

CITY OF CALISTOGA

STAFF REPORT

TO: CHAIRMAN MANFREDI AND MEMBERS OF THE PLANNING COMMISSION

FROM: ERIK V. LUNDQUIST, ASSOCIATE PLANNER

MEETING DATE: MARCH 12, 2008

SUBJECT: VINEYARD OAKS SUBDIVISION

1 **REQUEST:**

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3 Consideration of a Zoning Ordinance Text Amendment (ZO 2008-01),
4 Development Agreement (DA 2007-02), Tentative Tract Map (TTM 2007-02) and
5 Design Review (DR 2008-01) requested by Ed Nagel of BNK Investments, LLC,
6 on behalf of the property owners, Ira and Lois Carter and 1881 Mora Avenue, to
7 amend Chapter 17.08 of the Zoning Ordinance to provide an alternative means
8 for residential projects to satisfy the affordable housing requirements and to
9 subdivide approximately 18 acres of land into 15 single-family lots. The lots are
10 approximately 1 acre in size. The subdivision includes a lot line adjustment with
11 the property to the east along Mora Avenue strictly for utility and emergency
12 vehicle access. The subject properties are addressed as 2400 Grant Street &
13 1881 Mora Avenue and located within the RR - Rural Residential Zoning District.
14 (APN 011-010-013 & 011-010-014 and 011-021-002)

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16 **BACKGROUND**

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18 The Planning Commission previously reviewed this project in concept during their
19 regularly scheduled meetings of July 12, 2006 and August 23, 2006. Generally,
20 the Planning Commission felt that the project had considered the local
21 environment and felt that the project in it's final design would further the General
22 Plan policies. Subsequent to these Planning Commission meetings, the
23 Applicant approached the City Council in December of 2006 to consider a
24 Development Agreement to subdivide the properties into 15-lots since they had
25 been unsuccessful with obtaining a Growth Management Allocation. On March
26 20, 2007, the City Council found that a Development Agreement would provide
27 substantial community benefit and entered into a Memorandum of Understanding
28 (MOU) with BNK, LLC. The MOU allows the processing of the necessary
29 development applications for the 15-lot subdivision. A formal application was
30 submitted on August 14, 2007 requesting approval of a 15-lot subdivision and the
31 various project components as described herein.

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PROJECT DESCRIPTION:

A. Existing Site and Vicinity

The project site consists of two parcels (APN 011-010-013 & 014), which together total approximately 17.96 acres in size. The property located at 2400 Grant Street (APN 011-010-013) contains one single-family residence and several outbuildings (all of which are proposed for removal as part of the development proposal).

The properties are surrounded to the north, east, and west by low density residential uses also located within the "RR" Rural Residential General Plan Land Use Designation and Zoning District Designation. Directly across Grant Street is the Centennial Street Circle entrance to the recently approved 3-lot subdivision for Frank and Shannon Connelly and the Fairway Vista Subdivision, which all properties are located within the Medium Density General Plan Designation (4-10 du/acre) and the "R1" Single Family Residential Zoning District.

B. Proposed Project (Zoning Ordinance Text Amendment, Development Agreement, Subdivision and Design Review)

Zoning Ordinance Amendment: The City's Inclusionary Housing Program (Chapter 17.08 of the Calistoga Municipal Code) requires a project of 5 or more residential dwelling units to provide 20 percent of the units within the project to households of low and/or moderate income. The Developer is requesting to amend Chapter 17.08.020(A) of the Zoning Ordinance to provide an alternative means for residential projects to satisfy the affordable housing requirements, as follows.

A. Residential Projects. All projects consisting of five or more residential units shall set aside and make available a minimum of 20 percent of the units within the project to households of low or moderate income. Provided, as part of a development agreement approved under the provisions of Chapter 17.39 of this code or any other circumstances deemed appropriate by the City Council, the City may accept land, the payment of money into the Calistoga Affordable Housing Trust Fund or other appropriate solutions which are found to adequately address the project's obligation upon a finding, by the City Council that (a) the alternative provides a comparable or superior benefit to the City's affordable housing supply, and (b) the alternative is consistent with the City's Housing Element.

