

**CITY OF CALISTOGA
PLANNING AND BUILDING DEPARTMENT**

Conditional Use Permit No. U 2003-12

Curtis and Jillian Helmer, Applicant and Owner
(Assessor’s Parcel No. 011-050-032)

**Amended and Approved by the Planning Commission
February 25, 2004**

Findings:

- 1. On December 16, 2002, an application was submitted by Curtis and Jillian Helmer requesting a Conditional Use Permit to establish a 10,877 square foot single-family residential development.
- 2. The City recognizes that the property may be developed with a single-family residence, and authorizes this Use Permit to establish the use. Should the use be expanded, an amendment to this permit may be required by the City according to existing provisions contained in the City’s Zoning Ordinance.
- 3. As conditioned in this permit, the proposed project will be in substantial conformance with the goals and policies of the City’s 2003 General Plan.
- 4. As conditioned in this permit, the project will not be detrimental to the health, safety, and welfare of persons residing in the surrounding neighborhood or in the City as a whole because residential units are allowed in this district with the granting of a Conditional Use Permit.
- 5. The site is physically suitable for the type and density of development because the project meets the dimensional standards contained in the Planned Development Guidelines.
- 6. Approval of the use permit application will not cause adverse impacts to maintaining an adequate supply of public water and an adequate capacity at the City’s wastewater treatment facility.
- 7. Approval of this use permit application shall not cause the extension of service mains greater than five hundred (500) feet. As submitted, there will be no impact on existing services.

Conditions:

- 1. This permit authorizes the development of a residence on the site consistent with all City Ordinances, rules, regulations, and policies. The conditions listed below are particularly pertinent to this permit and shall not be construed to permit violation of other laws and policies not so listed.

- 38 2. Approval of this permit is limited to conformance with the land use provisions
39 contained in the City's Zoning Ordinance. Use of the property shall be limited to
40 those uses identified in the Findings above and the Staff Report dated February
41 25, 2004. Any changes to the approved use are subject to the provisions of the
42 Zoning Ordinance, as it exists now or may be amended in the future.
43
- 44 3. Development of the proposed single-family residence shall conform to all required
45 conditions established herein plus all mitigation measures specified in the Negative
46 Declaration, as approved by the Planning Commission on February 25, 2004.
47 Failure to comply with these conditions may result in amendment by the Planning
48 Commission or possible revocation to protect the public health, safety and general
49 welfare of the community, as set forth in the City's Zoning Ordinance.
50
- 51 4. The Planning and Building Department may approve minor amendments to this
52 use permit provided that the permit is still in substantial conformance with the
53 original approval.
54
- 55 5. The applicant shall obtain a Building Permit prior to commencement of construction
56 of the approved project.
57
- 58 6. This Conditional Use Permit is only valid upon completion of the proposed 10,877
59 square foot residential development as approved in this permit. This work shall
60 commence within one (1) year from the date of approval. If a building permit is not
61 issued, and work commenced within one (1) year, the applicant acknowledges and
62 understands by accepting this permit that this permit will expire and will no longer
63 be valid.
64
- 65 7. Prior to occupancy of any structures on the parcel, the applicant shall obtain
66 approval of a Knox Box or similar approved alternative for access to the site in the
67 event of an emergency, as approved by the City of Calistoga Fire Chief.
68
- 69 8. The applicant shall provide "stand by" water in a configuration approved by the City
70 of Calistoga Fire Chief for fire suppression of structures on the lot. Additionally, the
71 design of the driveway shall comply with the Napa County Standards regarding
72 vehicle weight and turnouts for emergency access. This will be reviewed by the
73 City of Calistoga Fire Chief as part of the building permit process.
74
- 75 9. Any future exterior alterations, expansion or other new construction shall be
76 subject to Design Review approval. The property owner agrees to submit an
77 application for Building Permit for all construction of buildings or structures located
78 on the site, not otherwise exempt by the Uniform Building Code or any State or
79 local amendment adopted thereto. Prior to issuance of all building permits, the
80 property owner agrees to pay all fees associated with plan check and building

- 81 inspections, and associated development fees rightfully established by City
82 Ordinance or Resolution.
83
- 84 10. Approval of this Conditional Use Permit is based on the presentation of materials
85 kept on file by the Planning and Building Department. These materials shall be
86 applied to the building as approved and may only be changed with the approval of
87 a Design Review application approved by the Planning Commission, through the
88 process established in the City of Calistoga Zoning Ordinance.
89
- 90 11. Ground mounted equipment, such as backflow prevention devices and utility
91 panels, shall be adequately screened from public view and view from adjoining
92 developed parcels, as shown on construction drawings submitted prior to approval
93 of a building permit.
94
- 95 12. Given the location of this parcel at an important gateway to the community, the
96 property owner agrees to submit for Design Review consideration and approval all
97 future exterior alterations, additions and site modifications, such as exterior color
98 changes, awnings, signs, materials, and lighting, not to include repainting a
99 structure to match the existing color(s) and repair or maintenance where the work
100 solely involves the replacement of materials in kind or in a location that is not
101 visible from the public right-of-way.
102
- 103 13. Utilities to the site shall be placed underground to protect the scenic value of the
104 property at this important gateway to the community.
105
- 106 14. A permit for the installation of the engineered septic system and cold water well
107 shall be secured from the Napa County Department of Environmental Management
108 prior to issuance of a Building Permit. The drainage study approved by the City
109 must be submitted to the County along with the septic system plans.
110
- 111 15. The property owner shall be required to provide proof of clearance by the Napa
112 County Department of Environmental Management of a cold water well permit and
113 design of an on-site Wastewater Treatment Plan prior to submittal of a Building
114 Permit.
115
- 116 16. Any failure of on-site potable water or wastewater treatment should not be
117 considered by the property owner as a right to connect the property to the City's
118 water and/or sewer system. Any request for such connections in the future,
119 whether initiated voluntarily or by virtue of a failure of an existing on-site system,
120 will be considered by the City on its merits and any action taken will be consistent
121 with the provisions of the standards contained in the Calistoga Municipal Code
122
- 123 17. Exterior lighting shall be directed towards the ground to avoid light and glare upon
124 adjacent parcels, and containing the lowest illumination necessary for safety.

