

CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2023-XX

APPROVING DESIGN REVIEW DR 2022-2 TO ALLOW A TWO-BUILDING COMMERCIAL DEVELOPMENT AT THE SW CORNER OF THE INTERSECTION OF FOOTHILL BLVD AND PETRIFIED FORREST RD (APN 011-360-003)

WHEREAS, an application was filed with the City of Calistoga requesting approval of a design review to allow the construction of two commercial structures consisting of 12,000 SF and related improvements at 2449 Foothill Blvd (APN 011-360-003); and

WHEREAS, the Planning Commission considered the application at its meeting of March 8, 2023. Prior to taking action on the application, the Planning Commission received written and oral reports by the staff, and received public testimony; and

WHEREAS, the Planning Commission has determined that this action is exempt from the California Environmental Quality Act (CEQA) under Section 15332 of the CEQA Guidelines because the project is an in-fill development and qualifies as a Class 32 Categorical Exemption; and

WHEREAS, the Planning Commission, pursuant to Calistoga Municipal Code Section 17.41.050, has made the following findings for the project's design review application:

1. The project is in accord with the General Plan and any applicable planned development.
Supporting Evidence: As detailed in the project staff report, the project would be consistent with applicable provisions of the General Plan in terms of the applicable land use designation and related goals. No planned development applies to the property.
2. The project is in accord with all applicable provisions of this title [Title 17, Zoning].
Supporting Evidence: As detailed in the project staff report, the project would comply with all applicable development standards, including height, setbacks, open space, and parking.
3. The project will not substantially impair or interfere with the development, use or enjoyment of other property in the vicinity.
Supporting Evidence: The proposed residential use would be consistent with other residential uses in the vicinity and would be of a similar scale to other developments in this part of Calistoga.
Supporting Evidence: Not applicable

3. The project is consistent with any adopted design review guidelines to the extent possible.

Supporting Evidence: As detailed in the project Staff Report (Staff Report Attachment 3), the project's design would be consistent with the City's Design Guidelines.

NOW, THEREFORE, BE IT RESOLVED by the City of Calistoga Planning Commission that based on the above findings, the Planning Commission approves Design Review DR 2022-2, subject to the conditions of approval attached hereto as Exhibit A.

PASSED, APPROVED AND ADOPTED on April 12, 2023, by the following vote of the Calistoga Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Timothy Wilkes, Chairman

ATTEST: _____
Jeff Mitchem, Secretary

Exhibit A

**Conditions of Approval – 2449 Foothill Blvd
Design Review 2022-2**

1. This approval allows the construction of two-building commercial development at the southwest corner of the intersection of Foothill Blvd and Petrified Forest Rd. (PF Rd).
2. The improvements hereby permitted shall substantially conform to the plans reviewed by the Planning Commission on April 12, 2023.
3. This approval shall lapse and become void one year following the date on which it becomes effective, unless prior to the expiration of one year, a building permit has been issued and the developer, in good faith, has diligently commenced construction and performed substantial work and incurred substantial liabilities in reliance thereon. The Planning and Building Director may extend this time limit by up to 12 months pursuant to Calistoga Municipal Code Section 17.41.060(C).
4. This approval does not abridge or supersede the regulatory powers or permit requirements of any federal, state or local agency, or department that 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

5. All future plans submitted in connection with this entitlement shall be in substantial conformance with the plans submitted for this subject Design Review and shall comply with all applicable provisions of the Calistoga General Plan and Municipal Code at the determination of the Planning & Building Director.
6. Prior to the issuance of a Business License, any future tenant shall be listed as a primary permitted use by CMC 17.22.020. Any proposed use not listed therein, shall be subject to the review provisions described therein.
7. Prior to the issuance of an occupancy permit for any future tenant, an updated Final Signage Plan shall be submitted ensuring compliance with CMC 17.58.050 may be approved in writing by the Planning and Building Director.
8. Modifications to the project design that are in substantial conformance with the plans approved by the subject Design Review and that do not increase environmental impacts may be approved in writing by the Planning and Building Director.
9. Prior to the issuance of building permit, 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.