77 This amendment is, in part, implementation of General Plan Objective H-3.1,
78 Policy P-3, which states:

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80 *"All new residential developments of five or more units shall make*
81 *20 percent of the units affordable to very low-, low- and moderate-*
82 *income households, shall dedicate land suitable for the construction*
83 *of such housing, or shall pay in-lieu fees in an amount equal to the*
84 *value of this housing."*

85

86 Should the Planning Commission and City Council approve of the Zoning
87 Ordinance Amendment, the applicant has also requested that their affordable
88 housing requirements be satisfied through the payment of \$600,000 into the
89 Calistoga Affordable Housing Trust Fund.

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91 Development Agreement: Chapter 17.39 of the Municipal Code allows the City to
92 enter into a development agreement with any person having a legal or equitable
93 interest in real property for the development of such property. The Development
94 Agreement is a contract between the City and the developer through which
95 mutual benefits are provided. The principal consideration for the developer is the
96 right to "freeze" land use entitlements and other related regulations as they apply
97 to its property for a period of time; the proposed term of this Development
98 Agreement is five years. The City can benefit from increased private investment
99 because of the certainty that a Development Agreement, and it also receives
100 certain "special benefits" it would not otherwise be entitled to from the new
101 development.

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103 Attached to this staff report is a brief summary of some of the important
104 provisions of the Development Agreement, and the draft Development
105 Agreement. Among other promises, the developer agrees to pay all
106 development fees and permit costs in full and provide the following special
107 benefits:

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- 109 • An additional \$800,000 for recreational and cultural facilities, which
110 combined with the required "quality of life" fee, will total \$845,000.
- 111 • Grant Street Improvements from Mora Avenue to Garnett Creek Court
112 estimated to be \$200,000.

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114 The Development Agreement also stipulates that the project will not provide
115 three affordable for-sale units on site, which is the standard zoning requirement.
116 Instead, there will be a \$600,000 payment to the City's Affordable Housing Fund.

117

118 In addition, the City through this Development Agreement commits to providing
119 the necessary water and wastewater resources to serve the development (not
120 more than 9.75 acre-feet and 6.21 acre-feet respectively); diligently reviewing
121 and processing development application (Design Review, infrastructure, grading

122 and building permit, etc.) and providing certainty regarding development
123 regulations, fees and exactions.

124

125 Subdivision and Design Review: The Developer proposes to subdivide the
126 properties into 15 lots for single-family residential uses and associated ancillary
127 residential uses, which may include light agricultural uses such as cultivation of
128 vineyards. The Applicant seeks to be able to build the infrastructure (i.e.
129 roadways and utilities) in a single phase. Upon recordation of the Final Map, the
130 residential units will be developed as market conditions allow. Ultimately, each
131 home site will be placed within an established building envelope that has been
132 purposefully designed by Howard Backen of Backen & Gillam Architecture. The
133 proposed sizes of the homes will likely range between four- to five-bedrooms and
134 up to and over 4,000 square feet, including all outbuildings. In the event that the
135 proposed residential developments exceed 4,000 square feet, Design Review will
136 be required subject to the Planning Commission's review and approval in
137 addition to that of the project Architect, which is required for any sized
138 development. The Project Architect has prepared draft Design Guidelines and all
139 future projects in this subdivision must be consistent with these Design
140 Guidelines.

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142 Vehicular circulation will be provided via tree lined public roadways (Valencia
143 Lane and Hawthorne Place). Pedestrian circulation will be provided via a 5-foot
144 sidewalk contain within a public pedestrian easement along Valencia Place,
145 offset approximately 4 feet of the right-of-way and via a 5-foot sidewalk contained
146 in the Hawthorne right-of-way.

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148 The slope of the existing property is approximately 0.5-percent from the back of
149 the properties to Grant Street. The project site is 400-feet east of Garnett Creek,
150 which is where the storm runoff will be released.

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152 The project also includes a request for a lot line adjustment with lands to the east
153 located at 1881 Mora Avenue (APN 001-021-002). This lot line adjustment is
154 being requested in order to adjust approximately 13,507 square feet of land for
155 the purposes of installing public utilities and to provide for emergency vehicle
156 access (EVA) to Mora Avenue.