- 125 18. All drainage improvements and modifications shall be completed in conformance
126 with the drainage plan dated December 3, 2003 prepared by Riechers Spence
127 Associates. Any deviation from this approved plan shall be subject to preparation
128 of a modified drainage plan which must be reviewed and approved by the City of
129 Calistoga Public Works Department prior to commencement of site work.
130
- 131 19. The driveway connecting the subject property to Silverado Trail shall be
132 coordinated with future development on the adjacent vacant parcel to the east. By
133 accepting this permit, the property owner agrees to a shared driveway that will also
134 allow access to future development of the Mount Washington parcel, and will
135 provide an easement for such access to minimize safety considerations resulting
136 from multiple driveways on Silverado Trail, an important gateway to the community
137 and an arterial that is restricted from view by Mount Washington. Any entry
138 driveway gate approved by the City in this permit shall be set back from the
139 property line a minimum of 23 feet to provide shared access to the Mount
140 Washington parcel and to provide safe queuing on the property for emergency
141 vehicles and other vehicles to park while the gate is opening inward toward the
142 property. The design of this gate shall be approved by the City prior to issuance of
143 the Building Permit.
144
- 145 20. All landscaping shall comply with the plan prepared by Quadriga Landscape
146 Architecture and Planning, Inc. received by the City on January 31, 2003.
147 Landscape materials shall be in place prior to occupancy of any structure on the
148 site to ensure that the intent of this permit is met. Furthermore, all requirements
149 and restrictions contained in Chapter 19.01 of the Calistoga Municipal Code (CMC)
150 shall be complied with.
151
- 152 21. All trees within the construction zone shall be inspected prior to occupancy of the
153 building, and any trees damaged during construction shall be mitigated through the
154 planting of two new trees for every one tree lost. The location of all new trees shall
155 be identified through mutual agreement between the City and property owner.
156
- 157 22. Site work including, but not limited to, proposed berms shall not impact existing
158 protected trees, and views for adjacent property owners.
159
- 160 23. No mechanical trenching, including but not limited to trenching done for the septic
161 system, shall occur within the drip lines of trees defined as protected trees.
162
- 163 24. Approval of this permit does not authorize the single-family residence and related
164 structures to exceed 30 feet above natural grade. The finished floor level shall not
165 exceed elevation 105.5 and shall be confirmed by an elevation certificate approved
166 by the City prior to authorization by the Building Inspector to commence framing of
167 the structure.
168

169 25. The approved address for the property shall be shown on a mailbox provided on
170 the site in a location approved by the City and, as necessary by the U.S. Postal
171 Service.

172
173 26. The property owner shall receive approval of a Construction Management Plan
174 prior to issuance of a Grading Permit or Building Permit which identifies how the
175 site will be protected during grading activities from dust, identifies the location of
176 haul trucks exporting any material from the site, the hours of construction, and a
177 plan for addressing archaeological resources, if encountered, during grading to
178 include the following:

179
180 *The potential remains that grading and trenching operations could*
181 *uncover buried archaeological materials and/or human remains.*
182 *Should any of the materials described in the report prepared by*
183 *Holman and Associates dated September 4, 2003 or any*
184 *concentrations of bone of any type be uncovered, work will be halted*
185 *within 30 feet of the discovery until a qualified archaeologist has*
186 *inspected the discovery and has had the opportunity to assess its*
187 *significance before a plan for the mitigation of impacts to it can be*
188 *submitted to the City of Calistoga for approval. All archaeological*
189 *activities will be conducted in accordance with prevailing professional*
190 *standards as outlined in CEQA and will be implemented before*
191 *recommencement of work within the area of the resource discovery.*
192 **(Amended by Planning Commission at the hearing 2/25/04)**

193
194 27. Prior to commencing with grading activities on the site, the applicant shall be
195 required to contact the Planning and Building Director to confirm the location of
196 cuts to ensure that the disturbed area is consistent with the project approvals.

197
198 ~~28. Prior to issuance of a building permit, the applicant shall submit a study, prepared~~
199 ~~by a licensed Civil Engineer, analyzing the existing road conditions on Silverado~~
200 ~~Trail and the potential impacts resulting from the revised driveway connection to~~
201 ~~the approved residential use of the property. The purpose of this study is to~~
202 ~~consider the safety considerations resulting from turning movements to and from~~
203 ~~the subject site and their relationship to the driveway at Silver Rose Winery and~~
204 ~~Inn, also considering planned development on area properties (including the~~
205 ~~approved restaurant at Silver Rose, service driveway at Palisades Resort and Spa,~~
206 ~~and driveway for adjoining single family residence and water tank). This study~~
207 ~~shall also include the visibility of the driveway approach, lane width and striping in~~
208 ~~the project area to determine if changes are required prior to issuance of a building~~
209 ~~permit for development on the site. (Omitted by Planning Commission at~~
210 ~~hearing 2/25/04)~~