10. Prior to issuance of building permit, the Applicant shall submit an updated photometric study demonstrating that all exterior lighting is Dark Sky compliant pursuant to Calistoga General Plan Open Space and Conservation Element Objective OCS-5.4 and the International Dark Sky Association Model Ordinance requiring light to 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.
11. Impact fees in effect at the time of building permit submittal shall be paid prior to the issuance of a building permit for the project.
12. Prior to issuance of a building permit, drawings shall convey that all mechanical equipment is suitably screened or placed in locations not viewable from residences, common areas or the street. All screening devices shall be compatible with the architecture and color of the adjacent buildings.
13. To address the possibility that unidentified, but potentially significant archaeological resources may be encountered during earth-disturbing activities within the Project Area related to the proposed demolition of the existing buildings and the construction of the commercial complex, a Secretary of Interior qualified Archaeologist shall be retained to provide on-call archaeological monitoring during future earth-disturbing activities within the Project Area, and that the archaeologist shall be contacted to inspect the site and provide recommendations if and when archaeological materials are found.
14. If archaeological materials are encountered during ground-disturbing activities, all work within 25 feet of the discovery shall be redirected until the archaeologist assesses the finds, consults with the appropriate individuals and agencies, and makes recommendations for the treatment of the discovery. If avoidance of the archaeological deposit is not feasible, the archaeological deposit shall be evaluated for its eligibility for listing in the CRHR. If the deposit is determined not to be eligible for listing, mitigation will not be necessary. If the deposit is determined eligible for listing, adverse impacts shall be mitigated.
15. If human remains are encountered within the Project Area during any future earth-disturbing activities, all work must stop in the immediate vicinity of the discovered remains and the Napa County Coroner must be notified immediately. If the remains are suspected to be those of a pre-contact Native American, then the NAHC must be contacted by the Coroner so that a Most Likely Descendant (MLD) can be designated to provide further recommendations regarding treatment of the remains. An archaeologist should also be retained to evaluate the historical significance of the discovery, the potential for additional remains, and to provide further recommendations for treatment of the site in coordination with the MLD.

Public Works Department

The following are preliminary Department of Public Works conditions of approval for the subject application. The Public Works Department provided first Design Review

comment letter on November 16, 2022 which required revising and resubmitting Design Review drawings, water/wastewater memo, geotechnical report and traffic study. Please note that we have not received the revised documents as of today and additional conditions may be required upon reviewing the revised documents.

A. General:

1. Developer shall design and construct all improvements and facilities shown on any site plan, or other documents submitted for permit approval, all representations made by Developer, and with the plans and specifications submitted to and approved by City, to comply with the General Plan, the Calistoga Municipal Code (CMC), and the "Standard Specifications" of the Public Works Department. Approval of a site plan 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 stated herein or in another City resolution.
2. The developer shall be responsible for all City plan check and inspection costs. The developer shall deposit funds into a City Developer Deposit Account upon the initiation of plan check services. The amount of the initial deposit shall be determined by the City Engineer. Additional funds may be required based upon actual plan check costs. Prior to approval of the improvement plans the developer shall pay any outstanding balance for plan checking services and shall deposit an additional amount based upon the City's estimate of inspection costs.
3. Trash enclosure shall be covered to separate stormwater from floor drain.

B. Improvement Plan Conditions:

1. The developer shall prepare and submit improvement plans for the construction of all necessary and required improvements including water, sanitary sewer, storm drain facilities, and off-site improvements, as required. The improvement plans shall include elevations, striping plans, profiles and pavement sections as deemed necessary by the City Engineer. All design and construction shall conform to the City of Santa Rosa Standard Specifications for Public Improvements, Caltrans Highway Design Manual, Caltrans Standard Plans and Specifications or other adopted Napa County and City of Calistoga standards as applicable.
2. No grading or other construction shall be performed until the improvement plans have been approved and signed by the City Engineer. Building Permits will be issued simultaneously to the approval of the improvement plans and completion of offsite improvements.
3. 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.

C. Water and Sanitary Sewer Improvements:

1. The City agrees to provide the project a baseline annual allocation of domestic water as defined under the Resource Management System to serve the proposed development subject to payment of the Water Service Connection Fee in effect at the time of building permit issuance. The total water baseline annual allocation shall be determined per the City's Standard Use Table at the time of building permit issuance.
2. The City agrees to provide the project a baseline annual allocation of wastewater as defined under the Resource Management System to serve the proposed development subject to payment of the Wastewater Service Connection Fee in effect at the time of building permit issuance. The total wastewater baseline annual allocation shall be determined per the City's Standard Use Table at the time of building permit issuance.
3. Provide evidence to the City that the existing sewer lateral is structurally sound, adequate in capacity and correctly sloped. This can be done by videoing the sewer lateral and providing the City with a copy of the video. This videoing should be performed with a Public Works employee present. The sewer lateral should be replaced and/or repaired as necessary.
4. The proposed project shall be connected to the sewer main through a single sewer lateral. All other existing sewer laterals shall be abandoned.
5. The proposed project shall be connected to the water main through a single water service line per City Standards 870. The connection shall be a tee connection with 3 valves.
6. Encroachment permits are required from City and Caltrans for any work within the City and Caltrans right-of-way respectively.
7. Encroachment permit is required from City for any connection to City utilities.
8. Domestic booster pumping may be required to adequately serve the project (per Santa Rosa Standard Water Standards Section XIV).
9. A backflow prevention device will be required on the applicant's side of the water meter. The applicant will be responsible for annual testing and necessary repairs of the device.
10. All new water meters shall be radio read badger meters.
11. If fire sprinklers are required, possible upsizing of the water lateral and meter may be required along with the fire sprinkler hydraulic analysis. The new combination water service connection shall follow City of Santa Rosa Standard 870 and include a T connection to the water main.
12. All existing wells, septic tanks and associated pipelines shall be abandoned per abandonment permit from Napa County Environmental Health.
13. All trench cuts within public paved roads shall be replaced per Santa Rosa Standard 215.