157

158 The overall proposed subdivision design integrates open space areas upon
159 entering the project along Grant Street to provide significant setbacks from the
160 street. As designed, the Applicant proposes to preserve existing non-irrigated
161 deep-rooted vines on several of the lots and relocate the vines where warranted.
162 To preserve significant trees on the property and to provide aesthetic interest, a
163 slightly curved public roadway with two roundabouts in the center of the roadway
164 will be development.

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166 Water and wastewater service will be provided by the City's water and
167 wastewater systems. To assist the City in resolving an on-going drainage
168 problem in the project area, the Applicant is proposing to take drainage west to
169 Garnett Creek instead of directing the runoff south through the Napa County
170 Fairgrounds.

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172 Low-level street lighting will be provided on Valencia Lane. Limited bollard
173 lighting will be provided along the private driveway off Hawthorne Place near
174 individual lot entrances.

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176 **DISCUSSION AND STAFF ANALYSIS:**

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178 General Plan Consistency: The project site is surrounded to the north, east, and
179 west by low intensity existing residential uses also located within the "RR" Rural
180 Residential General Plan Land Use Designation and Zoning District Designation.
181 As identified in the Land Use Element of the General Plan, uses allowed under
182 the Rural Residential Designation generally include crop production, vineyards,
183 light agricultural structures, and single-family residences up to one unit per acre.

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185 Furthermore, the General Plan identifies that the allowed density shall be
186 determined through the subdivision review process, which will include an
187 assessment of the proposed development according to the following
188 performance standards.

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- 190 • Cluster development consistent to minimize the deleterious effects of
191 monotonous development that contradicts the residential character of the
192 community.
- 193 • Preserve and enhance open space and agricultural lands.
- 194 • Target higher densities, within range, adjacent to the more densely
195 developed areas and lower densities, within the range, adjacent to the
196 more densely developed areas and lower densities, within the range,
197 outward to the City's edge consistent with the community's interest in
198 feathering development.
- 199 • Maintain scenic vistas from public rights-of-way and existing private
200 development.
- 201 • Preserve natural resources important to the community.
- 202 • Enhance the rural traditions of the community and preserve Calistoga's
203 small-town character through sensitive architectural and site planning.

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205 The Applicant has designed and assembled the lots in a fashion that achieves
206 the aforementioned performance standards. The proposed building pads are
207 placed and/or oriented within each of the proposed parcels such that there is a
208 sense of organic, non-repetitious, treatments, which will minimize potentially
209 deleterious effects. The areas outside of the building envelopes will be
210 preserved as open space, including small hobby vineyards. The large setbacks

211 and roadway configuration preserves the existing views to the surrounding
 212 hillsides and maintains the character of the community, which mirrors the
 213 surrounding residential subdivisions of Garnett Creek Court and Silverado Tract.
 214

215 Furthermore, the Housing Element (Page H-63 and Table H-16) identifies that
 216 these properties are likely to be developed at a density of one unit per acre. The
 217 project remains consistent with this policy.
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219 Zoning Consistency: The project is consistent with the development standards of
 220 the “RR”, Rural Residential Zoning District. Provided below are the applicable RR
 221 District regulations that will be applied to the project.
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Applicable Regulations – 2400 Grant Street			
Development Criteria	Requirements	Proposed	Required Actions
General Plan Designation	Rural Residential 1 unit per acre (gross)	Rural Residential	None
Zoning	RR Rural Residential	RR Rural Residential	None
Allowed Uses	RR: Single-Family dwellings, Second Dwelling units; Light Agricultural Uses - farms on a commercial scale devoted to growing of field, tree, berry or bush crops, and vegetable or flower gardens.	15 Single Family Units	Approval of a Development Agreement, Tentative Subdivision Map, and Design Review
Uses Permitted w/ Use Permit	RR: Public or private recreational and educational uses and their necessary facilities; Light Agricultural Uses - farms on a commercial scale devoted to hatching, raising, fattening, or marketing of animals; the grazing & experimental or selective breeding or training of cattle or horses.	Not Applicable	None
Minimum Lot Size	RR: 20,000 square feet if City water and wastewater services are provided. Minimum Lot Width – 100 feet Minimum Lot Depth – 200 feet	Approximately 1 acre per lot	None
Maximum Lot Coverage	RR: Primary Building, Including Accessory Structures 30% per lot.	Unknown at this time - Maximum 30%	None
Height	Maximum 25'	Single Story; Height not specified at this time	None
Minimum Setbacks – Main Building	Front: 20' Side Yard, Interior: 10' Side Yard, Corner: 15' Rear: 20'	Proposed new structures to meet setback requirements.	None
Accessory Structures	5' from rear or side yard property lines.		

