263 reimburse the owner/developer.

264 51. The development shall not utilize geothermal water or discharge any geothermal  
265 water to the City's sewer collection system.

266 Drainage improvements

267 52. Drainage improvements shall be designed by a civil engineer in accordance with  
268 the Napa County Design Criteria and any other applicable City standards. Off-site  
269 grading and drainage improvements, if any, shall be shown on the improvement  
270 plans.

271 53. Developer/Owner shall design and install a private on-site drainage system to be  
272 compliant with all current regulations Developer/Owner shall prepare an Operation  
273 and Maintenance Plan. Prior to issuance of the first occupancy certificate or  
274 recordation of the Final Map, whichever comes first, Developer/Owner or HOA  
275 shall sign and record a Maintenance Agreement to properly maintain the system. If  
276 the Maintenance Agreement is recorded prior to the formation of an HOA, it shall  
277 include language that the Developer/Owner is responsible for ongoing  
278 maintenance until such time as the Maintenance Agreement is dully transferred to  
279 the HOA with the approval from the City and recorded with the Napa County  
280 Recorder's Office. Developer/Owner or HOA as appropriate shall provide the City  
281 with an annual summary of maintenance of the system to the satisfaction of the  
282 Public Works Department. Developer/Owner or HOA as appropriate shall prepare  
283 and sign a maintenance agreement related to all storm drain facilities that require  
284 significant modification.

285 54. Project hydrology shall be designed to retain the 100-year, 24-hour storm event to  
286 ensure the post-project improvements' peak stormwater discharge is not higher  
287 than existing conditions. The project will be required to retain/detain this volume at  
288 a minimum.

289 55. A final drainage study and stormwater control report (per BASMAA standards) is  
290 required prior to improvement plans approval.

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- 291 56. The developer's engineer shall include a site grading plan that conforms to the  
292 requirements of CMC 19.08 as part of the required improvement drawings.
- 293 57. All drainage inlets shall be permanently marked "No Dumping-Flows to River" with  
294 City-provided markers. Stenciling is not acceptable.
- 295 58. All internal drainage improvements shall be privately owned and maintained.
- 296 59. The project shall abandon the existing 12- inch storm drainpipe along the project  
297 frontage and connect the existing curb inlet to a new curb inlet across Grant Street.
- 298 60. Pay for drainage improvements under the Solage Reimbursement Agreement at  
299 the time of project building permit issuance.