14. All utilities within the site, except for backflow preventers, fire hydrants and transformers, shall be placed underground.

D. Drainage Improvements:

1. 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, if any, shall be shown on the improvement plans.
2. Project hydrology and hydraulic 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.
3. A final drainage study and stormwater control report (per BASMAA standards) is required prior to improvement plans approval.
4. 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.
5. All drainage inlets shall be permanently marked "No Dumping-Flows to River". Stenciling is not acceptable.
6. Prior to Occupancy, the developer shall sign and record a maintenance agreement with the City for all post-construction BMP devices including but not limited to Bio-retention facilities, oil/grease separators, detention/retention, landscaping, backflow prevention devices, etc.

E. Street Improvements:

1. The developer shall provide a traffic study for the project and be required to implement all recommendations to ensure safe and efficient travel for motorists, bicyclists, and pedestrians. Developers shall coordinate recommendations with Caltrans and obtain their approval for improvements or meet further requirements Caltrans may require to serve the new project.
2. The structural section of all road improvements shall be designed based upon a geotechnical investigation that provides the road base R-value and expansion pressure test results.
3. 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.
4. ADA-compliant ramps for disabled persons shall be provided at all intersection corners along the project's frontage and across Petrified Forest Road. Sidewalk warps shall be provided at the back of project's 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.

5. Curb, gutter, sidewalk, and street improvements shall be installed along the project's frontage on Foothill Boulevard to the road centerline per City of Santa Rosa Standards, Caltrans Highway Design Manual and in compliance with the City's Master Plan for the adjacent intersection.
6. Curb, gutter, sidewalk, and street improvements shall be installed along the project's frontage on Petrified Forest Road to the road centerline per City of Santa Rosa Standards, Caltrans Highway Design Manual and in compliance with the City's Master Plan for the adjacent intersection.
7. The project shall install a new crosswalk across Petrified Forest Road and an ADA compliance ramp on the south-east corner of the intersection to provide a safe pedestrian crossing in compliance with the City's Master Plan for the intersection.
8. Existing traffic signals shall be adjusted to the new design to the satisfaction of Caltrans Traffic Operation Office.
9. Improve 400' along the northbound Petrified Forest Road in compliance with the City's Master Plan. The improvement along the northbound shall include but not limited to widening the road per Master Plans and installing curb, gutter and new striping.
10. The curb, gutter and sidewalk within Foothill Boulevard right-of-way shall be extended to the existing sidewalk west of the project.
11. Contingent upon availability of funds, construction and permitting costs for Conditions 9 and 10 will be subject to reimbursement by the City. The cost of design will not be reimbursable.
12. Prior to issuance of Building Permit the Applicant and the City shall sign a reimbursement agreement for construction and permitting costs related to conditions 9 and 10. If reimbursement funds are not available, conditions 9 and 10 shall be deobligated. All other obligations are non-reimbursable.
13. The first submittal of Improvement Plans shall include the entire off-site improvements.
14. All trench cuts within public paved roads shall be replaced per Santa Rosa Standard 215.

F. Tree Removal

1. The applicant shall submit a tree removal application for removal of protected trees to the Public Works Department.
2. A final Arborist Report and Tree Protection Plan shall be submitted to the City prior to the issuance of the tree removal permit.
3. The applicant shall submit a Tree Preservation Plan that complies with CMC Chapter 19.01, Trees. All protected tree removals shall be mitigated per CMC Chapter 19.01.

4. Landscaping along the project frontage shall be in accordance with a landscaping plan approved by Public Works and Planning. At the driveway entrances adequate sight distances must be provided and maintained. Developers shall maintain street trees to a minimum height of seven feet above sidewalk.

G. Dedications:

1. Dedicate additional right-of-way along HWY 128 (Foothill Blvd.) and Petrified Forest Road (PFR) to accommodate additional turn lanes per the City's Master Plan for the intersection.
2. Prior to occupancy, all necessary rights of way and easements shall be dedicated by grant deed. The developer shall prepare all necessary legal descriptions and deeds.

H. Project Final and/or Release of Securities Conditions:

1. All improvements shown on the Improvement Plans shall be completed and accepted by the City, as appropriate. A certificate of occupancy shall not be issued for any structure until the required improvements are completed to the satisfaction of the City Engineer.
2. A complete set of electronic (i.e., CAD and PDF) and hard copy as-built 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.
3. Prior to acceptance of the work, the developer shall provide a written statement signed by his or her engineer certifying that they observed the work during construction and that all private site improvements have been completed in accordance with the improvement plans approved by the City Engineer, as appropriate. The City will not be accepting on-site improvements; the City will approve them based on the project engineer's wet signature statement.