Parking	2 spaces per unit	Minimum 2 spaces per lot.	None
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Traffic and Circulation: Access to the proposed project will be via a new street (Valencia Lane) connecting to Grant Street between Mora Avenue and Garnett Creek Court, and directly opposite Centennial Circle. The new 2-way street will run the length of the project and provide interior circulation as well as emergency vehicle access (Hawthorne Place) to the parcel easterly of the project site. Valencia Lane will be irrevocably offered for dedication and be developed with a half width of 22 feet, including a 10-foot travelway, 8-foot parkway, curb and gutter and a 4-foot landscape strip. A 5.5-foot public pedestrian easement will adjoin the Valencia Lane right-of-way and contain a 5-foot pathway. Portions of Hawthorne Place will be irrevocable offered for dedication and will be developed with a 22-foot half width and contain a 12-foot travelway, curb and gutters, 4.5-foot landscape stripe and a 5-foot pathway. Other portions of Hawthorn place will remain gated and private, with access only provided for emergency vehicles.

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In October of 2006 the City of Calistoga adopted Resolution No. 2006-089, which set forth design criteria to be applied to frontage improvements for future development along Grant Street. Requirements for the segment between Mora Avenue and Myrtdale Road were reviewed and compared to the project as proposed.

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The guidelines indicate that the roadway is to be retained at 24 feet of paved width, with a "natural setting" on the northerly side and a 5-foot asphalt pathway on the southerly side. The project site, which is on the northerly side of Grant Street, is not proposed to include sidewalks, which is consistent with the guidelines. The Grant Street frontage would be left in its natural state, though natural grasses may be planted if desired to accommodate parking along this segment, as allowed by the guidelines or unless otherwise required/approved.

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However in order to maintain connectivity and pedestrian safety, the Planning Commission should further discuss and consider additional pedestrian oriented infrastructure. Staff recommends the Planning Commission consider the following alternatives:

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1. Require the developer to construct a sidewalk along the project's entire frontage; or
2. Require the developer to construct a sidewalk along portions of the project's frontage; or
3. Require the developer to construct a sidewalk on the south side of Grant Street opposite the project's frontage within the existing right-of-way; or
4. Require no additional pedestrian infrastructure other than that which is proposed.

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267 In addition, the "Grant Street Design Characteristics" specify that this segment of
268 the roadway should be posted as a Class III bicycle route; as a result, minimal
269 signage will be required as necessary.

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271 **FINDINGS:**

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273 To reduce repetition all of the appropriate Findings are contained in each of the
274 appropriate Resolutions.

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276 **PUBLIC COMMENTS:** No written public comments have been received
277 subsequent to the posting of the public notice.

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279 **ENVIRONMENTAL REVIEW:**

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281 Upon further analysis of site by the Developer's Biologist, Lucy Macmillan it was
282 determined and confirmed by a representative from the Army Corps of
283 Engineers, David Wickens that there are no jurisdictional wetlands on the 18-
284 acre property and the area formerly mapped as potential wetland SWA (covering
285 0.2 acre) is not a wetland. This determination was made based on a site visit
286 conducted at the appropriate time of the year during the rainy season. As a
287 result, no on-site mitigation is required as previously noted on Proposed Parcel
288 No. 1.

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290 Furthermore, as a result of sending the CEQA notice to the State Office of
291 Planning and Research (OPR) Clearinghouse, the City has received one written
292 comment from the Department of Toxic Substances Control, which is a common
293 comment on projects that involve demolition of existing buildings/structures. To
294 ensure the City addresses this comment, a condition of approval has been added
295 requiring the developer to submit a "Phase II" assessment, along with the
296 improvement plans, showing that the property evaluation of the site has been
297 completed to show the absence or presence of hazardous materials. Should it
298 be found that hazardous materials are present, the study will recommend proper
299 procedures for removal and disposal.

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301 **RECOMMENDATIONS:**

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303 1. Staff recommends that the Planning Commission adopt Planning
304 Commission Resolution PC 2008-06 recommending to the City Council
305 adoption of a Mitigated Negative Declaration based on an Initial Study
306 prepared for the Vineyard Oaks Subdivision incorporating the findings and
307 mitigation measures as provided in the resolution.

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309 2. Staff recommends that the Planning Commission adopt Planning
310 Commission Resolution PC 2008-07 recommending to the City Council

- 311 approval of a Zoning Ordinance Text Amendment (ZO 2008-01) amending
312 Chapter 17.08 to provide an alternative means for residential projects to
313 satisfy the affordable housing requirements and incorporating the findings
314 as provided in the resolution.
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- 316 3. Staff recommends that the Planning Commission adopt Planning
317 Commission Resolution PC 2008-08 recommending to the City Council
318 approval of Development Agreement (DA 2007-02) incorporating the
319 findings as provided in the resolution.
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- 321 4. Staff recommends that the Planning Commission adopt Planning
322 Commission Resolution PC 2008-09 recommending to the City Council
323 approval of a Tentative Subdivision Map (TTM 2007-01) incorporating the
324 findings and subject to conditions of approval as provided in the resolution.
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- 326 5. Staff recommends that the Planning Commission adopt Planning
327 Commission Resolution PC 2008-10 recommending to the City Council
328 approval of Design Review (DR 2008-01) for the project incorporating the
329 findings and subject to conditions of approval as provided in the
330 resolution.
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332 **SUGGESTED MOTIONS:**
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- 334 A. I move that the Planning Commission adopt Planning Commission
335 Resolution PC 2008-06 recommending to the City Council adoption of a
336 Mitigated Negative Declaration based on an Initial Study prepared for the
337 Vineyard Oaks Subdivision incorporating the findings and mitigation
338 measures as provided in the resolution.
339
- 340 B. I move that the Planning Commission adopt Planning Commission
341 Resolution PC 2008-07 recommending to the City Council approval of a
342 Zoning Ordinance Text Amendment (ZO 2008-01) amending Chapter 17.08
343 to provide an alternative means for residential projects to satisfy the
344 affordable housing requirements and incorporating the findings as provided
345 in the resolution.
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- 347 C. I move that the Planning Commission adopt Planning Commission
348 Resolution PC 2008-08 recommending to the City Council approval of
349 Development Agreement (DA 2007-02) incorporating the findings as
350 provided in the resolution.
351
- 352 D. I move that the Planning Commission adopt Planning Commission
353 Resolution PC 2008-09 recommending to the City Council approval of a
354 Tentative Subdivision Map (TTM 2007-01) incorporating the findings and
355 subject to conditions of approval as provided in the resolution.

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- E. I move that the Planning Commission adopt Planning Commission Resolution PC 2008-10 recommending to the City Council approval of Design Review (DR 2008-01) for the project incorporating the findings and subject to conditions of approval as provided in the resolution.

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ATTACHMENTS:

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1. Mitigated Negative Declaration and Mitigation Monitoring Program Resolution PC 2008-06

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2. Zoning Ordinance Text Amendment Resolution PC 2008-07

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3. Development Agreement Resolution PC 2008-08

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4. Tentative Tract Map (Subdivision Map) Resolution PC 2008-09

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5. Design Review Resolution PC 2008-10

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6. Project Plans

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7. Initial Study Abbreviated (Full version available upon request)

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8. Department of Toxic Substances Control Letter dated March 3, 2008

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9. Development Agreement